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IP SME HELPDESK



IP Country Fiche
ANGOLA



SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	LUANDA
Population:	33.08 million (World Bank 2022)
Currency of government (official) fees:	Kwanza (AOA or Kz)
Language for filing IP applications:	Portuguese
GDP per capita:	USD 2 998.5 (World Bank 2022)
Human Development Index:	0.59 (Human Development Report 2021-2022)
Main exports:	Crude oil, petroleum gases, unset diamonds.
Main imports:	Angola imports machinery and electrical equipment, vehicles and spare parts; medicines, food, textiles and military goods.

1.2. INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

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

- Paris Convention for the Protection of Industrial Property;
- Patent Cooperation Treaty (PCT);
- TRIPS (A)greement.

1.3 REGIONAL LEGAL AGREEMENTS

N/A

1.4. LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN ANGOLA

- 1) trade marks: national;
- 2) patents: national and international (PCT national phase);
- 3) utility models: national and international (PCT national phase);
- 4) industrial designs: national;
- 5) name and emblem of establishment: national;
- 6) copyright and neighbouring rights: national.

1.5. IP REGISTRATION ROUTES

IP protection in Angola can be secured at two levels: national and international, depending on the IP rights.

National

The six types of IP mentioned above can be protected directly in Angola through IP companies or Angolan Lawyers.

International

Angola is a contracting party of the Patent Cooperation Treaty (PCT). More information is available at: <https://www.wipo.int/madrid/en/>

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

A national route is only available.

Useful information:

Representation

In Angola the representation in the Angolan Institute of Industrial Property (IAPI) requires an Angolan lawyer.

It is possible to file an application for IP rights without the necessary power of attorney. However, it will be necessary to submit the power of attorney within the deadline of 30 days following the application, subject to one extension request for another 30day period.

The power of attorney has to be signed before a notary and legalized by an Angolan consulate in the country of origin.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

There is no specific legislation on enforcement proceedings for IP rights in Angola, which means that there are no special provisions for lawsuits in IP rights proceedings that differ from non-intellectual property proceedings. In general terms, the action is brought by initial pleading.

Additionally, IP infringements in Angola are punished with fines, which may be aggravated by imprisonment up to 3 or 6 months, depending on whether the infringement is related to a trade mark or a patent, respectively. The IP rights owner may also require payment of the damages, and the court may order it by deciding about the amounts. In case of non-payment, the rights owner may initiate enforcement proceedings and request the seizure of assets.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

Angola only recognises national trade marks.

In Angola, there are no multi-class trade marks. Each good or service class corresponds to a single application. In each application it is only possible to include five goods or services, meaning that each extra product or service will have an extra cost as per the applicable schedule of fees.

Angola is not a signatory to the Nice Agreement but uses the international Nice Classification. Classifications based on the latest edition of Nice at the time of filing of an application are accepted.

Benefits of registering a trade mark

A registered trade mark gives the owner the exclusive right to use it to market their products and services; it gives the owner protection against others using the same or a similar trade mark without prior 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 rights holders to expand their business by licensing it to others, franchising it or obtaining funding.

3.1.1 Who can register a trade mark?

A natural person, a company or any other legal entity can apply to register a trade mark, whether being Angolan or not.

However, a person who does not have their place of business in Angola needs a professional Angolan representative, and has to prove that the trade mark is related to their commercial, industrial or professional activity.

3.1.2 What qualifies for registration?

A trade mark is any word, phrase, symbol, design, shape, group of letters or numbers, or combination of these, used by an undertaking as its brand or logo. Consumers can rely on trade marks to help them distinguish between goods or services from different companies in the marketplace and to help them identify brands they are loyal to. An organisation's logo and slogan, a T-shirt brand, a family symbol, the name of an event or festival are some of the things that can be registered as trade marks.

3.1.3 What cannot be registered?

The Angolan Institute of Industrial Property will refuse a trade mark application that is not composed of any visually detected nominative, figure or emblematic sign or set of signs that have the capacity to distinguish products or services from one trade mark owner to others.

The law provides examples of such visually detected signs as patronymic and geographic names, arbitrary or fantasy names, monograms, emblems, figures, numbers, labels, combinations, colours, layouts, drawings, photographs or stamps.

IAPI will also refuse a trade mark application that contains:

- false indications, or indications likely to mislead the public, for example, as regards the nature, characteristics or use of the product or service;
- false indications concerning geographical origin, manufacture or ownership;
- symbols and insignia, flags, arms or official signs of the State, international organisations without being duly authorised;
- business names or names of establishments that do not belong to the applicant;
- a reproduction or imitation of a previously registered mark, which could mislead or cause confusion in the marketplace;
- expressions or images contrary to morality or that contravene the law;
- names or likenesses of individuals without the authorisation of the relevant person(s).

3.1.4 Where can I file an application?

IAPI (Angolan Institute of Industrial Property)

IAPI – Instituto Angolano da Propriedade Industrial
Largo 17 de Setembro, Palácio de Vidro, 4º Andar, Ala Esquerda – Marginal
Caixa Postal 3840
Luanda
ANGOLA
iapi1992@iapi.gov.ao

The internet address does not provide filing services and all filings must be made in person.

www.iapi.gov.ao

What cannot be registered?

A trade mark cannot be registered if it:

- is incapable of distinguishing the goods or services applied for;
- contains false indications, is deceptive or is likely to deceive or mislead the public or

3.1.5 How much does it cost?

Government (official) fees

The fee schedule is published in an official document, by a Presidential Decree.

In Angola, the regime is based on single class filings. Once five goods or services are selected within that class, a payment of EUR 3.00 per additional good or service is required.

Both local and foreign applicants may pay these fees using the local currency (Kwanzas). Application forms and information on fees are available from IAPI.

Professional fees

Professional fees vary depending on the practice of the professional in question, so it is advisable to obtain several comparative quotes of fees.

Likely overall registration costs

An applicant can expect the cost of registering a trade mark to be in the region of the amounts set out in the table below (in EURO), unless objections and other special circumstances that may increase the costs apply

Description of Process/ Service	Official Fees (EUR)
Application to register a black and white trade mark in one class	52
Application to registration a coloured mark in one class	52
Application to register a trade mark: each additional class	52
Publication	N/A
Registration	N/A
Renewal	25

3.1.6 How long does registration take?

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

3.1.9 What is the duration of protection?

10 years from the filing date, renewable.

3.2 PATENTS

Angolan Patent Registrations

National patents can be registered in Angola in the following ways.

National

IAPI (Angolan Institute of Industrial Property)

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International

Angola is a member of the PCT. Patent applications for Angola can also be filed through the PCT. However, the PCT provides an international patent filing rather than an international patent registration route.

Thus, Angola allows the applicant to claim the priority established in a PCT application when it reaches the national phase in Angola.

Choosing between registration routes

All patent applications for Angola are registered through IAPI.

National (IAPI) Patents

3.2.1 Who can register a patent?

An inventor (or successor in title) can apply to register a patent.

3.2.2 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, including agriculture.

Patentable invention under national patent law. Patents related to the treatment of humans or animals or to pharmaceutical inventions are not registrable in Angola. These inventions are not patentable to avoid undue restrictions to access to medical care and medicines by people or animals in need.

3.2.4 What cannot be registered?

The following cannot be patented:

discoveries whose use is contrary to public order and good customs, as well as public health and safety;

conceptions devoid of practical reality or incapable of being industrialised by mechano-physical or chemical means, as well as scientific principles and discoveries;
financial plans or programs, credit operations and game rules;
claims directed to chemico-pharmaceutical products and medicines for human or animal use are not patentable, although apparatus and processes used in their manufacture are patentable.

3.2.5 Where can I file an application?

National applications and PCT national phase applications must be filed at IAPI.

International applications can be filed at IAPI.

3.2.6 How much does it cost?

National (IAPI) 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 a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Kwanzas).

Application forms and information on fees are available at IAPI.

Professional fees

Professional fees vary depending on the practice of the professional in question, so it is advisable to obtain several comparative quotes of fees.

Likely overall registration costs for an IAPI patent

An applicant can expect the cost of registering a patent to be in the region of the amounts set out in the table below (in EUR), unless objections and other special circumstances that may increase the costs apply.

Type of fee	IAPI Fee (EUR)
Application and publication fees	62
Grant and publication fees	65

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, among others.

3.2.7 How long does registration take?

National patent applications are examined substantively in Angola after they have been formally examined by IAPI. Substantive examination is completed on average within 5 years from the filing date of the application.

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.

3.2.9 When are renewal fees paid?

National patents

The two first annuities are paid at the moment of the patent application. The subsequent renewal fees are paid from the third anniversary of 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	IAPI Fee (EUR)
1	17
2	17
3	17
4	17
5	17
6	25
7	25
8	25
9	25
10	25
11	35
12	35
13	35
14	35
15	35
Surcharge for late payment of annual fees	Additional 50% of the due amount

3.3 UTILITY MODELS

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.

In Angola, a utility model is considered to be any disposition or new form obtained or introduced in objects, such as tools, work instruments or utensils that improve or increase their conditions of use and utility. This protection is granted exclusively to the specific and new form, which makes it possible to increase and improve the usefulness and use of the objects for which it is intended.

Utility Model Registrations

National utility models can be registered in Angola in the following ways.

National applications must be filed at IAPI.

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National Utility Models (IAPI)

3.3.1 Who can register?

An inventor (or successor in title) can apply to register a utility model.

3.3.3 What qualifies for registration?

A registrable utility model must meet the following requirements:

novelty: the utility model must be a new characteristic and must not exist in the prior art;
industrial applicability: the utility model must be useful in any kind of industry.

3.3.4 What cannot be registered?

The following cannot be registered as utility models in Angola:

- utility models that by their description or claims are considered patentable inventions under applicable law;
- utility models which are contrary to public order and good customs;
- discoveries whose use is contrary to public order and good customs, as well as public health and safety;
- conceptions devoid of practical reality or incapable of being industrialised by mechano-physical or chemical means, as well as scientific principles and discoveries;
- financial plans or programs, credit operations and game rules;
- claims directed to chemico-pharmaceutical products and medicines for human or animal use are not patentable, although apparatus and processes used in their manufacture are patentable;
- works of art, sculpture, engraving, painting, architecture, photography, enamel or embroidery and any other creation with a purely artistic character.

3.3.5 Where can I file an application?

National applications for utility models must be filed at IAPI.

IAPI (Angolan Institute of Industrial Property)

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3.3.6 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 (Kwanzas).

Application forms and information on fees are available at IAPI.

Professional fees

Professional fees vary depending on the practice of the professional in question, so it is advisable to obtain several comparative quotes of fees.

Likely overall registration costs for utility model

Unless objections and other special circumstances that may increase costs apply, an applicant can expect to pay the following official fees to register a utility model in Angola.

Type of fee	IAPI Fee (EUR)
Application and publication fees	55
Grant and publication fees	60

3.3.7 How long does registration take?

National

Utility model applications are examined substantively. The average time frame is 3-5 years. It is advisable to check applicable processing time frames before starting the registration process.

3.3.8 What is the duration of protection?

In Angola, the duration of utility models is 15 years from the filing date.

3.3.9 When are renewal fees paid?

National Utility models

Renewal fees must be paid each year, starting 1 year after the filing date of the application.

Late payment of the annual fees, with a corresponding surcharge, is possible within a grace period

of 6 months after the due date.

Government (official) fees

The following government (official) fees are currently applicable.

Annuity Year	IAPI Fee (EUR)
1	15
2	15
3	15
4	15
5	15
6	22
7	22
8	22
9	22
10	22
11	30
12	30
13	30
14	30
15	30
Surcharge for late payment of annual fees	Additional 50% of the due amount

3.4 INDUSTRIAL DESIGNS

In Angola, designs are registered without being classified as either aesthetic or functional designs. Any plastic form, associated or not with lines or colours, that can serve as a type in the manufacture of an industrial or handcrafted product is considered an industrial model. On the other hand, any disposition or new set of lines or colours that, for industrial or commercial purposes, can be applied in the ornamentation of a product by any manual, mechanical, chemical, simple or combined process, is considered an industrial design.

Angola Industrial Design Registrations

National industrial designs can be registered in Angola in the following way.

National

IAPI (Angolan Institute of Industrial Property)

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Examination and novelty of designs for Angola

A substantive examination of design applications is carried out in Angola.

To be eligible for registration in Angola, industrial designs must be new and, even when they are composed of already known elements, they must make original combinations that lend the respective objects their own characteristics. The substantial examination will seek to ascertain if the application fulfils these requirements (novelty and originality).

National Industrial Designs

3.4.1 Who can register?

A creator or successor in title can apply to register a design in Angola.

It is possible for two or more persons or companies to jointly own and apply for the registration of an industrial design.

3.4.3 What qualifies for registration?

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 not possible in Angola.

3.4.4 What cannot be registered?

The following cannot be registered:

- designs that, by their description and claims, are considered inventions under the applicable law;
- works of art, sculptures, engravings, paintings, architecture, photography, enamel or embroidery and any other designs with a purely artistic character;
- designs that are contrary to the law, public policy or morality.

3.4.5 Where can I file an application?

Design applications must be filed at IAPI.

3.4.6 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 (Kwanza).

Professional fees

Professional fees depend on the Angolan law office practice.

Likely overall registration costs for an IAPI industrial design

An applicant can expect the cost of registering an industrial design to be in the region of the amounts set out in the table below (in EUR), unless objections and other special circumstances that increase costs apply.

Type of fee	IAPI Fee (EUR)
Application and publication fees	30
Registration and publication fees	20

3.4.7 How long does registration take?

National-route applications usually take 3 years to complete registration.

3.4.8 What is the duration of protection?

An industrial design has a maximum duration of 15 years from the filing date (an initial duration of 5 years, renewable twice for two new consecutive periods of 5 years) but the applicant must pay the annuity every year like a patent – Presidential Decree No 62/20 of 4 March 2020.

3.4.9 When are renewal fees paid?

Renewal fees must be paid within 6 months after the due date.

The following IAPI renewal fees are currently applicable:

Annuity Year	IAPI Fee (Euro)
1	10
2	10
3	10
4	10
5	15
6	15
7	15
8	15
9	15
10	15
11	20
12	20
13	20
14	20
15	20
Surcharge for late payment of annual fees	Additional 50% of the due amount

3.8. COPYRIGHT AND NEIGHBOURING RIGHTS

Angola has many famous traditional dance styles, including the borankana, phathisi, setapa, tsutsube, ndazola, Kalanga hosana, chesa, huru, mokomoto, selete and the more popular San or Basarwa dances. These dance styles are unique, rhythmic, and expressive. Apart from for entertainment, they are also used for healing and storytelling.

About Copyright and Neighbouring Rights in Angola

Angola has a dedicated law for the protection of copyright rights, namely the Copyright and Related Rights Law.

3.8.1 Can I register?

Yes (in the National Service for Copyrights and Related Rights, at the Angolan Ministry of Culture, Tourism and the Environment), but the main rule of copyright law is that the IP protection exists automatically when any original work is created in one of the categories that is protected by the Copyright law.

3.8.2 What qualifies for protection?

Any original work in the categories listed below qualifies for protection:

- (a) literary works;
- (b) musical works;
- (c) artistic works;
- (d) audiovisual works;
- (e) sound recordings;
- (f) broadcasts;
- (g) programme-carrying signals;
- (h) published editions.

3.8.3 What cannot be protected?

Any work whose subject matter does not qualify for legal protection as:

- 1) laws, judicial and administrative decisions, published or not in 'Diário da República';
- 2) public speeches and lectures that are not compiled into a book by their authors;
- 3) news of the day, simple reports of facts transmitted by social media;
- 4) simple facts and data, ideas, processes, systems, operational methods, concepts, principles or discoveries are not, by themselves, protected by Copyright law, except when they are or serve as reference for a work of any nature whatsoever.

3.8.4 What are the requirements for legal protection?

The main rule of author law is that the IP protection exists automatically when any original work is created in one of the categories that is protected by the Copyright law.

But there are some exceptions to this main rule.

Registration for legal protection (for declarative or advertising purposes) is asked in the following cases:

- constitutive facts, transmission, modification or extinction of the copyright;
- charters, modification company statutes;
- artistic or literary name;
- title of unpublished work;
- contracts entered into between the author with others or related activities;
- the agreements or protocols entered into between the representative entities of collective
- management and similar national or foreign entities;
- agreements or protocols relating to copyrighting;
- interpretation agreements or contracts, if the show is of a national event;
- the titles of newspapers and other published periodicals;
- the exercise of photographic or videographic activity in the following modes: editing, production layout, manufacture, import, recording studio, marketing, rental and lending.
- the exercise of literary activity in the following modalities: distribution, edition, manufacture,
- import production marketing;
- the exercise of the activity of handicraft, in the following modalities: commercialisation, manufacture, import and export;
- the graphic and distinctive features of the works;
- the works based on traditional knowledge, passed down from generation to generation, through oral tradition, do not need to be registered, except when organised, studied or deposited in physical support.

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

Without prejudice of authorisations to be granted by authors, artists, performers, producers of phonograms and videograms and broadcasting organisations, the following are permitted, regardless of the author's authorisation and without any remuneration being due: uses of works already lawfully disseminated, provided that the title and the author's name are mentioned and its genuineness and integrity are respected.

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 private place in which entry is not paid and non-profit;

- fair use for review or news reporting;
- reproduction by photographic or similar processes, when carried out for didactic purposes by public or private libraries, centres or documentation files of general interest or public institutions with a scientific or technological vocation, educational establishment;
- reproduction of works, permanently exposed to the public through images, reports;
- educational use;
- reproduction of arrangement or translation exclusively for individual and private use;
- quotations from copyright works and critics;
- speeches and lectures in front of the media;
- performance of hymns, as well as works of a religious character.

Private reproduction of arrangement or translation exclusively for individuals does not allow:

- reproduction of architectural works covering the form of building or other similar constructions;
- reprographic reproduction of an entire book or music;
- reproduction of an entire or parts of a database;
- reproduction of computer programs, software;
- reproduction that affects the normal exploitation of the work or causes unjustified harm to the legitimate interests of the author.

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

The use of works not authorised by the owner of the copyright or related rights are impermissible uses, with an exception of the uses referred to in point 3.8.5.

Unpermitted/restricted acts include:

- reproducing the work;
- publishing the work;
- making an adaptation of the work;
- trading;
- claiming the paternity of the work;
- violation of technological protection measures.

3.8.7 What is the duration of protection?

General rule: copyright and neighbouring rights last for the life of the author and for 70 years after their death, counted as of 1 January of the year following the year of death, to the benefit of their heirs, under the terms of the legislation in force.

The economic rights over a collective work: the lifetime of the last surviving author plus 70 years. Performers, artists: 70 years from the end of the calendar year in which the performance took place.

Property rights over a photographic work or work of art are protected for 45 years as of 1 January of the year following the author's death, for the benefit of their heirs.

Rights of phonogram producers: 70 years from the end of the year in which the recording was first published.

A broadcast: 35 years from the end of the year in which the broadcast first took place. Moral rights are unlimited in time, being imprescriptible and inalienable.

The protection of works of oral culture when it is not the result of the writing process or when the State considers the need for special protection of works produced or embodied in art, literature, sciences or even in analogical or digital form are unlimited in time.

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

Copyright cannot be renewed once its term has expired. The work enters the public domain at the end of the term of protection, which means that the literary, artistic or scientific work may be freely used, with the mandatory mention of the author's name and respecting its integrity.

