

# CAMEROON

## SECTION 1: COUNTRY OVERVIEW

### 1.1 GENERAL INFORMATION

<b>Capital:</b>	Yaoundé
<b>Surface area:</b>	475 442 km <sup>2</sup>
<b>Population:</b>	25 million
<b>Currency of (official) fees:</b>	CFA franc (XAF)
<b>Language for filing IP applications:</b>	French and English
<b>GDP:</b>	According to official data from the World Bank, in 2020, Cameroon's GDP was USD 39.80 billion.
<b>Human Development Index:</b>	0.563, according to a 2019 UNDP report, which put the country in the medium human development category, positioning it at 153 out of 189 countries and territories. Between 1990 and 2019, Cameroon's HDI value increased from 0.448 to 0.563, an increase of 25.7 %.
<b>Main exports:</b>	Agriculture products and oil are predominant in Cameroon's exports sheet. Petroleum accounts for more than 50 percent of the country's total exports. Others include: natural gas, cocoa beans, coffee, cotton, aluminium and gold. Cameroon's main export partner is the European Union (45 % of total exports). Others include: China and United States.
<b>Main imports:</b>	Cereals, fish and capital equipment. Cameroon's main import partners are China and France with 17 % of imports each. Others are Nigeria, Belgium, Italy and United States.

### 1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

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

- Paris Convention for the Protection of Industrial Property;
- Berne Convention for the Protection of Literary and Artistic Works;



- WIPO Convention;
- Nice Agreement;
- Patent Cooperation Treaty (PCT);
- Hague Agreement Concerning the International Registration of Industrial Designs;
- WIPO<sup>(1)</sup> Copyright Treaty;
- WIPO Performances and Phonograms Treaty;
- Brussels Convention;
- Singapore Treaty on the Law of Trade marks; and
- TRIPS<sup>(2)</sup> Agreement.

### 1.3 REGIONAL AGREEMENTS

Cameroon is a contracting state to the following regional agreements:

- **CEMAC** (the Economic and Monetary Community of Central Africa).

All the member states have signed the Bangui Agreement Instituting an African Intellectual Property Organization and, therefore, have in place the IP registration system administered by the Organisation Africaine de la Propriété Intellectuelle (African Organization for Intellectual Property) (OAPI). CEMAC has a Policy on Intellectual Property Rights to promote the use of intellectual property rights by CEMAC member states so that they can shift from resource-based economies to knowledge-based and innovation-driven economies.

- **OHADA Treaty** (Organization for the Harmonisation of Business Law in Africa)

OHADA and OAPI have the same member states in their organisations, with the exceptions of Mauritania which is not a member of OHADA.

- **CEEAC – ECCAS** (Economic Community of Central African States)

ECCAS has an established cooperation with the WIPO to facilitate the use of intellectual property for the economic, social and cultural development of its member states.

- **Bangui Agreement**

This is a regional intellectual property law that conforms to the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the International Convention for the

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<sup>(1)</sup> WIPO: World Intellectual Property Organization.

<sup>(2)</sup> TRIPS Agreement: Agreement on Trade-Related Aspects of intellectual Property Rights the World Trade Organization (WTO).



Protection of New Varieties of Plants (UPOV Convention) and the TRIPS Agreement. The Bangui Agreement is not only a regional convention applicable in all member states but also serves as a national intellectual property law in Cameroon and each of the other member states. However, each of the 17 member states has its **own legislation on copyright and related rights** so it is essential for OAPI to verify its conformity with the provisions of the Bangui Agreement. The disputes relating to the recognition, scope or exploitation of IP rights fall within the jurisdiction of courts in each of the member states, so in Cameroon.

## 1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN CAMEROON

The following IP protection is available in Cameroon:

1. **Trade marks:** Regional (OAPI) and international (Madrid);
2. **Patents:** Regional (OAPI) and international (PCT);
3. **Industrial designs:** Regional (OAPI) and international (the Hague Agreement);
4. **Plant breeder's rights:** Regional, and international (UPOV Convention);
5. **Geographical indications:** Regional; international;
6. **Copyright and related rights:** National.

The following IP protection is not available in Cameroon:

- Integrated circuit and lay-out designs: The legislation is not yet implemented.

## 1.5 IP REGISTRATION ROUTES

IP protection in Cameroon can be secured through regional and international routes, both through OAPI.

Cameroon is a member state of OAPI, an intergovernmental institution specialised in the field of intellectual property, which currently has 17 member states in West and Central Africa and the Indian Ocean. It is governed by a uniform regional convention, the Bangui Agreement. The other member states are: Benin, Burkina Faso, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.

OAPI is characterised by:

- One office common to all member states;
- A single legislation applicable to intellectual property rights;
- The centralisation of all procedures for the grant of patents, utility models, trade marks, industrial designs, trade names, plant varieties and geographical indications;



- Any application for an IPR filed with the Cameroon office or in any other member state or with the OAPI has the status of a national application in each of the member states;
- IP titles issued by OAPI create a bundle of rights available in all member states;
- IP enforcement falls within the jurisdiction of each individual member state; and
- No national systems of titles that coexist with the regional system.  
In this regard, a National Liaison Structure with OAPI (NLS) has been created in each member state for the reception of applications. Further information can be found here: <http://www.oapi.int/index.php/fr/oapi/organisation/structures-nationales-de-liaison>.

Address of the NLS in Yaoundé, Cameroon
Directorate of Technological Development and Industrial Property at the Ministry of Mines, Industry and Technological Development
<b>BP 1652 Yaoundé</b> <b>Tel: (237) 222 20 37 78</b> <b>Fax: (237) 222 20 37 38</b>

## SECTION 2: OVERVIEW OF IP ENFORCEMENT

The Bangui Agreement, to which Cameroon is a signatory has been revised to be consistent with WTO rules. Business law of Cameroon has complied with the agreement on trade-related aspects of intellectual property rights (OHADA Treaty). At the national level, all measures have been taken to ensure the implementation prescribed in the TRIPS Agreement.

Cameroon takes the infringement of IPRs very seriously. A new criminal law that introduced many new criminal offences brings IP infringement firmly into the realm of criminal law. There are now criminal offences relating to patents, designs and copyright, while trade marks have been given special attention.

It is now an offence to forge a registered trade mark. It is also an offence to conceal, sell, export, import or use any object that constitutes an infringement of a registered trade mark. The penalties for these offences are severe and include fines and prison terms of up to 2 years.

It is an offence to 'unknowingly' use a patent, as well as to conceal, sell, export or use any object that constitutes an infringement of a patent. As for designs, it is an offence to 'unduly exploit' a registered design. The authorities will only prosecute offences relating to patents and designs if the owner of the registration lodges a complaint.

Offences relating to patents and designs are punishable with fines, although a prison term of up to 6 months can also be imposed in the case of a repeat offence. If the alleged offender raises an issue regarding the validity or ownership of the patent or design, the court is required to rule on that issue.



It is with copyright where most new offences are created. They cover a whole range of actions including reproduction, sale, importation, infringement of moral rights, failure to pay licensing fees, disabling of technical measures designed to protect works from infringement, and

removal of electronic information that helps identify the work or the conditions of use. Penalties are particularly severe: prison terms of up to 10 years.

The court has broad ancillary powers in respect of all IP offences. For example, it can order the surrender and confiscation of infringing goods and equipment used in infringement. It can insist that its judgment is published, at the offender's expense, in any media that it deems appropriate. It can even disqualify the offender from membership of a Chamber of Commerce for a period of 10 years.

## **SECTION 3: TYPES OF AVAILABLE IP PROTECTION**

### **3.1 TRADE MARKS**

Trade marks can only be registered by OAPI and the rights granted to the owner are valid in each of the OAPI member states, including Cameroon.

In Cameroon, trade marks can be registered through OAPI in the following ways:

- **Regional:** The application is sent by the Ministry of Industry through the NLS or can be filed directly at OAPI. Regional protection gives the same legal protection as national protection.
- **International:** Under the Madrid Protocol of which OAPI is a member. An international route is advisable when trade mark protection is required in more countries than are covered by the OAPI regional trade mark system.

#### **3.1.1 Regional (OAPI) Trade Marks**

##### **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 finance.

##### **Features of the OAPI trade mark system in Cameroon**

The OAPI trade mark system is a multiclass system. This means an applicant can file one application for the designation of goods and services in various classes (up to 45 classes under the Nice Classification).



OAPI trade mark applications are examined by OAPI for the formal requirements only. Substantive examinations will be implemented only from 2022. The member states do not conduct their own examinations and do not decide whether trade marks are acceptable for registration in their countries or not.

#### **3.1.1.1 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 Cameroon needs a professional representative.

The professional status of OAPI-accredited agent is governed by special regulations. More information is available through this link:

<http://www.oapi.int/index.php/fr/ressources/documents-prives>.

#### **3.1.1.2 What are the registration requirements?**

A trade mark application must contain the following:

- An application form (M301);
- Payment of the fees;
- Reproduction of the mark and a list of goods and services;
- The regulation fixing the conditions of use in case of a collective mark or a certification mark, if applicable;
- A certified copy of the priority document, if applicable; and
- A signed power of attorney, if the applicant is represented.

#### **3.1.1.3 What qualifies for registration?**

The following may be registered:

- A trade mark that is fanciful and unique and is not in conflict with earlier rights registered at OAPI;
- Any visible or audible sign used or intended to be used to distinguish the goods or the services of any natural or legal person;
- Denominations in all forms such as words, a combination of words, surnames;
- Figurative signs such as drawings, labels, seals, logos, holograms;
- Audible signs such as sounds and musical phrases;



- Audio-visual signs; and
- Series of signs.

### 3.1.1.4 What cannot be registered?

A trade mark cannot be registered if it:

- Contains false indications or is likely to mislead the public;
- Contains false indications concerning a geographical indication;
- Contains symbols and insignia, flags, arms or official signs of the state, international organisations;
- Contains business emblems that do not belong to the applicant;
- Is likely to cause confusion with an earlier registered mark or pending application;
- Is contrary to morality or the principles of public order; and
- Constitutes an individual's name without their authorisation.

### 3.1.1.5 Where can I file an application?

Applications can be filed at OAPI by email, registered mail, fax, by courier or in person; e-filing is foreseen for 2022. Applications can also be filed through the NLS at the Ministry of Industry of Cameroon or in any other member state.

### 3.1.1.6 How much does it cost?

#### OAPI fees

The latest fees are available through this link:

<http://www.oapi.int/index.php/fr/services/marque-de-produits-de-services/taxes>

They include:

Description	Fee (XAF)
<b>Application fee (up to 3 classes of goods or services)</b>	400 000
<b>Additional class fee (per additional class)</b>	82 000
<b>Priority claim fee, if applicable</b>	75 000

#### 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 through this link:





### 3.1.1.7 How long does registration take?

The time limit for registration of a trade mark is 6 months from the filing date, assuming that there are no unusual delays.

### 3.1.1.8 What is the duration of protection?

10 years from the filing date, renewable.

### 3.1.1.9 Links to legislation

ANNEX III (Trade Marks) to the Bangui Agreement:

<http://www.oapi.int/index.php/en/ressources/accord-de-bangui>

### 3.1.1.10 Contact information

#### OAPI

Email: [oapi@oapi.int](mailto:oapi@oapi.int)

<http://www.oapi.int/>

Secretariat: 158, Place de la Préfecture,  
BP 887, Yaoundé, Cameroon.

Phone: (237)222 20 57 00

## 3.1.2 International (Madrid) Trade Marks

### Features of the Madrid international trade mark system in Cameroon

- International trade marks registered by OAPI in accordance with the Madrid Protocol have the same legal effect in all OAPI member states whether or not they have acceded to the Protocol.
- An applicant can designate in an international application one, some or all of the Madrid Protocol member states.
- Madrid trade mark applications must be examined by OAPI to check for compliance with both formal and legal requirements. However, in practice, such examinations do not always take place due to administrative constraints.
- No representative is needed in the OAPI member states is needed unless an objection is filed.
- The Madrid trade mark system is a multiclass system. This means that an applicant can file one application which covers Cameroon in respect of up to 45 classes of goods and services.





### 3.1.2.1 Where can I file an application?

Applications can be filed directly at WIPO or through member states' offices.

Depending on the chosen filing route, application fees can be paid to WIPO or to a member state office which will forward the fee to WIPO.

### 3.1.2.2 How much does it cost?

#### WIPO-route fees

The cost of an international trade mark registration includes the basic fee and some possible extra costs depending on how many classes of goods and services. You can check the WIPO fees calculator that is available through this link: <https://madrid.wipo.int/feecalcapp/>.

#### Professional fees

Professional fees vary according to several factors, including the level of experience of the professional concerned and time spent on a task, amongst other considerations.

It is advisable to obtain comparative quotes of fees from at least three IP Office-accredited professionals, details of which can be obtained from the IP Office.

### 3.1.2.3 How long does registration take?

A trade mark completes the registration process at 6 months from the date of receipt of the international application assuming no unusual delays.

### 3.1.2.4 What is the duration of protection?

Ten (10) years from the filing date.

### 3.1.2.5 When are renewal fees paid?

On the 10th anniversary of the effective registration date. It is better to file renewal applications online. Renewal fees must be paid directly to WIPO up to 6 months in advance. It is advisable to use WIPO's fee calculator to estimate the renewal fees that must be paid. The fee calculator can be accessed through this link: <https://madrid.wipo.int/feecalcapp/>.

### 3.1.2.6 Links to legislation

Trade Marks Act: <https://wipolex.wipo.int/en/legislation/details/18709>

Trade Marks Regulations: <https://wipolex.wipo.int/en/legislation/details/7849>



### 3.1.2.7 Contact information

**WIPO:** <https://www.wipo.int/madrid/en/>

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## 3.2 PATENTS

National, regional (OAPI) and international (PCT) patents can be registered in Cameroon through OAPI in the following ways.

**National:** Through the NLS which receives applications from Cameroonian citizens and transmits them to OAPI acting as a national IP office.

**Regional:** Under the Bangui Agreement, the OAPI examines and registers the patents. The substantive examination of patents will start in 2022.

**PCT:** All the OAPI member states including Cameroon are also party to the Paris Convention and the Patent Cooperation Treaty (PCT). The PCT allows to seek patent protection for an invention simultaneously in a number of countries by filing a single international patent application instead of filing several separate national or regional patent applications. Read more about the PCT through this link: <https://www.wipo.int/pct/en/faqs/faqs.html>.

### 3.2.1 Who can register a patent?

An inventor (or successor in title) or an assignee of an invention can apply to register a patent.

### 3.2.2 What are the registration requirements?

A patent application must contain the following:

- An application (Form B101);
- Payment of the filing and publication fees;
- A title, description, claims and an abstract; drawings, if applicable;
- A signed power of attorney, if the application is filed through an agent;
- The Deed of Assignment, if the applicant is not the inventor; and
- A certified copy of the priority document, if applicable.



### 3.2.3 What qualifies as a patentable invention?

A patent must meet the following requirements:

- **Novelty** which must be absolute novelty in that the invention must be a new characteristic which 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; and
- **Susceptible of industrial applicability** in that it can be used in any kind of industry, including agriculture.

### 3.2.4 What cannot be registered?

The following cannot be patented:

- Inventions whose commercial exploitation would be contrary to public policy or morality;
- Plant or animal varieties or purely biological processes for the production of plants or animals;
- Methods for treatment of the human or animal body by surgery or therapy, and diagnostic methods practised on the human or animal body (as opposed to medical products);
- Discoveries, scientific theories and mathematical methods;
- Aesthetic creations;
- Schemes, rules and methods for performing mental acts, playing games, or doing business, and computer programmes;
- Presentations of information; and
- Software.

### 3.2.5 Where can I file an application?

Patent applications can be filed directly at OAPI either by email, registered mail, fax, by courier or in person. Applications from national citizens can also be filed through the NLS of Cameroon or any other member state.

Applicants resident outside of the OAPI territory must file through an agent in one of the member states. The professional status of OAPI-accredited agent is governed by special regulations. More information is available through this link:

<http://www.oapi.int/index.php/fr/ressources/documents-prives>.



### 3.2.6 How much does it cost?

It is advisable to check with OAPI the accuracy of the fees indicated below against the latest Statutory Instrument. Information on fees is available through this link:  
<http://www.oapi.int/index.php/fr/services/brevet-2/taxes>.

#### 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 through this link:  
<http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi>.

According to the latest Statutory Instrument, the fees include:

#### 1) Fees for patent applications

Description	Fees (XAF)
Patent applications	225 000
Priority claim (per priority)	63 000
Publication of a patent or certificate	365 000
Supplement per claim beyond the 10th	45 000
Length of the specification	
• 11-20 typewritten pages or drawing plates (A4 size)	120 000
• 21-30 pages or plates	300 000
• 31-40 pages or plates	600 000
• beyond 40, per 10 undivided pages or plates	80 000

#### 2) Patent annuities:

Annuity years	Fees (XAF)
<b>2 to 5</b>	220 000
<b>6 to 10</b>	220 000
<b>11 to 15</b>	375 000
<b>16 to 20</b>	650 000

### 3.2.7 How long does registration take?

Applications are not examined substantively and, therefore, take a relatively short time (usually 9-12 months) to register.



### 3.2.8 What is the duration of protection?

Protection lasts 20 years from the filing date, subject to the payment of annual maintenance fees.

### 3.2.9 When are renewal fees paid?

Renewal fees are paid from the first anniversary of the filing date. Before payment, it is advisable to confirm the amount of the fees as the official fees may change from time to time.

OAPI fees are payable directly into an OAPI account in each member state.

### 3.2.10 Links to legislation

Bangui Agreement: <http://oapi.int/index.php/fr/ressources/accord-de-bangui>

OAPI Patent Regulations: <http://oapi.int/index.php/fr/ressources/reglement-d-application>

### 3.2.11 Contact information

#### **OAPI**

email: [oapi@oapi.int](mailto:oapi@oapi.int)

<http://www.oapi.int>

Secretariat: 158, Place de la Préfecture,  
BP 887, Yaoundé, Cameroon.

Phone: (237)222 20 57 00

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## 3.3 INDUSTRIAL DESIGNS

National, regional (OAPI) and international (Hague System) industrial designs can be registered in Cameroon through OAPI.

**National:** Through the NLS, which receives the applications from the citizens and transmits them to OAPI which acts as a national IP office. Cameroon does not examine the applications; this is done by OAPI in the name of its members.

**Regional:** In terms of the Bangui Agreement, through OAPI. Currently, only a formal examination is required. Substantive examination is planned to start in 2022.

**International:** OAPI is a party to the Hague Agreement. The international registration of an industrial design under the Hague Agreement has the same effect in each of the member states as an industrial design registered with the OAPI.



### 3.3.1 Who can register?

A creator or assignee of an industrial design can apply to register a design.

### 3.3.2 What are the registration requirements?

A design application must contain the following documents:

- An application;
- Drawings depicting different elevations of the design, usually 3-dimensional views;
- A signed power of attorney, if the application is filed through an agent;
- The Deed of Assignment, if the creator is not the applicant; and
- A certified copy of the priority document, if applicable.

### 3.3.3 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; and
- Pattern and/or ornament.

A design is not required to have an objectively noticeable aesthetic quality.

### 3.3.4 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.

### 3.3.5 Where can I file an application?

Applications from national citizens can be filed at the NLS, which will transmit them to the OAPI, or directly at OAPI. Applicants resident outside OAPI territory must file through an agent in one of the member states. The professional status of OAPI-accredited agent is governed



by special regulations. More information is available through this link:  
<http://www.oapi.int/index.php/fr/ressources/documents-prives>.

### 3.3.6 How much does it cost?

#### OAPI Fees

It is advisable to check with OAPI the accuracy of the fees indicated below against the latest Statutory Instrument. Information on fees is available through this link:  
<http://oapi.int/index.php/fr/services/2017-03-10-06-46-19/taxes>.

According to the latest Statutory Instrument, the basic fees are as follows.

#### Registration fees

Description	Fees (XAF)
Simple filing:	
• <b>Filing fee</b>	50 000
• <b>Publication fee</b>	30 000
• <b>Colour claim fee</b>	20 000
• <b>Fee for each specimen</b>	10 000
Multiple filing:	
• <b>Filing fee</b>	75 000
• <b>Publication fee</b>	40 000
• <b>Colour claim fee</b>	30 000
• <b>Fee for each specimen</b>	20 000
• <b>Priority claim fee (per priority claimed)</b>	35 000

#### Renewal fees

Description	Fees (XAF)
<b>Renewal fee</b>	115 000
<b>Surcharge for late request</b>	45 000

#### 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 through this link:  
<http://www.oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi>.





### 3.3.7 How long does registration take?

Applications are not examined substantively and, therefore, take a relatively short time (usually 3-6 months) to register.

### 3.3.8 What is the duration of protection?

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

### 3.3.9 When are renewal fees paid?

Renewal fees are payable within the 12 months before the registration period expires. OAPI fees are payable directly into an OAPI account in each member state.

### 3.3.10 Links to legislation

Bangui Agreement: <http://oapi.int/index.php/fr/ressources/accord-de-bangui>

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## 3.4 PLANT BREEDER RIGHTS

Cameroon is not a member of the UPOV. However, OAPI is a member of UPOV and has adopted a *sui generis* system of plant variety protection (PVP) that covers the territory of all its 17 member states.

The plant variety certificate is obtained by registration and is granted for one variety only. The Ministry of Industry of Cameroon forwards citizens' applications through the NLS to OAPI which examines them. Only OAPI examines applications and grants plant breeder rights (PBR).

### 3.4.1 Who can register?

An application for registration can be made by:

- The State or the government of a reciprocating country;
- An individual who is a citizen or resident of Cameroon or another OAPI member state;
- An entity that has its main office in Cameroon or in one of the other member countries where the state or government, individual, company, or body corporate, as the case may be, is a breeder of the new variety concerned. In most cases, foreign applications are filed on the basis that the applicant is a citizen or resident of a country member of UPOV.
- A local agent must file a power of attorney in support of a PBR application.



### 3.4.2 What are the registration requirements?

An application for registration must include the following:

- An application form PBR1 and PBR2;
- A technical description of the variety;
- Payment of the required fees;
- Priority documents;
- A signed power of attorney, if the applicant is not from an OAPI member state;
- The Deed of Assignment, if the applicant is not the breeder;
- A completed technical questionnaire;
- Colour photographs showing the variety's essential characteristics.

### 3.4.3 What qualifies for registration?

All botanical taxa that has been improved by man can be protected. To enjoy the protection as set out in Annex X (Plant Variety Protection) to the Bangui Agreement, a variety must be new, distinct, uniform, stable and given a denomination.

### 3.4.4 What cannot be registered?

The following subject matter cannot be registered as PBRs:

- Wild species and species that have been neither planted nor improved by man; and
- A variety that is not new, distinctive, uniform and stable.

### 3.4.5 Where can I file an application?

An application for registration of a plant variety can be submitted to OAPI directly or through an NLS. The NLS forwards the applications it receives to OAPI.

Applicants resident outside OAPI territory must file through an agent in one of the member states. The professional status of OAPI-accredited agent is governed by special regulations. More information is available through this link:

<http://www.oapi.int/index.php/fr/ressources/documents-prives>.



### 3.4.6 How much does it cost?

Information on fees is available through this link:

<http://oapi.int/index.php/fr/ressources/reglements/item/382-taxes-applicables-en-matiere-d-obtentions-vegetales>.

### 3.4.7 What examination is carried out?

OAPI examines the application as to form and substance in order to verify if:

- I. The filing date can be assigned;
- II. The documents in the application are complete and satisfy the requirements;
- III. The application is not excluded from eligible botanical taxa; and
- IV. The candidate variety is new.

An authorised institution approved by OAPI carries out a technical examination to verify the distinctness, uniformity and stability (DUS).

### 3.4.8 What is the procedure for the registration of the denomination?

The denomination proposed for the candidate variety is filed with the application.

On payment of a special fee, and if a provisional designation is proposed in the application, the applicant may defer the denomination registration procedure.

The denomination proposal is published by OAPI in its official gazette (BOPI) which opens up a period of opposition for third parties.

### 3.4.9 How long does it take to register?

Unless substantive objections are raised or there are unusual delays, a PBR application takes 12-15 months to complete registration for a candidate variety already tested for DUS, and 3 years for a candidate variety that is to be tested for DUS.

This includes an opposition period of 3 months.

### 3.4.10 What is the duration of protection?

The term of a PBR registration at OAPI and in its 17 member states is 25 years from its date of issue, subject to payment of annual maintenance fees.



### 3.4.11 When are renewal fees paid?

The first renewal fee is due on the first anniversary of the date of issue of the plant variety certificate.

### 3.4.12 Links to legislation

The Bangui Agreement: <http://oapi.int/index.php/fr/ressources/accord-de-bangui>

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## 3.5 GEOGRAPHICAL INDICATIONS (GIs)

Annex VI to the Bangui Agreement provides for the protection of geographical indications (GIs) in OAPI and its member states. Cameroon is also a member state of the Lisbon Agreement. A geographical indication may concern two or more States (cross-border GIs).

### 3.5.1 Who can register?

The following can apply for the registration of a GI:

- Legal entities that, for the products indicated in the application, carry out an activity as a producer (any farmer or other natural product operator, any manufacturer of handicraft or industrial products, traders) in the geographical area indicated in the application;
- Groups of such persons; and
- Any competent authority.

In exceptional cases and under the conditions laid down in the implementing regulation, the application may be made by a natural person.

### 3.5.2 What are the registration requirements?

The application must contain the following elements:

- 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; and
- All member states may file a joint application.

### **3.5.3 What qualifies for registration?**

A GI must have indications that serve to identify a product (any natural, agricultural, handicraft or industrial product) as originating from a place, region or country where a given quality, reputation or characteristic of the product is essentially attributable to that geographical origin.

### **3.5.4 What cannot be registered?**

GIs are excluded from protection if they:

- Do not comply with the requirements for registration;
- Are contrary to public policy or morality;
- Could mislead the public, in particular as to the nature, origin, method of manufacture, qualities, characteristics or suitability for use of the goods in question; and
- Are not, or have ceased to be, protected in their country of origin.

### **3.5.5 Where can I file an application?**

The application for registration of a GI can be filed directly at OAPI or through the NLS of Cameroon.

OAPI examines and registers GIs or registration results from the Lisbon Agreement to which the member states and OAPI are a party.

### **3.5.6 How much does it cost?**

Information on fees is available through this link:

<http://www.oapi.int/index.php/fr/component/k2/item/384-taxes-relatives-aux-indications-geographiques>.



### 3.5.7 What is the duration of protection?

Subject to compliance with the specifications, the duration of protection of a GI is unlimited. More information on GIs is available at: <http://www.oapi.int>.

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## 3.6 COPYRIGHT AND RELATED RIGHTS

The Bangui Agreement is not only a regional convention applicable in all member states but also a national IP legislation for each of those states. However, each of the 17 OAPI member states has its own copyright legislation; it is essential that OAPI verifies its conformity with the provisions of the Bangui Agreement.

Regarding literary and artistic property, the OAPI is responsible for promoting protection, encouraging the creation of national authors' organisations, etc.

In this regard, Cameroon has a dedicated law for the protection of copyright and related rights, the Copyright and Neighbouring Rights Act, which covers the works, performances, phonograms, videograms and programmes of Cameroonians.

In the case of joint ownership, it is sufficient for one of the owners to be Cameroonian.

In Cameroon, foreigners enjoy the copyright or related rights of which they are holders, provided that the law of the State of which they are nationals or on whose territory they have their domicile, registered office or establishment protects the rights of Cameroonians.

Copyright and related rights enjoyed by foreigners are protected in accordance with this Law.

### 3.6.1 Can I register copyright?

Copyright is **not** a registrable right in Cameroon. Authors of original works enjoy, by the mere fact of their creation, an exclusive property right in such works which is enforceable. This right comprises attributes of a moral nature and attributes of a proprietary nature.

### 3.6.2 What are the requirements for legal protection?

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

- Literary works;
- Musical works;
- Artistic works;
- Audiovisual works;



- Sound recordings;
- Broadcasts;
- Programme-carrying signals; and
- Published editions.

In addition to the above, the author or, where a work is co-authored, at least one of the authors must be:

- 1) A citizen of Cameroon or a designated country;
- 2) Domiciled or ordinarily resident in Cameroon;
- 3) In the case of a corporation, incorporated under the law of Cameroon or a designated country.

### **3.6.3 What cannot be protected?**

The following cannot be protected:

- (a) Ideas;
- (b) Laws, court decisions and other official texts, as well as their official translations; and
- (c) Coats of arms, decorations, monetary signs and other official signs.

### **3.6.4 Where can I make a voluntary deposit of a copyright work?**

A work may be deposited at organisations for the collective administration of copyright and related rights in Cameroon. However, authors and holders of related rights may directly exercise the rights granted to them by law.

### **3.6.5 How much does it cost to make a voluntary deposit?**

Currently, in line with the provisions of the Berne Convention, there is no fee payable for a voluntary deposit of works.

### **3.6.6 How long does it take to complete a voluntary deposit of a work?**

There is no deposit procedure in place. A work is stamped immediately when it is deposited at the organisation for the collective administration of copyright and related rights. Any additional copies also presented are stamped and immediately returned to the submitting party.

### **3.6.7 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 dealing does not apply if the person who reproduces the work knows or has reason to believe that it will result in copies of substantially the same material being provided to more than one person at substantially the same time.
- 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; and
- Quotations from copyright works;
- Public readings and recitations.

### 3.6.8 What acts are not permitted in relation to copyright works?

Unpermitted/restricted acts include:

- Reproducing the work;
- Publishing the work;
- Importing the work into Cameroon or exporting it from Cameroon, otherwise than for personal and private use;
- Causing the work to be transmitted in a cable programme service, unless the service transmits a lawful broadcast and is operated by the original broadcaster; and
- Making an adaptation of the work.

### 3.6.9 What is the duration of protection?

The duration of copyright protection is as follows:

- **Author's economic rights** last for the author's lifetime plus 50 years. In the case of collaborative works, they also continue in favour of any beneficiaries or successors in title during the year of death of the last surviving co-author plus 50 years.
- **Audio-visual works and works of applied art:** the author's economic rights last for 50 years from the end of the calendar year in which the work was published with the author's



consent. If publication has not taken place within 50 years from the work's creation, the rights will last for 50 years from the end of the calendar year of its creation.

- **Anonymous or pseudonymous works:** the rights last for 50 years from the end of the calendar year of the authorised publication. If publication has not taken place within 50 years from the work's creation, the rights will last for 50 years from the end of the calendar year of its creation
- **Posthumous works:** 50 years from the end of the calendar year of the authorised publication of the work.

### 3.6.10 Can I renew a copyright after its term of protection expires?

Copyright cannot be renewed once its term has expired. A work falls into the public domain at the end of the term of protection.

### 3.6.11 Rights related to copyright

Rights related to copyright include the rights of performers, producers of phonograms or videograms and audio-visual communication enterprises.

The enjoyment of the rights granted to physical and legal persons may in no case infringe copyright or limit its exercise.

### 3.6.12 Term of the economic rights

The term of the economic rights is 50 years:

- Phonograms, videograms and performances fixed thereon:** from the end of the calendar year of fixation;
- Performances not fixed on phonograms or videograms:** from the end of the calendar year of performance;
- Audio-visual communication enterprises' programmes:** from the end of the calendar year of broadcasting.

### 3.6.13 Links to legislation

The Copyright and Neighbouring Rights Act of Cameroon:

[https://www.uaipit.com/uploads/legislacion/files/1349173191\\_1. Law No. 2000011 of December 192000 Copyright and Neighbouring Rights FR.pdf](https://www.uaipit.com/uploads/legislacion/files/1349173191_1. Law No. 2000011 of December 192000 Copyright and Neighbouring Rights FR.pdf)

Collective management organisations in Cameroon:

Name of organisation	Address	Phone/email address
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SCAAP (Société civile des arts audiovisuels et photographiques)	Hôtel du plateau essos, BP 5653 Yaoundé; PCA Daouda Mouchangou 99 82 37 30	Tel/fax: (+237) 222 202 059 Mobile: (+237) 996 257 30 Email: <a href="mailto:scaap_cm@hotmail.com">scaap_cm@hotmail.com</a>
SOCADAP	PCA Ondigui Onana Théodore dit OTHEO	
SOCILADRA (Société civile des droits de la littérature et des Arts dramatiques)	rue Camp Sonel Essos BP 5970 Yaoundé; Ministère des arts et de la Culture, Ancien palais présidentielle, Yaoundé.	Tel: (+237) 221 03 82 (+237) 222 234 223 Mobile: (+237) 932 259 33 (+237) 992 181 34 Email: <a href="mailto:a.bombogo@sociladra.org">a.bombogo@sociladra.org</a> <a href="mailto:alphabombogo@hotmail.com">alphabombogo@hotmail.com</a> Web: <a href="http://www.sociladra.org/">www.sociladra.org/</a>

### 3.7. TRADITIONAL KNOWLEDGE AND GENETICAL RESOURCES

Cameroon has been committed to the preservation and reasonable exploitation of its environment. Thus, Cameroon ratified the Convention on Biological Diversity, which has three main objectives: the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising from the use of genetic resources.

Cameroon also acceded to the Nagoya Protocol on Access to Genetic Resources and Fair and Equitable Sharing of Benefits, which provides legal certainty and transparency for providers and users of genetic resources, by creating a framework that promotes the use of genetic resources and associated traditional knowledge, while enhancing opportunities for the fair and equitable sharing of benefits arising from their use.

Cameroon complied with the recommendations of the Nagoya Protocol in the recently implemented Law governing access to genetic resources, their derivatives, associated traditional knowledge and the fair and equitable sharing of the benefits arising from their use. It provides for cooperation with the neighbouring countries with the participation of the indigenous peoples and local communities concerned, where the same genetic resources are found in the territory of more than one country or where the same traditional knowledge associated with genetic resources is shared by different indigenous peoples and local communities in several countries.

Ministry of the Environment (National Competent Authority), the National Committee on Access and Fair and Equitable Sharing of Benefits Arising from the Utilization of Genetic Resources (National ABS Committee) and the National Clearinghouse on Access to Genetic Resources, their Derivatives, Associated Traditional Knowledge and Fair and Equitable Sharing of Benefits Arising from their Utilization (CH-APA) are responsible for managing these resources, their derivatives and associated traditional knowledge.

