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IP Factsheet
REPUBLIC OF THE CONGO

SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital	Brazzaville
Population	6.1 million (2023)
Currency of government (official) fees:	Central African CFA franc (XAF)
Language for filing IP applications:	French
GDP per capita (USD):	2 857 (World Bank,-2023)
Human Development Index:	0.593 (World Bank, 2024)
Main exports:	Crude petroleum, refined copper, special purpose ships, refined petroleum, and rough wood
Main imports:	Passenger and cargo ships, poultry meat, special purpose ships, palm oil, and cars

1.2 International IP agreements and conventions

The Republic of Congo is a contracting state to the following international legal instruments:

- the OAPI, Bangui Agreement Instituting an African Intellectual Property Organisation, Act of 14 December 2015;
- the Paris Convention for the Protection of Industrial Property of 20 March, 1883, as revised at Stockholm on 14 July 1967 and amended on 28 September 1979;
- the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886, as last revised at Paris on 24 July 1971, and/or the Universal Copyright Convention as revised at Paris on 24 July 1971 and amended on 28 September 1979;
- the Hague Agreement concerning the International Registration of Industrial

Designs of 6 November 1925, as revised at the Hague on 28 November 1960, and at Stockholm on 14 July 1967, at Geneva on 28 September 1979 and 2 July 1999;

- the Convention Establishing the World Intellectual Property Organisation of 14 July 1967 and amended on 28 September 1979;
- the Patent Cooperation Treaty (PCT) of 19 June 1970 and amended on 28 September 1979, modified on 3 February 1984 and 3 October 2001;
- the Nairobi Treaty on the protection of the Olympic symbol of 26 September 1981;
- the Marrakesh Agreement establishing the World Trade Organisation, including the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)of 15 April 1994;
- the Protocol relating to the Madrid Agreement concerning the International Registration of Marks of 27 June 1989 amended on 3 October 2006 and 12 November 2007;
- The Singapore Treaty on the law of trade marks of 27 March 2006;
- The World Intellectual Property Organisation Copyright Treaty of 20 December 1996.

The Republic of Congo is not a member of the Nice Agreement. However, the OAPI region trade
mark classification system is based on the NICE classification system.

1.2 Regional agreements

The Republic of Congo is a member of the following regional agreements.

- AfCFTA (African Continental Free Trade Area). The AfCFTA Agreement includes a protocol on IP rights aiming to advance the effective protection and promotion of IP rights in Africa. Once this enters into force, it may have an impact on the future shape of Congolese legislation.
- CEMAC (Central African Economic and Monetary Community). The CEMAC has no regional IP agreements, protocols or registration systems in place. The CEMAC is composed of six states – Cameroon, the Republic of the Congo, Gabon, the Central African Republic (CAR), Chad and Equatorial Guinea.
- ECCAS (Economic Community of Central African States). The ECCAS was established in 1983 but its integration process has been slow to take off. It has

no IP legal arsenal.

CIMA: (Inter-African Conference on Insurance Markets.).

It is the regional organisation overseeing the insurance market in 14 African countries: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Côte d'Ivoire, Gabon, Guinea Bissau, Equatorial Guinea, Mali, Niger, Senegal and Togo. CIMA's mission is to work towards the healthy and harmonious development of the insurance sector by ensuring the protection of policyholders and beneficiaries and the financial situation of the insurance industry.

1.3 Legal framework of IP protection available in the Republic of Congo

The following IP protection is available in the Republic of Congo:

1) trade marks: regional (OAPI) and international (Madrid);
2) patents: regional (OAPI);
3) utility models: regional (OAPI);
4) industrial designs: regional (OAPI);
5) Trade names (OAPI);
6) geographical indications: regional (OAPI);
7) layout designs of integrated circuits: regional (OAPI);
8) traditional knowledge and handicrafts: no specific law;
9) copyright and neighbouring rights: national, regional (OAPI);
10) new plant varieties

1.4 IP REGISTRATION ROUTES

IP protection in the Republic of Congo can be secured at three levels – national, regional and international – depending on the IP rights involved.

National

Only one of the eight abovementioned IP rights (copyright) is protected at national level. Registrations are carried out at the level of copyright management bodies.

Regional

The Republic of Congo is a contracting party to the OAPI Bangui Agreement Instituting an African Intellectual Property Organisation, Act of 14 December 2015, covering Industrial Property Rights. The regional registration route is community inclined. A single filing covers all 17 OAPI Member States.

International

The Republic of Congo is also a contracting party to the Madrid Protocol, the Hague Agreement and the Patent Cooperation Treaty (PCT). It is therefore possible to register international trade marks and designate the OAPI through the Madrid System. Further information is available at: https://www.wipo.int/madrid/en/.

The Republic of Congo, via the OAPI, is also a contracting party to the Hague System for the international registration of industrial design, which means that it is possible to register industrial designs through the International Bureau directly in the WIPO.

Choosing a suitable registration route: trade marks, patents, utility models and industrial designs

A national route is exclusively for copyright.

A regional route, through the OAPI, is mandatory for the following IP registrations: trade mark, utility model, patent, industrial design, geographical indications, layout designs of integrated circuits and new plant varieties.

An international route is advisable for trade mark and industrial design protection only where protection is required in more countries than are covered by the OAPI regional trade mark system, or, in the case of industrial designs, where international protection

is required beyond the regional scope of protection that is available under the Bangui Agreement.

Useful information

Professional representation

Foreign applicants, whose principal place of business is outside the OAPI Member States, must appoint a local agent. The OAPI accepts signed powers of attorney without any need for notarisation. However, applicants should check with their IP service provider in the OAPI region as to whether hard copies are necessary or scanned copies sent by email are acceptable. A list of OAPI representatives (by country) is available at: http://oapi.int/index.php/fr/component/k2/ item/295-liste-des-mandataires-agrees-aupres-de-l-oapi.

Trade marks

The trade mark law applicable in the OAPI has established a regional trade mark system where a single filing covers all 17 Member States, with no individual country designation accepted.

The OAPI countries are not signatories to the Nice Agreement. However, the OAPI uses the Nice Classification. Classifications based on the latest edition of the Nice Classification at the time of filing of an application are accepted.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

The Republic of Congo is a signatory to the WTO's TRIPS Agreement. Moreover, its IP laws, although regionally inclined, are substantially TRIPS-compliant in terms of providing a legal framework for the protection and enforcement of IP rights.

No specific entity has been endorsed to enforce compliance and bring IP infringers to justice. This is done by IP rights owners. However, the OAPI and its High Commission of Appeal is charged to rule on administrative litigations, notably oppositions, restorations, claim of ownership proceedings, etc.

In addition to its administrative litigation role, the OAPI also has the task of training IP experts, magistrates, and customs officers on how to combat IP infringement.

Training sessions have been organised by the OAPI, Interpol and the WIPO.

For copyrights, Law No 24/82, of July 7 1982 on Copyright and Neighbouring rights of the Republic of Congo provides for conservatory measures that seek to prevent infringements and preserve relevant evidence related to an alleged infringement. In addition, the law empowers the police to conduct search operations on premises where it is suspected that infringing goods are concealed, and to seize any of such goods.

Civil remedies include court injunctions, confiscation of infringing goods and payment of damages to the rights holder for any economic damage suffered because of an infringement of their rights. Criminal sanctions include the imposition of substantial fines and the possibility of imprisonment. A copyright owner is expected to 'police' their work and take action against infringers of their rights. This means that the rights holder should initiate action such as reporting infringements to the police or customs (in the case of the importation of infringing goods) and seek the intervention of the courts to fight third parties who infringe their rights.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

Regional and international trade marks can be registered in the OAPI as explained below.

Benefits of registering a trade mark

- A trade mark registered in the OAPI will automatically cover all 17 Member States.
- A registered trade mark gives the owner exclusive rights to use it to market their goods and services. It gives the owner protection against others using the same, or a similar, mark without authorisation.
- In the long term, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing it to others, franchising it or obtaining finance.

3.1.1 Who can register a trade mark?

A natural person, a company or any other entity can apply to register a trade mark.

However, a person who does not have their place of business in the Republic of Congo (OAPI region) will need to appoint a professional representative.

3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- an application letter containing the name, nationality and address of the applicant, or full
- name (as shown on the Certificate of Incorporation) and address of the company;
- a completed application for registration of a trade mark (M301) and payment of the prescribed application fee;
- a list of the goods and/or services for which protection is sought, based on the 12th edition of the Nice Classification;
- two printouts of the trade mark;
- a certified copy of the priority document, if applicable;
- a signed power of attorney if the applicant is represented – notarisation is not required;
- the prescribed application fee.

3.1.3 What qualifies for registration?

With reference to Article 2, Annex 3 of the Bangui Agreement, any visible or audible sign used or intended to be used, and capable of distinguishing the goods or services of any natural or legal person, will be considered a trade mark or service mark.

In particular, the following may constitute a sign:

- verbal elements in all forms, such as words, combinations of words, surnames (either per se or in a distinctive form), special, arbitrary or fanciful designations, letters, abbreviations and numerals;
- figurative signs such as drawings, labels seals, reliefs, holograms, logos, synthesised images, shapes – especially those of the product or its packaging or those characteristic of the service – and arrangements, combinations and shades of colours;
- audible signs such as sounds and musical phrases;
- audiovisual signs and series of signs.

3.1.4 What cannot be registered?

With reference to Article 3, Annex 3 of the Bangui Agreement, a mark may not be validly registered if:

- it is not distinctive, in particular because it comprises signs or matter constituting the necessary or genetic designation of the product or its composition;
- it is identical to a mark that belongs to another owner and is already registered, or to marks whose filling or priority date is earlier than that which relates to the same or similar goods or services, or it so resembles such a mark that it is liable to mislead or confuse;
- it is contrary to public policy, morality or the law;
- it is liable to mislead the public or business circles, in particular as to the geographical origin, nature or characteristics of the goods or services in question;
- it reproduces, imitates or incorporates armorial bearings, flags or other emblems, or the abbreviated name, acronym, or official sign or hallmark indicating control and warranty of a state or intergovernmental organisation established by an international convention,
- except where the competent authority of that state or organisation has granted permission.

3.1.5 Where can I file an application?

- OAPI main office;
- OAPI national liaison offices in Member States;
- OAPI designation through the International Bureau.

3.1.6 How much does it cost?

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (CFA franc). Application forms and information on fees are available at:
http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three OAPI-accredited professionals. A list is available at :

http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi

Likely overall registration costs

An applicant can expect the cost of registering a trade mark to be approximately as shown in the following table (in CFA franc), unless objections and/or other special circumstances that may increase the costs apply.

Description of Process/ Service	Official Fees (CFA franc)
Application to register a trade mark in colour or black and white	360 000
Surcharge for additional class	75 000
Priority claim for each priority	75 000

3.1.7 How long does registration take?

The trade mark registration process takes 6-9 months from the filing date to completion, assuming that there are no unusual delays and no oppositions. This includes an opposition period of 3 months.

3.1.8 What is the duration of protection?

Protection lasts for 10 years from the filing date and is renewable.

3.2 PATENTS

The Republic of Congo patent registration

Regional (OAPI) patents can be registered in the Republic of Congo in the following ways.

Regional

- Annex I of the Bangui Agreement, Act of 14 December 2015 applies.

  The OAPI has 17 Member States: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea, and Republic of Comoros.

  The OAPI patent system is a regional system where a single application automatically covers all 17 OAPI Member States. No (national route) individual country designation is allowed.

Choosing between a national or regional patent registration for the Republic of Congo

No (national route) or individual country designation is allowed.

Choosing a patent filing route

The Republic of Congo is a member of the PCT. Patent applications under the OAPI system have a single route, which is the regional system. Once this is completed, applicants can opt for the PCT. However, the PCT provides a patent filing rather than a patent registration route.

National or regional patents

3.2.1 Is it possible to get a national patent in the Republic of Congo?

National patents are not recognised in the Republic of Congo. As a member of the OAPI patent system, the Republic of Congo applies the regional patent system.

3.2.2 What are the registration requirements for a regional patent?

A patent application must contain the following:

- a request on the prescribed form;
- the patent title, abstract, description, claims and drawings;

- the applicant's details including full name, nationality, legal status and physical address or,
- if it is a company, its Certificate of Incorporation;
- the Deed of Assignment, if the applicant is not the inventor;
- a certified copy of the priority document, if applicable;
- the prescribed application fees.

3.2.3 What qualifies for registration?

A patent must meet the following requirements:

- Novelty, which must be absolute novelty in that the invention must be a new characteristic that is not known in the body of existing knowledge in its technical field. It must not be anticipated by prior art;
- Inventive step, which means that, having regard to prior art, the invention is not obvious to a person skilled in the art;
- Susceptible of industrial applicability, in that it can be used in any kind of industry.

3.2.4 What cannot be registered?

The following inventions cannot be patented:

- a discovery of a plant, animal, microorganism or substance as found in nature, including the human body;
- a scientific theory or mathematical method;
- a literary, dramatic, musical or artistic work or other aesthetic creation;
- a scheme, rule or method for doing business, performing mental acts or playing a game;
- methods for the treatment of the human or animal body by surgery or therapy, including diagnostic methods practiced in relation to them, except products for use in any of these methods;
- an invention whose commercial exploitation is necessary to protect public order or morality, including the protection of human or animal health, plant life or to avoid prejudice to the environment;
- plants and animals other than microorganisms;

- essentially biological processes for the production of plants or animals.

3.2.5 Where can I file an application?

- OAPI main office;
- OAPI national liaison offices in Member States.

3.2.6 How much does it cost?

OAPI (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (CFA franc). Application forms and information on fees are available at:

http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three OAPI-accredited professionals. A list is available at:

http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi.

Likely overall registration costs for an OAPI patent

An applicant can expect the cost of registering a patent to be approximately as shown in the following table (in CFA franc), unless objections and other special circumstances that may increase the costs apply.

Type of Fee	Official Fees (CFA franc)
Application to register a patent for first year	225 000
Priority claim for each priority	63 000
Patent publication fee	365 000
Surcharge for each additional claim above the 10th claim	45 000

Surcharge for patent descriptions between 11 and 20 pages long	120 000
Surcharges for patent descriptions between 21 and 30 pages long	300 000
Surcharges for patent descriptions between 31 and 40 pages long	600 000
Patent annuities fee for each annuity (second, third, fourth and fifth)	220 000

3.2.7 How long does registration take?

Regional route: applications in the Republic of Congo are substantively examined by the OAPI and take **8-12** months on average to complete registration, if there are no objections.

3.2.8 What is the duration of protection?

Protection lasts for 20 years from the filing date, subject to the payment of annual maintenance fees. After the expiration of the 20 years period, the invention goes into the public domain.

3.2.9 When are renewal fees paid?

Regional patents

Renewal fees are paid from the second anniversary of the filing date up to the 20th year. Late payment is possible, with a corresponding surcharge, within a grace period of 6 months after the due date.

Annuities

Annuity Year	Official Fees (CFA franc)
Annuity 2nd year	220 000
Annuity 3rd year	220 000

Annuity 4th year	220 000
Annuity 5th year	220 000
Annuity 6th year	375 000
Annuity 7th year	375 000
Annuity 8th year	375 000
Annuity 9th year	375 000
Annuity 10th year	375 000
Annuity 11th year	500 000
Annuity 12th year	500 000
Annuity 14th year	500 000
Annuity 15th year	500 000
Annuity 16th year	650 000
Annuity 17th year	650 000
Annuity 18th year	650 000
Annuity 19th year	650 000
Annuity 20th year	650 000

The following government (official) fees are currently applicable:

OAPI – patent (the Republic of Congo)

Renewal fees are payable up to the 20th year. Before payment, it is advisable to confirm the amount of the fees on the OAPI website as the official fees may change. The latest fees are available at: Règlements des taxes (oapi.int)

OAPI applies a community patent system whereby a single payment covers all 17 Member States.

3.3 UTILITY MODELS

Article 1, Annex II of the Bangui Agreement, Act of 14 December 2015, defines utility models as 'implements of work or objects intended to be utilized or parts of such implements or objects, provided they are useful for the work or employment for which they are intended on account of a new configuration, a new arrangement or a new component device and are industrially applicable'.

In some jurisdictions, utility models are referred to as 'petty patents' because they are similar to patents but require less stringent conditions for registration and are registered for a shorter term than a conventional patent, that is, 10 years from the application date.

The Republic of Congo utility model registrations

Regional

- Annex II of the Bangui Agreement, Act of 14 December 2015 applies.
  The OAPI has 17 Member States: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea, and Republic of Comoros.

The OAPI utility model system is a regional system where a single application automatically covers all 17 OAPI Member States. No (national route) individual country designation is allowed.

National Utility Models

3.3.1 Existence of national utility models

National utility models are not allowed.

3.3.2 Where can I file an application?

Regional applications can be filed at OAPI regional office or through OAPI liaison offices lodged in the Member States. Electronic applications can now be filed.

3.3.3. OAPI utility model fees

Registration fees consist partly of OAPI (official) fees and partly of professional fees, as indicated below.

OAPI utility model registration fees

Fees must be paid through the OAPI if an applicant chooses to register a utility model in the OAPI region. A single registration covers all 17 OAPI Member States. The OAPI's fees are reviewed regularly. The latest fees are available at: http://oapi.int/index.php/fr/component/k2/item/296-%20outils-du-deposants

Type of Fee	Official Fees (CFA franc)
Application to register a utility model 1st year	20 000
Priority claim for each priority	25 000
Utility model publication fee	30 000
Surcharge for additional claim above the 10th claim	40 000
Utility model annuity fee 2nd to 5th year (for each year)	20 000
Utility model annuity fee 6th to 10th year (for each year)	35 000

Application fees consist of three components, as follows:

Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned, and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three OAPI-accredited professionals. A list is available at: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi.

3.3.4 How long does registration take?

Regional applications are substantively examined by the OAPI. These applications can take 6-9 months to complete registration, assuming that only minimal official actions are needed and there are no objections.

3.3.5 What is the duration of protection?

OAPI-registered utility models have a duration of 10 years protection from the filing date.

3.3.6 When are renewal fees paid?

Renewal fees must be paid each year, starting one year after the filing date of the application or the granting of the utility model.

Late payment of annual fees, with a corresponding surcharge, is possible within a grace period of 6 months after the due date.

OAPI renewal (official) fees

Renewal fees are payable up to the 10th year. Before payment, it is advisable to confirm the amount of the fees on the OAPI website as the official fees may change. The latest fees are available at: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants.

Annuity Year	Official Fees (CFA franc)
Annuity 2nd year	20 000
Annuity 3rd year	20 000
Annuity 4th year	20 000
Annuity 5th year	20 000
Annuity 6th year	35 000
Annuity 7th year	35 000
Annuity 8th year	35 000

Annuity 9th year	35 000
Annuity 10th year	35 000

The following government (official) fees are currently applicable:

3.4. INDUSTRIAL DESIGNS

Article 1, Annex IV of the Bangui Agreement, Act of 14 December 2015 defines a design as 'any arrangement of lines or colours and a model as 'any three-dimensional shape, whether or not associated with lines or colours provided that the said arrangement or shape gives a special appearance to an industrial or craft product and may serve as a pattern for the manufacture of such a product'.

The Republic of Congo – industrial design registrations

Regional (OAPI) and international (WIPO/Hague System) industrial designs can be registered in the following ways.

Regional

- Annex IV of the Bangui Agreement, Act of 14 December 2015

  The OAPI has 17 Member States: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea, and Republic of Comoros.

The OAPI industrial design system is a regional system where a single application automatically covers all 17 OAPI Member States. No (national route) individual country designation is allowed.

International

Industrial designs: Hague Agreement

The OAPI, on behalf of the Republic of Congo, is a signatory of the Hague Agreement (download list of contracting parties), which means it can be designated for purposes

of registering an industrial design under the Hague Agreement for the international registration of industrial designs. Read about the Hague Agreement here.

- The Hague Agreement enables applicants to register an industrial design by filing a single application with the International Bureau of the WIPO. This enables design owners to protect their designs with a minimum of formalities in multiple countries or regions. The Hague Agreement also simplifies managing an industrial design registration, since it is possible to record subsequent changes and renew the international registration through a single procedural step.
- International design applications may be filed with the International Bureau of the WIPO, either directly or through the industrial property office of the contracting party of origin, if the law of that contracting party so permits or requires. In practice, however, virtually all international applications are filed online directly with the International Bureau of the WIPO.
- The Hague Agreement is integrated into Republic of Congo's national legal framework for the protection of industrial designs. As a result, an international design registration which designates Republic of Congo enjoys the same force of law as a nationally registered industrial design.

Choosing between a national or regional industrial design registration for the Republic of Congo

As a member of the OAPI industrial design system, the Republic of Congo applies exclusively regional industrial design registration. Here, a single filing automatically covers all 17 OAPI Member States.

Examination and novelty of designs under the OAPI system

The OAPI carries out substantive examination of design applications although this examination does not concern the aspects of novelty of the industrial design.

OAPI industrial designs

3.4.1 Who can register?

A creator or assignee of an industrial design can apply to register a design in the OAPI region.

It is possible for two or more persons or companies to jointly own and apply for the

registration of an industrial design (in the case of co-ownership).

3.4.2 What are the registration requirements?

A design application must contain the following documents:

- the applicant's full details, including full name, nationality, legal status, physical address and full company details if the applicant is a company;
- at least two graphical representations of the design;
- the kind of products to which the industrial design applies;
- the prescribed application fees;
- the power of attorney if represented by an accredited agent.

3.4.3 What qualifies for registration?

In OAPI any arrangement of lines or colors is considered a design, and any three-dimensional shape, whether or not associated with lines or colors, is considered a model, provided that the said arrangement or shape gives a special appearance to an industrial or craft product and may serve as a pattern for the manufacture of such a product. Applications can be filed through the National, regional (OAPI) and international (Hague System) routes.

An industrial design is registrable if it is new. For a creation to qualify for design registration it must clearly identify novel features of the design in terms of:

- shape;
- configuration;
- pattern and/or ornament.

Multiple design applications are possible in the OAPI, provided that all the designs are embodied in a single set of products and belong to the same class. An industrial design is new if it has not been disclosed anywhere in the world by publication in tangible form, by use or by any other means before the filing date or, where applicable, before the priority date of the application for registration. The novelty referred to above shall not be denied if, during the 12 months preceding the application, the industrial design was the subject of disclosure resulting from:

a) manifest abuse in relation to the applicant or his predecessor in title; or

b) the fact that the applicant or his predecessor in title has displayed it at an official or officially recognized international exhibition.

3.4.4 What cannot be registered?

The following cannot be registered:

- designs that are contrary to the law, public policy or morality.
- designs for articles that are primarily literary or artistic in character such as paintings, sculptures, drawings, engravings, photographs, architecture and works of artistic craftsmanship.

3.4.5 Where can I file an application?

Regional applications can be filed at OAPI regional offices or through OAPI liaison offices lodged in the Member States. Electronic applications are now operational.

3.4.6 How much does it cost?

The fees are paid through the OAPI. The OAPI's fees are reviewed regularly. The latest fees are available at: LES TAXES APPLICABLES EN MATIERE DE DESSINS OU MODELES INDUSTRIELS (oapi.int)

Current application fees are as follows:

Type of Fee	Official Fees (CFA franc)
Application to register an industrial design	50 000
Surcharge per undivided group of ten (10) Designs	10 000
Surcharge for publication per undivided block of ten views	5 000
Industrial design publication fee	30 000
Renewal 5th Year	115 000
Renew 10th Year	115 000

Note on professional fees

Professional fees vary and it is advisable to obtain comparative quotes from at least three OAPI- accredited professionals. A list is available at :

http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi.

3.4.7 How long does registration take?

Regional applications are substantively examined by the OAPI. These applications can take 6-9 months to complete registration, assuming that only minimal official actions are needed and there are no objections.

Annuity Years	OAPI Fee (CFA franc)
5-10	115 000
10-15	115 000

3.4.8 What is the duration of protection?

An industrial design has an initial duration of 5 years from the filing date, with the possibility of two further consecutive 5-year terms, giving a total of 15 years.

3.4.9 When are renewal fees paid?

Renewal fees must be paid before the due date. See above for the various renewal fees.In the OAPI , renewal fees are payable before the due date (that is the anniversary date of renewal). Late payment of the renewal fees is possible within a grace period of 6 months after the due date.

OAPI-registered design renewal fees

Before payment, it is advisable to confirm the amount of the fees on the OAPI website as the official fees may change. The latest fees are avalable at. LES TAXES APPLICABLES EN MATIERE DE DESSINS OU MODELES INDUSTRIELS (oapi.int)

The following OAPI renewal fees are currently applicable:

Professional services renewal fees

These are usually payable as a flat-rate fee per annuity payment The OAPI industrial

design system is a community system where a single payment of annuity covers all its 17 Member States. It is advisable to compare the fees of various IP agents.

International industrial designs:
These are registrable under the Hague Agreement through the International Bureau of the WIPO. More information is available at:
https://www.wipo.int/treaties/en/registration/hague/summary_hague.html

The Hague Agreement allows applicants to register an industrial design by filing a single application with the International Bureau of the WIPO, enabling design owners to protect their designs with a minimum of formalities in multiple countries or regions. The Hague Agreement also simplifies managing an industrial design registration, since it is possible to record subsequent changes and renew the international registration through a single procedural step.

3.5. GEOGRAPHICAL INDICATIONS

About GIs in the Republic of Congo – OAPI

Article 1, Annex VI of the Bangui Agreement, Act of 14 December 2015 defines a geographical indication (GI) as 'an indication that serves to identify a product as originating from a place, a region, or a country, in those cases where the quality, reputation or other specific characteristic of the product may be essentially attributed to such geographical origin'.

In the Republic of Congo, GIs are registered exclusively through the regional route (OAPI) and are governed by Annex VI of the Bangui Agreement, Act of 14 December 2015.

The OAPI has 17 Member States: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea, and Republic of Comoros.

The OAPI GI system is a regional system whereby a single application automatically covers all 17 OAPI Member States. No (national route) individual country designation is allowed.

3.5.1 Who can register?

The following can apply for the registration of a GI:

- farmers or any other person exploiting natural products;
- manufacturers of products of craft or industry;
- processors of natural or agricultural products; and
- any person who trades these products.
- Groups of persons
- Any competent authority

A GI application can be made individually by any of the above, or jointly with others.

3.5.2 Can European GIs be registered?

European GIs do appear to be registrable under the current OAPI GIs law. For information about the protection of European GIs in African countries, the Organisation for an International Geographical Indications Network should be consulted at: https://www.origin-gi.com/worldwide-gi-compilation/

3.5.3 What are the registration requirements?

An application for the registration of a GI must include:

- an application form (IG601); payment of the application fee;
- name of geographical indication;
- an opinion of validation of the GI by the competent national administration of the country of origin of the GI;
- specifications;
- the statutes of the producer group, if applicable;
- for foreign GIs, proof of registration of the GI in the country of origin.

When a cross-border GI concerns one or more OAPI member states:

- each of the member states concerned may file its application with OAPI;
- all member states may file a joint application.

3.5.4 What qualifies for registration?

To be registrable, a GI must be an indication that serves to identify a product as originating from a place, a region, or a country, in those cases where the quality, reputation or other specific characteristic of the product may be essentially attributed to this geographical origin. 'Product' means any natural, agricultural, craft or industrial

product.

3.5.5 What cannot be registered?

Geographical indications cannot be registered if they are:

- indications that do not correspond to the definition in Article 1(a) Annex VI of the Bangui
- Agreement, Act of 14 December 2015;
- indications that are contrary to public policy or morality or those which, in particular,
- are likely to deceive the public, in particular as to the nature, source, manufacturing process, characteristic qualities or suitability for their purpose of the goods concerned;
- indications that are not protected in their country of origin or have ceased to be protected in that country.

3.5.6 Where can I file an application?

Applications can be filed at the OAPI regional offices or through OAPI liaison offices lodged in the Member States. Electronic applications are not currently operational.

3.5.7 How much does it cost?

OAPI fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Official fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (CFA franc). Application forms and information on fees are available at TAXES RELATIVES AUX INDICATIONS GEOGRAPHIQUES (oapi.int)

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes from at least three OAPI- accredited professionals. A list is available at: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi.

Likely overall registration costs for an OAPI geographical indication

An applicant can expect the cost of registering a GI to be approximately as shown in the following table (in CFA franc), unless objections and other special circumstances that may increase the costs apply.

Type of Fee	Official Fees (CFA franc)
Filing and publication of an application for registration of a geographical indication	500 000

3.5.8 How long does registration take?

Unless substantive objections are raised or there are unusual delays, a GI application takes, on average, 14 months to complete registration. This includes an opposition period of 3 months.

3.5.9 What is the duration of protection?

Subject to compliance with the specifications of the OAPI law, the protection conferred on a geographical indication is unlimited in duration.

3.6. LAYOUT DESIGNS OF INTEGRATED CIRCUITS

About layout designs of integrated circuits in the Republic of Congo

Article 1(a), Annex IX of the Bangui Agreement, Act of 14 December 2015 defines 'integrated circuit' as 'a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the

interconnections are integrally formed in or on a piece of material and which is intended to perform an electronic function'.
Article 1(b), Annex IX of the Bangui Agreement, Act of 14 December 2015 defines 'layout design' (synonym of 'topography') as 'the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an integrated circuit, or such three-dimensional disposition prepared for an integrated circuit intended for manufacture'.

Article 1(c), Annex IX of the Bangui Agreement, Act of 14 December 2015 defines 'holder' as 'the natural or legal person who is to be regarded as the beneficiary of the protection referred to in Article 7'. In the Republic of Congo, layout designs of integrated circuits ('layout designs') are registered exclusively through the regional route (OAPI) under Annex IX Part V of the Bangui Agreement, Act of 14 December 2015.

The OAPI has 17 Member States: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea, and Republic of Comoros.

Currently, the OAPI has no registered layout designs of integrated circuits ('layout designs').

3.6.1 Who can register?

An application for registration of a layout design can be made by, or on behalf of, the following:

- a person claiming to be the proprietor of the design;
- co-owners claiming proprietorship over the design;
- a person claiming to be the proprietor's assignee or successor in title.

3.6.2 What are the registration requirements?

An application for the registration of a layout design must include:

- an application for registration of the layout design addressed to the Director-General bearing, inter alia, the applicant's name, address, nationality and, where the nationality is different from the address given, the address of habitual residence;
- a document proving payment of the required fees to the organisation;

- a short and precise description of the layout design with sufficient information on how best to exploit the layout design known to the creator on the date of deposit and, in the event that a priority is claimed, the priority date of the application;
- the powers of the applicant's agent, where appropriate; a copy or a drawing of the layout design, together with information defining the electronic function that the integrated circuit is intended to perform; however, the applicant may omit from the copy or from the drawing those parts that concern the method of manufacturing the integrated circuit, on condition that the parts submitted are sufficient to permit identification of the layout design;
- the date of the first commercial exploitation of the layout design anywhere in the world or a statement that exploitation has not yet begun; and
- particulars establishing the entitlement to protection under Article 4, Annex IX of the Bangui Agreement, Act of 14 December, 2015. Article 4: 'The right to protection of a layout design shall belong to its creator. It may be assigned or transferred by succession. Where several persons have jointly created a layout design, the right shall belong to them jointly.'

3.6.3 What qualifies for registration?

A layout design, is registrable if the following apply.

- Layout designs of integrated circuits may be protected under this Annex if, and to the extent that, they are original within the meaning of Article 3 of Annex IX of the Bangui Agreement, Act of 14 December 2015.
- A registration may be applied for only if the layout design has not yet been commercially exploited or has been commercially exploited for not more than 2 years anywhere in the world.

Article 3:

- A layout design will be deemed original if it is the result of its creator's own intellectual effort and is not commonplace among creators of layout designs and manufacturers of integrated circuits.
- A layout design that consists of a combination of elements and interconnections that are commonplace will be protected only if the combination, taken as a whole, is original within the meaning of paragraph (1).

3.6.4 What cannot be registered?

- Any layout designs whose use would be contrary to the law, public policy or morality is not registrable.
- A layout design that is not original and has been exploited commercially for more than 2 years anywhere in the world cannot be registered.

3.6.5 Where can I file an application?

An application on the prescribed form must be submitted exclusively to the OAPI office. No national or individual country designation is admitted.

3.6.6 How much does it cost?

OAPI fees

Registration fees consist partly of OAPI (official) fees and partly of professional fees, as indicated below.

OAPI (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (CFA franc). Application forms and information on fees are available at: LES TAXES APPLICABLES EN MATIERE DE SCHEMAS DE CONFIGURATION (TOPOGRAPHIES) DE CIRCUITS INTEGRES (oapi.int)

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes from at least three OAPI- accredited professionals. A list is available at: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi.

Likely overall registration costs for a layout design

An applicant can expect the cost of registering a layout design to be approximately as shown in the following table (in CFA franc), unless objections and other special circumstances that may increase the costs apply.

Type of Fee	Official Fees (CFA franc)
Application to register a layout design	225 000
Publication fee	365 000
Surcharge length of design description:	
11-20 pages	120 000
21-30 pages	190 000
Above 31 pages (80 000 CFA franc for 10 additional pages)	270 000

3.6.7 How long does registration take?

Unless substantive objections are raised or there are unusual delays, an integrated circuit layout design takes 9-12 months to complete registration. This includes an opposition period of 3 months.

3.6.8 What is the duration of protection?

The duration of an integrated circuit layout design registration in the OAPI is 10 years.

3.6.9 When are renewal fees paid?

There are no prescribed renewal fees that must be paid after the 10-year registration term.

3.7. TRADITIONAL KNOWLEDGE AND HANDICRAFTS

No law governing traditional knowledge is currently enacted in the Republic of Congo.

3.8. COPYRIGHT AND NEIGHBOURING RIGHTS

A brief description of the cultural diversity and artistic works of the Republic of Congo follows. The Republic of Congo, by the very layout of its territory, has a wide variety of cultures. From the savannahs of the Niari plain to the flooded forests of the North; from the immense Congo River to the steep and forested mountains of Mayombe, and the 170 km of beaches on the Atlantic coast.
The presence of many ethnic groups and various political structures (such as the Kongo

Empire, the kingdom of Loango, the Teke kingdom, and the chiefdoms of the North) has endowed the country with a great diversity of traditional cultures and many ancient artistic expressions. For example, Vili 'nail fetishes'; highly expressive Bembe statuettes, which, despite their small size, achieve a kind of monumentality; strange Punu and Kwele masks; Kota reliquaries; Téké fetishes; and curious cemeteries with their monumental tombs, from the Lari country.

To this must be added a considerable colonial architectural heritage – which the Congolese are rediscovering today as part of their historical heritage – and the culture of 'sapology', which makes the Congo famous throughout the world.

About copyright and neighbouring rights in the Republic of Congo

The Republic of Congo has enacted Law No 24/82, of July 7 1982 on Copyright and related rights. At the regional level, Annex VII of the Bangui Agreement, Act of 14 December 2015, although not directly applicable at the national level, is referred to in the presence of a conflict of law or in the absence of specific provisions on a copyright matter.

The Republic of Congo is also a signatory to the following treaties:

- the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886, as last revised at Paris on 24 July 1971, and/or the Universal Copyright Convention as revised at Paris on 24 July 1971 and amended on 28 September 1979;
- The World Intellectual Property Organisation Copyright Treaty of 20 December 1996.

3.8.1 Can I register?

Copyright is not a registrable right in the Republic of Congo. It exists automatically when any original work is created in one of the categories that is protected by Law No 24/82 of 7 July 1982 on copyright and related rights.

3.8.2 What qualifies for protection?

All literary or artistic works irrespective of their mode, worth, genre or purpose of expression are protected under copyright, particularly:

a) computer programs;

b) musical composition with or without lyrics;

c) dramatic, dramatico-musical, choreographic works and pantomimes created for the stage;

d) audiovisual works;

e) drawings, paintings, lithographs, etchings or wood engravings and other works of the same kind;

f) all kinds of sculptures, bas-reliefs and mosaics;

g) architectural works, including the drawings, models and the construction itself;

h) tapestries and objects created by the arts and applied arts, including the sketches or patterns and the works themselves;

i) maps as well as graphic and plastic drawings and reproductions of a scientific or technical nature;

j) photographic works including work expressed by a process similar to photography;

k) the title of a work will be equally as protected as the work itself.

This is in accordance with Article 3(1) of the 19th December 2000 Law on Copyright in the Republic of Congo.

Literary work includes work expressed in words, numbers or other verbal or numerical symbols or insignia regardless of the nature of the material object used. This implies that all computer programs fall under literary works. A work may be literary and artistic especially when it is composed of both words and signs other than words alone.

3.8.3 What cannot be protected?

Under Congolese Law, copyright will not protect:

a) official texts and their official translation, reports, court judgments and other official instruments and translations;
b) ideas themselves;
c) coats of arms, decorations, currency marks and other official insignia.

3.8.4 What are the requirements for legal protection?

The Congolese law lays down three positive criteria for protection of all literary and artistic creations in the Republic of Congo. These include the following.

a) The work must be in a tangible form that is sufficiently stable so as to permit it to be perceived, reproduced or otherwise communicated for a period of more than transitory duration either by human sense(s) or with the help of a machine.
b) A work may be original whether or not it resembles a previous creation or work. Originality is only appreciable when the creation is an expression and where there is a distinctive element differentiating it from any previous creation of the same kind. Therefore, there must be an established difference between what is created and any previous work of same kind.
c) The created work must be a literary and/or artistic work.

3.8.5 What are examples of acts permitted in relation to copyright works?

Permitted acts that do not infringe copyright include:

- fair use: copyright in a work is not infringed by any fair dealing for the purposes of research or private study by the person using the work;
- fair use for purposes of criticism, review or news reporting;
- educational use;
- copies made to replace or conserve library or archival copies of works;
- use of anonymous or pseudonymous works, subject to conditions;
- use of work for parliamentary or judicial proceedings or inquiries;
- quotations from copyright works;
- public readings and recitations.

3.8.6 What acts are not permitted in relation to copyright works?

Unpermitted/restricted acts include:

- reproducing the work;
- publishing the work;
- importing or exporting the work to/from the Republic of Congo, other than for personal and private use;
- causing the work to be transmitted on a cable programme service, unless the service transmits a lawful broadcast and is operated by the original broadcaster;

- making an adaptation of the work.

3.8.7 What is the duration of protection?

The duration of copyright protection is as follows:

- literary works: the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- performers and recording rights: 50 years from the end of the calendar year in which the performance took place;
- an audiovisual work, a collective work, a photograph, or a computer program: 50 years from the end of the year in which the work was made available to the public with the consent of the owner of the copyright or, failing such an event, 50 years from the making of the work or 50 years from the end of the year in which the work was made;
- a sound recording: 50 years from the end of the year in which the recording was first
- published;
- a broadcast: 50 years from the end of the year in which the broadcast first took place;
- a programme-carrying signal: 50 years from the end of the year in which the signal was first
- emitted to a satellite;
- a published edition: 50 years from the end of the year in which the edition was first published;
- a work of applied art: 25 years from the making of the work.

3.8.8 Can I renew copyright after its term of protection expires?

Copyright cannot be renewed in the Republic of Congo once its term has expired. The work lapses into the public domain at the end of the term of protection.

Links to legislation:

OAPI: http://oapi.int/index.php/fr/ressources/actes-de-l-oapi

Links to institutions:

AfCFTA – Africa Trade House, Ambassadorial Enclave, Liberia Road, Ridge, Accra Ghana: https:// au.int/en/cfta.

OAPI – African Regional Intellectual Property Organisation: http://oapi.int

CEMAC – (Central African Economic and Monetary Community): https://www.cemac.in

ECCAS – (Economic Community of Central African States): https://ceeac-eccas.org

CIMA- (Inter-African Conference on Insurance Markets) https://cima-afrique.org

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