



European
Commission

AFRICA
IP SME HELPDESK



IP Country Fiche
LIBYA





SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Tripoli
Population:	6,958,538 (2021)
Currency of government (official) fees:	Libyan Dinar (LYD)
Language for filing IP applications:	English and Arabic
GDP per capita (USD):	6 018.4 (World Bank, 2021)
Human Development Index:	0.724 (2019)
Main exports:	Crude petroleum, gold, petroleum gas, scrap iron, refined petroleum
Main imports:	Refined petroleum, rolled tobacco, cars, broadcasting equipment, wheat

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

Libya is a contracting state to the following international legal instruments:

- the Abuja Treaty Establishing the African Economic Community (AEC) of 03 June 1991;
- the Berne Convention for the Protection of Literary and Artistic Works of 09 September 1886 as revised;
- the Convention Establishing the World Intellectual Property Organization of 14 July 1967;
- the Convention on Biological Diversity of 05 June 1992;
- the Cartagena Protocol on Biosafety to the Convention on Biological Diversity of 29 January 2000;
- the International Treaty on Plant Genetic Resources for Food and Agriculture of 03 November 2001;
- the Paris Convention for the Protection of Industrial Property of 20 March 1883;
- the Patent Cooperation Treaty of 19 June 1970;



- the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16 November 1972;
- the UN Convention on Biological Diversity of 05 June 1992;
- the treaty instituting the Arab Maghreb Union (AMU) of 17 February 1989.

1.3 REGIONAL AGREEMENTS

Libya 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 help shape future Libya IP legislation.
- **COMESA** (Common Market for Eastern and Southern Africa) - COMESA has no regional IP agreements, protocols or registration systems in place. COMESA is composed of 19 states: Burundi, Comoros, Democratic Republic of Congo (DRC), Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Sudan, Swaziland, Uganda, Zambia and Zimbabwe.

1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN LIBYA

The following IP protection is available in Libya under Law No. 8 of 1959 on Patents and Industrial Designs and Models:

- 1) patents
- 2) industrial designs
- 3) industrial designs and models.

Trade marks are protected under Law No. 40 of 1956 and its amendments.

Copyright and neighbouring rights are protected under Law No. 9 of 1968 Issuing the Copyright Protection Law. There is no specific law for the protection of traditional knowledge (TK) and handicrafts in Libya.

Currently there are no laws providing for the protection of layout designs of integrated circuits, geographical indications or plant varieties.





1.5 IP REGISTRATION ROUTES

IP protection in Libya can be secured at the national level. There is no regional or international route available for the protection of IP rights in Libya.

Useful information:

Professional representation

Foreign applicants whose principal place of business is outside Libya must appoint a local agent. Libya accepts signed, stamped and legalised powers of attorney. The power of attorney should be legalised up to the Libyan consulate in the applicant's home country. However, the applicant should confirm with their IP service provider whether hard copies are necessary or scanned copies sent by email are sufficient.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

Libya is in the process of applying for entry to the WTO. As such, the country is not a party to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Significant work still needs to be done to bring Libya's intellectual property rights (IPRs) regime in line with international best practices.

The Office of Industrial and Commercial Property Protection at the Ministry of Economy is responsible for the registration of patents and industrial designs and models. The Libya Trademark Office of the Ministry of Economy is responsible for enforcing the law of consumer and intellectual property protection. Article 1286 of the 2010 Commercial Code outlines a number of activities that are considered as illegal competition in intellectual property. It prohibits infringement of trade marks and registered trade names and logos; bans all acts of forgery, trade mark or local counterfeiting, and all forms of intellectual property violations. The code also outlines the nature of financial and criminal procedures against those violations, including fines and a term of imprisonment of 2 years at most. The law also provides for enforcement of the rules regulating registered industrial designs and models.

Civil remedies include court injunctions, the 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 levying of substantial fines and the possibility of imprisonment. Rights holders are expected to be vigilant and active in protecting their rights and taking action against infringers. Any enforcement action should be initiated by the rights holder. This includes reporting infringements to the competent authorities and seeking the intervention of the courts to fight third parties who infringe their rights.

The copyright law provides for provisional measures that seek to prevent infringements and preserve relevant evidence related to an alleged infringement. Civil remedies include court injunctions, the confiscation of offending 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 levying of substantial fines. A copyright owner is expected to take an active role in protecting their work and taking action against infringers. Any enforcement action should be initiated by the rights holder. This includes reporting infringements to the police or customs (in the case of the importation of infringing goods) and seeking the intervention of the courts to fight third parties who infringe their rights.

Libya appears not to be making much progress in terms of IP enforcement. Trade mark violations remain widespread, especially in the retail sector, and effective enforcement generally requires specific legal claims.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

Trade marks are protected under Law No. 40 of 1956 on trade marks and its amendment, and Law No. 23 of 2010 regarding Commercial Activities.

Libya is not a signatory to the Nice Agreement. However, the Libya IP Office uses the Nice Classification. Classifications based on the 10th edition of Nice at the time of filing of an application are accepted.

The trade mark law does not provide for the protection of trade marks covering alcoholic drinks in Classes 32 and 33 and pork meat in Class 29. Service marks can be registered according to the 9th edition of the Nice Classification.

Benefits of registering a trade mark

- A registered trade mark gives the owner exclusive rights to use it to market their products and services; it gives the owner protection against others using the same mark or a similar mark without authorisation.
- In the long run, 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 or obtaining financing.

3.1.1 Who can register a trade mark?

According to the law, the following are entitled to register their own trade marks:

- any industrialist, producer or merchant of Libyan nationality;
- any industrialist, producer or merchant residing in Libya or with an actual place of business therein;





- any industrialist, producer or merchant who is a subject of a state dealing with Libya on a basis of reciprocity, is a resident thereof or has a place of business therein;
- associations or groups of industrialists, producers or merchants established in Libya provided that they may be considered entitled to corporate existence;
- public departments.

3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- an application form containing the name, nationality and address of the applicant; or full name (as on the Certificate of Incorporation) and address of the company;
- a signed power of attorney if the applicant is represented; legalised by the Libyan Consulate;
- payment of the prescribed application fees;
- a list of the goods and/or services, based on the Nice Classification;
- a legalised copy of the priority document, if claimed;

3.1.3 What qualifies for registration?

Commercial trade marks that qualify for registration according to the law include names of any distinctive form, signatures, words, letters, figures, drawings, tokens, titles of places, stamps, seals, devices, embossed engravings or any other mark or group of marks employed or intended to be employed to distinguish the products of any industrial undertaking or for use in any agricultural or forestry projects, mining products or any other goods, or to indicate the place of origin of the products or goods, their kind, grade, guarantee or method of preparation.

3.1.4 What cannot be registered?

The following will not be entitled to registration as trade marks or elements thereof:

- marks with no distinctive signs of authenticity or consisting of signs or titles that are by custom assigned to the products themselves or to any ordinary drawing or pictures;
- any amendment, design or sign which is inconsistent with good morals or public order;
- public emblems and imitations thereof, flags and other symbols of the state or of any other state dealing with Libya on a basis of reciprocity;
- official signs and stamps used by the abovementioned states for the control or security of goods where the trade mark containing these signs or stamps is intended for use on goods of the same or a similar kind;



- marks that are identical or similar to symbols of purely a religious character;
- symbols of the Red Crescent or the Red Cross or other similar symbols and marks that are mere imitations of the Red Crescent or the Red Cross;
- pictures or mottos of any other person unless said person approves their use;
- descriptions of honorary titles where the applicant cannot prove their legal title;
- marks that may mislead the public or contain misstatements about the origin or description of the products, as well as marks that contain a fictitious imitative or forged commercial name.

3.1.5 Where can I file an application?

Intellectual Property Office, c/o National Authority for Scientific Research under the Ministry of Higher Education and Scientific Research.

3.1.6 How much does it cost?

Government (official) fees

The fee schedule is published in the regulations. Both local and foreign applicants may pay these fees using the local currency (LYD).

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three accredited professionals. It is advisable to verify professionals through the Law Society of Libya. More details can be found at <https://lawsociety.ly/>.

Likely overall registration costs

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

Description of Process/Service	Official Fees (LYD)	Official Fees (USD)
Application to register a trade mark in one class	98	20
• Each additional class	98	20
Publication in the Libyan Official Gazette	64	13
Registration fees	211	43
Renewal of registration of a trade mark	250	51
Publication in the Libyan Official Gazette	64	13

Note: Professional fees for translations from any language to Arabic will apply at an average of LYD 98 or USD 20 per page.





3.1.7 How long does registration take?

The trade mark registration process takes between 24-36 months from the filing date to completion, assuming that there are no unusual delays and no opposition. This includes an opposition period of 3 months.

3.1.8 What is the duration of protection?

A trade mark registration is valid for 10 years from the date of filing and can be renewed for periods of 10 years upon application and payment of the prescribed renewal fees.

A grace period of 3 months is allowed for the late renewal of the registration with the payment of a surcharge.

3.2 PATENTS

Libya patent registrations

National and PCT national phase patents can be filed through the Intellectual Property Office, located at the National Authority for Scientific Research under the Ministry of Higher Education and Scientific Research.

Choosing a patent filing route

Libya is a member of the PCT. Patent applications can also be filed through the PCT. However, the PCT provides a patent filing system rather than a patent registration route.

3.2.1 Who can register a patent?

The following persons will have the right to request a patent registration:

- Libyans;
- foreigners who reside in Libya or have industrial or commercial corporations in Libya;
- foreigners affiliated to a country that treats Libya reciprocally, or who live in these countries or have a real physical residence there;
- companies, associations, corporations or groups of industrialists, producers or laborers that are established in Libya or in countries of reciprocity if they are juridical personalities;
- public corporations.



3.2.2 What are the registration requirements?

The application for a patent must be submitted in writing in prescribed form and contain the following:

- a request;
- a detailed description of the invention and mode of exploitation;
- one or more claims, an abstract and, where applicable, one or more drawings.

3.2.3 What qualifies for registration?

Any innovation that is industrially exploitable, whether it is related to new industrial products, new methods or industrial means, or the application of new methods for known industrial approaches or means.

The invention will not be deemed new in whole or partially in the following two cases:

- if it has ever been used in public in Libya within the past 50 years as of the application date of the patent, if its description or drawing has appeared in publications published in Libya, or if the published description or drawing was so obvious that people of skill may exploit it;
- if a patent for the invention (or a part of it for a non-inventor or the person who its rights were devolved to) was ever issued in Libya within the 50 years prior to the patent application date; or if a third party had requested a patent for the same invention or a part thereof in the abovementioned period.

3.2.4 What cannot be registered?

The following is not patentable:

- inventions whose exploitation may result in a breach of morals or public order;
- chemical inventions related to foodstuff, drugs or pharmaceutical formulas unless these products are made through special methods or chemical processes. In the latter case, the patent will be granted to the method of production rather than to the products themselves.

3.2.5 Where can I file an application?

Intellectual Property Office, located at the National Authority for Scientific Research, under the Ministry of Higher Education and Scientific Research.





3.2.6 How much does it cost?

National (Libya IP Office) fees

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

Government (official) fees

The fee schedule is published in the specific regulations. Both local and foreign applicants may pay these fees using the local currency (LYD).

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three Libyan accredited professional representatives. It is advisable to verify professionals through the Law Society of Libya. More details can be found at <https://lawsociety.ly/>.

Likely overall registration costs for a Libya patent

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

Type of Fee	Official Fees (LYD)	Official Fees (USD)
Application and grant fees	196	40
Publication fees	122.50	25

Note: Professional fees for translations from any language to Arabic will apply at an average of LYD 98 or USD 20 per page.

3.2.7 How long does registration take?

Patent applications are examined formally in Libya. The registration process is completed in 1824 months from the filing date of the application. This includes a 2month opposition period.

3.2.8 What is the duration of protection?

Protection lasts 15 years from the filing date, subject to the payment of annual maintenance fees.

After 15 years, the patent owner will have the right to renew it once for a period no longer than 5 years, provided they ask for the renewal in the year prior and have proven that the invention has a unique importance and that it did not yield profits compatible with their efforts and expenses.





3.2.9 When are renewal fees paid?

The annuity should be paid retroactively once the application is granted and published in the official gazette for each year, starting 1 year after the filing date, up to the 15th year. Late payment is possible, with a corresponding surcharge within a grace period of 6 months after the due date.

Annuities

The following government (official) fees are currently applicable:

Annuity Year	Official Fees (LYD)	Official Fees (USD)
1	490	100
2	490	100
3	490	100
4	490	100
5	490	100
6	490	100
7	490	100
8	490	100
9	490	100
10	490	100
11	490	100
12	490	100
13	490	100
14	490	100
15	490	100

If the invention is not used in Libya or in the country of origin within 3 years from the grant date of the patent, it becomes cancelled.





3.3 INDUSTRIAL DESIGNS OR MODELS

According to Libya's Law No. 8 of 1959 on Patents and Industrial Designs and Models, any arrangement of lines and any shape in colours or without colours used for industrial production, whether manually or by chemical means, will be considered an industrial design or model.

Libya industrial design registrations

Only national industrial designs can be registered in Libya. No regional or international routes are available for Libyan industrial designs or models.

International

Industrial designs: Hague Agreement

Libya is not a signatory of the Hague Agreement, which means it cannot be designated for purposes of registering an industrial design under the Hague System for the international registration of industrial designs.

Examination and novelty of designs in Libya

Libya does not carry out a substantive examination of design applications. Applications are examined as to compliance with formal requirements only. The examination is based on a relative statement of local novelty.

3.3.1 Who can register?

The following persons have the right to request a patent registration:

- Libyans;
- foreigners who reside in Libya or have industrial or commercial corporations in Libya;
- foreigners affiliated to a country that treats Libya reciprocally, or who live in these countries or have a real physical residence there;
- companies, associations, corporations or groups of industrialists, producers or laborers established in Libya or in countries of reciprocity if they are juridical personalities;
- public corporations.

3.3.2 What are the registration requirements?

The application for the registration of an industrial design or model must contain a request to register, information identifying the applicant(s), drawings, photographs or other adequate graphic representations of the product embodying the industrial design or model, and an indication of the kind of goods for which the industrial design is to be used.

A design is not required to have any objectively noticeable degree of aesthetic quality.



3.3.3 What qualifies for registration?

Any arrangement of lines and any shape in colour or without colours used for industrial production, whether manually or by chemical means, will be considered an industrial design or model.

An industrial design or model will be registrable and considered new if it has not been disclosed to the public, by publication in tangible form or by use or in any other way, prior to the filing date or, where applicable, the priority date of the application for registration.

Multiple design applications are possible in Libya, provided that all the designs are embodied in a single set of articles and belong to the same class.

3.3.4 What cannot be registered?

A design cannot be registered if:

- it is contrary to public order or morality;
- the design or model is functional and serves solely to obtain a technical result.

3.3.5 Where can I file an application?

Intellectual Property Office, located at the National Authority for Scientific Research, under the Ministry of Higher Education and Scientific Research.

3.3.6 How much does it cost?

Official fees

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

Government (official) fees

The fee schedule is published in the regulations. Both local and foreign applicants may pay these fees using the local currency (LYD).

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three Libya accredited professionals. It is advisable to verify professionals through the Law Society of Libya. More details can be found at <https://lawsociety.ly/>.





Likely overall registration costs for a Libya industrial design or model

An applicant can expect the cost of registering an industrial design to be approximately as shown in the following table, unless objections and/or other special circumstances that increase costs apply.

Type of Fee	Official Fees (LYD)	Official Fees (USD)
Application and registration fees	74	15

Note: Professional fees for translations from any language to Arabic will apply at an average of LYD 98 or USD 20 per page.

3.3.7 How long does registration take?

Industrial design or model applications take an average of 1824 months to complete registration.

3.3.8 What is the duration of protection?

An industrial design or an industrial model registration is valid for 5 years starting from the filing date and can be renewed for two periods of 5 years each.

3.3.9 When are renewal fees paid?

Renewal fees must be paid within 90 days from the due date.

The renewal fees are currently LYD 74 or USD 15 for the first renewal if the applicant chooses to extend the duration of the design from 5 to 10 years, and LYD 74 or USD 15 for the second and final renewal if the applicant chooses to extend the duration from 10 to 15 years.

3.4 GEOGRAPHICAL INDICATIONS (GIS)

About GIs in Libya

There are no legal provisions for the registration and protection of Geographical Indications in Libya.

3.4.1 Can European GIs be registered?

European GIs are not registrable under the current national law. For information about the protection of the European GIs in African countries, please refer to the Organization for an International Geographical Indications Network at: <https://www.origin-gi.com/>.





3.5 LAYOUT DESIGNS OF INTEGRATED CIRCUITS

About layout designs of integrated circuits in Libya

Currently, there are no legal provisions for the registration and protection of layout designs of integrated circuits in Libya.

3.6 TRADITIONAL KNOWLEDGE AND HANDICRAFTS

About traditional knowledge and handicrafts in Libya

Currently, there are no legal provisions for the registration and protection of traditional knowledge and handicrafts in Libya.

3.7 COPYRIGHT AND NEIGHBOURING RIGHTS

About copyright and neighbouring rights in Libya

Libya has a dedicated law for the protection of copyright and neighbouring rights, namely Law No. 9 of 1968 on Issuing the Copyright Protection Law.

3.7.1 Can I register?

Copyright exists automatically when any original work is created in one of the categories that is protected by the copyright law.

Libyan Copyright Law No. 9 of 1968 has been issued, but no implementing regulations are in force yet. As such, the full implementation of the law is significantly difficult.

There is no formal registration procedure for copyrights in Libya. The only method of protection is depositing a copy of the work in the national library.

3.7.2 What qualifies for protection?

The authors of original literary, artistic and scientific works of art will enjoy protection under the copyright law no matter their type, method of expression, importance or their purpose of production.





In particular, protection includes authors of the following:

- written works;
- works included in the arts of drawing and painting with lines and colours, engraving, sculpture and architecture;
- works conveyed verbally, such as lectures, speeches, preachments and similar works;
- dramatic works and musical plays;
- musical works, whether accompanied by words or not;
- photographic and cinematic works;
- geographical maps and drawings;
- three-dimensional works related to geography, topography or science;
- eurythmics prepared materially for production;
- works related to applied arts;
- works especially prepared for or broadcast by radio or television.

Protection also includes the authors of works of art whose method of expression is writing, sound, drawing, painting or movement.

Whoever translates a work of art into Arabic or any other language, transforms it from one type of literature, arts or science into another, summarises, amends, modifies, explains or comments on it, or indexes a work of art, in any manner that renders it a novel in form, will enjoy protection under the copyright law.

3.7.3 What cannot be protected?

The following is not protected under the Libya copyright law:

- collections that comprise various works such as verse, prose and music anthologies and other collections, without affecting the copyrights of the author of each work;
- collections of works that have become public property;
- collections of official documents such as texts of laws, decrees, regulations, international agreements, legal judgments and various official documents;
 - although the abovementioned collections will enjoy copyright protection if they are characterised by innovation, arrangement or any other personal effort worthy of protection;
- any work that is contrary to law, public order or morality.



3.7.4 What are the requirements for legal protection?

The protectable work in the categories listed in **3.7.2** must be original.

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

Permitted acts that do not infringe copyright include:

- eurythmics, acting, or delivering protected work if it took place during a family gathering or a society, private club or school meeting, as long as it does not yield any financial return;
- use by the armed forces' musical band, other government bands or other public persons, except for radio and television bands;
- personal use;
- analyses and short quotations from protected work, if they are intended for criticism, discussion, education or information, as long as they refer to the name of the author, if known, and to the source from which it is taken;
- use of work for parliamentary or judicial proceedings or inquiries;
- public legal proceedings, readings and recitations.

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

Unpermitted/restricted acts include:

- reproduction of the work;
- conveying a work of art directly to the public in any method and, in particular, in any of the following methods: public recital, musical play, dramatic acting, public performance, radio transmission of words, sound or image, presentation by a projector, cinema, radio or television transmission through the loudspeakers at performances in a public place;
- conveying a work of art indirectly to the public by making copies that are accessible to the public through printing, drawing, engraving, photography, pouring into moulds or through any of the methods of graphic art, sculpture, photographic or cinematic publication or through other means.





3.7.7 What is the duration of protection?

The duration of copyright protection is as follows:

- **literary works:** 25 years after the death of the author, provided that the total period of protection is no less than 50 years as from the date of the first publication of the work;
- **works of art** published for the first time after the author's death will expire 50 years after their death;
- **photographic and cinematic** works limited to the mere mechanical transmission of scenery: 5 years as from the date of the first publication of the work;
- **joint works of art:** protection will be calculated from the date of the death of the last surviving author. If the author is a legal public or private entity, copyright will expire 30 years as from the date of the first publication of the work;
- **work published anonymously or under a pseudonym** will expire 25 years after the publication of the work.

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

Copyright cannot be renewed in Libya once its term has expired. The work enters the public domain at the end of the term of protection.

Links to legislation:

Industrial Property Laws - <https://wipolex.wipo.int/en/text/234437>.

Copyright Law - <https://wipolex.wipo.int/en/text/234540>.

Links to institutions:

AfCFTA (African Continental Free Trade Agreement) – Africa Trade House, Ambassadorial Enclave, Liberia Road, Ridge, Accra Ghana: <https://au-afcfta.org/>

COMESA (Common Market for Eastern and Southern Africa): <https://www.comesa.int/>.

