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## IP Country Fiche SAO TOME AND PRINCIPE





## SECTION 1: COUNTRY OVERVIEW

### 1.1 GENERAL INFORMATION

<b>Capital:</b>	São Tomé
<b>Population:</b>	240,254 (2024)
<b>Currency of government (official) fees:</b>	São Tomé and Príncipe Dobra (STD).
<b>Language for filing IP applications:</b>	Portuguese
<b>GDP per capita:</b>	3.933 (2024)
<b>Main exports:</b>	cocoa, copra, palm kernels and coffee, petroleum oil machines, passenger vehicles and cement

### 1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

São Tomé and Príncipe is a contracting state to the following international legal instruments:

- Berne Convention
- Beijing Treaty on Audiovisual Performances
- Hague Agreement
- Madrid Protocol
- Paris Convention
- Patent Cooperation Treaty
- WIPO<sup>1</sup> Convention

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<sup>1</sup> WIPO: World Intellectual Property Organization





- WIPO Performances and Phonograms Treaty
- WIPO Copyright Treaty
- Marrakesh VIP Treaty
- Harare Protocol on Patents and Industrial Designs Within the Framework of the African Regional Intellectual Property Organization (ARIPO)
- Lusaka Agreement on the Creation of the African Regional Intellectual Property Organization (ARIPO)
- [Beijing Treaty on Audiovisual Performances](#)
- [Patent Law Treaty](#)
- WIPO Performances and Phonograms Treaty

### 1.3 Overview of Regional Agreements

- The African Continental Free Trade Area (AfCFTA) Agreement

São Tomé and Príncipe signed the Agreement and ratified it. The Agreement can be accessed here: <https://au.int/en/treaties/agreement-establishing-african-continental-free-trade-area>.

The Agreement contains a Protocol on IP rights which aims for effective protection and promotion of IP rights in Africa and may therefore have legal implications for São Tomé and Príncipe when it comes into legal force.

#### [Economic Community of Central African States \(ECCAS\)](#)

As a member of ECCAS<sup>2</sup>, São Tomé and Príncipe participates in regional initiatives that may include IP protection frameworks aimed at fostering economic integration and development<sup>3</sup>.

- [Lusaka Agreement on the creation of the African Regional Intellectual Property Organization \(ARIPO\)](#)

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<sup>2</sup> For more on ECASS see: <https://ceeac-eccas.org/en/>





São Tomé and Príncipe is an ARIPO Member State and a signatory to the Lusaka Agreement.

The Agreement was adopted by a Diplomatic Conference held in Lusaka, Zambia, on December 9, 1976. ARIPO was established mainly to pool the resources of its Member States in IP matters to avoid duplication of financial and human resources. It aims to achieve this by facilitating a voluntary centralised system for filing, registering and maintaining IP rights across its Member States, thus simplifying these processes in multiple countries. The Lusaka Agreement also serves as the foundational legal document for ARIPO, outlining its objectives, structure, and operational guidelines.

São Tomé and Príncipe is a signatory to the following ARIPO IP Protocols:

- Arusha Protocol (new plant varieties)
- Banjul Protocol (trade marks)
- Harare Protocol and (patents, utility models and industrial designs)
- Kampala Protocol (when it becomes operational, voluntary registration of copyright and related rights)

#### 1.4 IP Legal Framework of Available IP Protection

The following IP protection is available in São Tomé and Príncipe:

- 1) trade marks: national, regional (ARIPO) and international (Madrid)
- 2) patents: national, regional (ARIPO) and international (PCT)
- 3) utility models: national and regional (ARIPO)
- 4) industrial designs: national, regional (ARIPO) and international ([Hague Agreement](#))
- 5) geographical indications: national
- 6) copyright and related rights: national

#### 1.5 IP Protection not available

- 1) layout designs of integrated circuits
- 2) traditional Knowledge and Handicrafts





### 1.6 IP Protection Routes

IP protection in São Tomé and Príncipe is available through three routes: national, regional and international.

#### National

IP protection in São Tomé and Príncipe is administered by the National Intellectual Property and Quality Service, Secretary of State, Trade and Industry, and Ministry of Tourism, Culture, Commerce and Industry (SENAPIQ-STP).

IP protection procedures and requirements for protection are available through this link: <https://www.senapi.gob.bo/>

#### Regional



The ARIPO regional route can be used for São Tomé and Príncipe for:

1. the registration of new plant varieties under the Arusha Protocol which became operational in ARIPO from 24 November 2024;
2. the registration of trade marks under the Banjul Protocol on Marks;
3. the grant of patents and registration of utility models and industrial designs under the Harare Protocol on Patents and Industrial Designs.

#### New plant varieties

These can be protected under the Arusha Protocol, which became operational in ARIPO on 24 November 2024. You can [find more about the Protocol and the registration process of new plant varieties in ARIPO](#).





### Trade marks

São Tomé and Príncipe is a signatory of the Banjul Protocol which means it can be designated for the purpose of registering trade marks using the ARIPO trade mark system.

Member States carry out substantive examination of applications after which ARIPO registers trade marks on behalf of its Member States and subsequently administers the registrations in accordance with the Banjul Protocol. ARIPO Member States are free to join any of ARIPO's protocols. Not all ARIPO Member States are signatories of the Banjul Protocol. Consequently, non-members cannot be designated in an ARIPO trade mark application or in a subsequent designation application. A list of current states that have joined the Banjul Protocol can be seen [here](#). Filing requirements, the registration process and payable fees can be found on ARIPO's trade mark law and registration system.

Once registered, an ARIPO IP registration becomes a 'bundle of national rights' that have the same legal effect as directly registered national rights, and which the rights holder will need to enforce according to the national laws of each designated state. ARIPO IP rights therefore co-exist with, rather than displace, the national IP systems.

### Advantages of the ARIPO trade mark system

#### Main advantages of the ARIPO trade mark system

- It enables a right holder to secure trade mark protection that is enforceable in one or multiple Banjul Protocol states through a single trade mark application and streamlined registration process. In this regard, the ARIPO trade mark system is similar to the [Madrid System](#) for the international registration of marks except that the ARIPO system covers a limited geographical area in Africa, and a few other differences.
- It is cost effective when it involves multiple state designations, compared to the cost of registering the same trade mark separately in multiple countries and usually, using multiple IP agents
- There is no risk of a "central attack" similar to the Madrid system – the rejection of registration in one designated state does not automatically impact a right holder's rights





in the remaining designated states.

- Extending trade mark rights to other Banjul Protocol states is possible after filing an application or registering an ARIPO trade mark. To extend rights in this manner, a right holder must use the subsequent designation procedure provided in the Protocol. The procedure involves filing a subsequent designation application using a Form specified by ARIPO for this purpose. The form can be downloaded from ARIPO's e-Depending on the targeted countries, registering an ARIPO trade mark may be faster than the timelines that apply in the Banjul Protocol state(s) of interest to the right holder.

### Main challenges of the ARIPO trade mark system

- Not all ARIPO Member States have joined the Banjul Protocol – see the list of Banjul Protocol states [here](#). This results in limited geographic coverage. This is the opposite of the Madrid Protocol system, lessening the Banjul Protocol's appeal to right holders.
- **The fact that not all Banjul Protocol States have implemented the Protocol in their national laws raises doubts about the enforceability of ARIPO trade marks in these countries.**
- The ARIPO trade mark system's decentralised and unharmonized opposition procedure that is handled individually by Banjul Protocol states is challenging to the efficient handling of trade mark oppositions.
- ARIPO is currently engaging its stakeholders and technical partners to explore ways of resolving the challenges and to improve the effectiveness and appeal of its trade mark system.

### Patents, utility models and industrial designs

São Tomé and Príncipe is a signatory to the Harare Protocol under which ARIPO grants patents and registers utility models and industrial designs on behalf of those of its Member States that are contracting parties to the Harare Protocol. More information about ARIPO's processes and applicable fees is available here for [patents](#), [utility models](#) and [industrial designs](#). A list of current ARIPO states that have joined the [Harare Protocol](#).

The Harare Protocol works well and is the most heavily utilised of ARIPO's IP registration protocols. Statistics on the use of the Protocol can be found in [ARIPO's Annual Reports](#). You





can also obtain statistics and other related information about searches conducted on ARIPO's [e-service](#) platform or from the [Regional IP database](#).

### São Tomé and Príncipe Patent filings

- ARIPO is a member of the Patent Cooperation Treaty (PCT). Over 75 % of ARIPO's applications are PCT-based.
- São Tomé and Príncipe receives most of its patent applications through its designation under the ARIPO region in PCT applications. The pattern is similar for most ARIPO Member States.
- The pattern is similar for most ARIPO Member States.

### Substantive examination of patents and utility models

- ARIPO examines patents and utility model applications substantively. It also offers technical support to its Member States, including São Tomé and Príncipe, to carry out the substantive examination of patents and utility models.

### Searches

- You can carry out free online simple and advanced searches for trade marks, patents, utility models and industrial designs from [ARIPO's e-service platform](#), even if you are not registered for e-services.
- You can also access the Regional IP Database through this [link](#).

## 1.7 International



The WIPO international route can be used for São Tomé and Príncipe for three IP rights:

- 1) The registration of trade marks under the Madrid System;
- 2) The registration of industrial designs under the Hague Agreement;
- 3) The filing and processing of patents under the Patent Cooperation Treaty (PCT).





## Trade Marks:

### Madrid System

- São Tomé and Príncipe is a signatory of the Madrid Protocol, which means it can be designated for the purpose of registering trade marks under the Madrid trade mark system.
- The Madrid system makes it possible for a brand owner to designate a country in an international application to secure trade mark protection in that country. Brand owners can also extend their trade mark protection to other countries that are members of the Madrid Protocol.
- A brand owner can file one application and pay a single fee to obtain the registration of a trade mark in many other countries that are members of the Madrid System. Information about the Madrid trade mark system is available through these links: [General information](#) and [How to file](#).

### Industrial Designs: Hague Agreement

- São Tomé and Príncipe is a signatory of the Hague Agreement which means it can be designated for the purpose of registering industrial designs under the Hague System. More information about the Hague System and a list of Contracting Parties is available [here](#).
- The Hague Agreement allows applicants to register an industrial design by filing a single application with the International Bureau of WIPO, enabling design owners to protect their designs with minimum formalities in multiple countries or regions. The Hague Agreement also simplifies the management of an industrial design registration, since it is possible to record subsequent changes and to renew the international registration through a single procedural step.
- International design applications may be filed directly with the International Bureau of WIPO or through the IP office of the Contracting Party of origin if the law of that Contracting Party so permits or requires. In practice, however, virtually all international applications are filed online directly with the International Bureau of WIPO.





The Hague Agreement is integrated into São Tomé and Príncipe's national legal framework for the protection of industrial designs. As a result, an international design registration which designates São Tomé and Príncipe enjoys the same force of law as a nationally registered industrial design.

#### Patents: PCT

- The PCT makes it possible to seek patent protection for an invention simultaneously in many countries by filing a single international patent application instead of several separate national or regional patent applications. More information about the PCT is available through this [link](#).
- São Tomé and Príncipe is a contracting party to the PCT and is also a member state of ARIPO which, as a region, is also linked to the PCT. As a result, São Tomé and Príncipe can be designated in a PCT application as a country or under the designation of ARIPO as a regional block.

#### 1.8 National/Regional/International: How do I choose a route?

- The choice depends on the nature of the IP right(s) involved. Professional advice may be necessary to establish the most suitable protection route for your IP right(s).
- The questions below may provide a general guide.

#### 1.9 When can I use the national route?

- When the national route is the only available route for the protection of the IP right in question or when it provides favourable costs or registration timeframes. Some IP rights – geographical indications, for example – can only be protected under national law because protection is not available under regional and international systems.
- When IP protection is required in one country only it may not be necessary to use regional or international routes.
- When used in response to specific national law provisions. ARIPO confers IP protection as a 'bundle of rights' which an IP holder must enforce in each designated state, based on the laws of that state. Some IP rights – pharmaceutical patents, for example – are not readily accepted in all ARIPO Member States.





### 1.10 When can I use the regional (ARIPO) route?

This route is currently available for trade marks, patents, utility models and industrial designs and for the registration of new plant varieties only.

It is advisable to use the ARIPO regional route when:

- IP protection is required in multiple ARIPO states. In this case, a single application for the registration of an IP right using the regional system may be more efficient and cost-effective than applying for registration in two or more countries. The regional system also provides the advantage of a unified application process, which can lead to quicker and more consistent decisions regarding the grant of IP rights across the designated states. This approach is particularly beneficial for businesses and individuals who operate in multiple countries within the ARIPO region and need broad IP coverage.
- the regional route offers more technical capacity. For example, ARIPO has more capacity to substantively examine patents, especially those with a complicated subject matter. ARIPO has developed expertise that is aligned with international best practices, for the substantive examination of patents and utility models, particularly those involving intricate and sophisticated subject matters. This technical capacity ensures that patents and utility models are thoroughly examined for compliance with the legal requirements.

### 1.11 When can I use the international route?

You can use this route if you want IP protection that covers São Tomé and Príncipe for international trade marks under the Madrid System, international industrial designs under the Hague Agreement and patent filings under the PCT.

#### Trade Marks and Industrial Designs

It is advisable to use the international route when:

- you want wider territorial IP protection than what is available under the national and regional routes. The international route can be used to secure and extend protection to multiple countries.

#### Patents

- You can choose the PCT route if it offers a streamlined multi-country patent filing





service that is not available under national and regional patent routes. More information about the PCT's member countries and services is available [here](#).

## SECTION 2: OVERVIEW OF NATIONAL IP ENFORCEMENT

São Tomé and Príncipe is a signatory of the WTO's TRIPS Agreement and its laws are substantially TRIPS-compliant in terms of providing a legal framework for the protection and enforcement of IP rights.

IP rights are registered by SENAPIQ-STP. See here for its [contact details](#). SENAPIQ-STP engages constantly with other stakeholders who have a role to play in combating IP infringements. These include Interpol, border officials, customs officials, the legal profession, the Department of Trade and Consumer Affairs, retailers and the general public.

Despite SENAPIQ-STP's State efforts to curb IP infringement, rights holders must play a significant role in policing the use of their IP in São Tomé and Príncipe. They must constantly check that the industrial and commercial markets in which they sell their goods or services take appropriate action against the infringement of their IP rights by competitors, retailers or street vendors.

The laws of São Tomé and Príncipe entitle rights holders to take civil action against infringers to recover their lost revenue and/or to have the infringing products destroyed.

For copyrights, the Copyright and Related Rights Code provides for conservatory measures that seek to prevent infringements and also to preserve relevant evidence related to an alleged infringement. Civil remedies include court injunctions, 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 imposition of substantial fines and the possibility of imprisonment.





## SECTION 3: TYPES OF AVAILABLE IP PROTECTION

### 3.0 NEW VARIETIES OF PLANTS

The system for regionally registering new plant varieties in ARIPO came into operation on 24 November 2024 and is still being developed. You can find out more about this system [here](#).

### 3.1 TRADE MARKS

#### 3.1.1 Who can register trade mark?

A natural person, a company or any other entity can apply to register a trade mark. However, non- São Tomé and Príncipe citizens and companies or other entities that not have their place of business in São Tomé and Príncipe need a professional representative.

#### 3.1.2 Do I need a local representative?

You must be represented by an agent if you are a foreign national (i.e. not a citizen of São Tomé and Príncipe) or if you are applying on behalf of a company that has its principal place of business outside São Tomé and Príncipe.

Representation is optional for local applicants.

You can find a local agent for São Tomé and Príncipe [here](#).

#### 3.1.3 What qualifies for registration?

A sign that is capable of distinguishing goods or services of one undertaking from those of other undertakings and is not in conflict with earlier registrations or pending applications.

#### 3.1.4 What cannot be registered?

By virtue of Article 165 of the [Intellectual Property Code 2016](#), a trade mark cannot be registered if it:

- lacks distinctiveness;
- is contrary to law, morality or the public interest





- is for the registration of prohibited trade marks such as the Red Cross and the Red Crescent, armorial bearings; or
- uses a name or likeness of individuals without their authorisation.

### 3.1.5 Where can I file an application?

#### National

Applications for trade marks must be filed at SENAPIQ– STP.

#### Regional

Applications can be filed at SENAPIQ–STP or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

International (Madrid) applications can be filed directly with ARIPO or through SENAPIQ–STP.

### 3.1.6 What are the registration requirements?

An application for the registration of a trade mark must be submitted in Portuguese on a [form](#) and must contain the following:

- the applicant's name or corporate name, nationality, domicile or place of business, and tax identification number in the case of a resident of São Tomé and Príncipe;
- the products or services, listed alphabetically and classified according to the Nice the international classification of goods and services. The goods or services must be identified in precise terms;
- if the applicant intends to register a collective mark, an express indication that the trade mark is of an association or of certification;
- an express indication that the mark is a three-dimensional or sound mark, where applicable;
- the registration number of any award featured or referred to in the trade mark;
- the colours in which the trade mark is used, if claimed as a distinctive element;
- the country where the first application was submitted and the date and number of the application, if the applicant wishes to claim the right of priority;





- the date from which the applicant has been using the trade mark;
- signature of the applicant or their representative;
- payment of the prescribed fees.

### 3.1.7 How do I register?

The national SENAPIQ-STP registration process involves the following:

- application;
- examination for compliance with formal and substantive requirements;
- after acceptance, publication in the official gazette; trade marks may be opposed within 90 days from the date of publication.

### 3.1.8 How much does it cost?

#### Government/official fees

- The latest fees are available from the São Tomé and Príncipe [national office](#) or from a [local agent](#).

#### Regional ARIPO Route

ARIPO's current trade mark fees are calculated as follows.

Below are the filing fees for a simple trade mark application, filed online, which entails a 20% discount of filing fees:

Basis	Amount (USD)
Application and 1st designated class fee	80
Designation fees – one single-class state	50
Additional class fees – per class	10
Surcharge applicable to specifications per word from the 51st word this is not applicable for specifications of 50 words or less.	5

The latest fees are available through this [link](#):





### 3.1.9 How long does registration take?

The national trade mark registration process takes approximately 10 months from the filing date to complete, assuming that there are no unusual delays and no oppositions. Regional ARIPO trade marks take 12–15 months to register, including a substantive examination period of 9 months and an opposition period of 3 months.

### 3.1.10 What is the duration of protection?

National and regional trade marks have protection for 10 years, renewable for further periods of 10 years.

### 3.1.11 When are renewal fees paid?

- A trade mark can be renewed on request for consecutive periods of 10 years each, subject to the payment of renewal fee.
- The grace period for late payment of renewal fees is 6 months from the due date.

## 3.2 PATENTS

### 3.2.1 Who can register a patent?

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

### 3.2.2 Do I need a local representative?

- You must be represented by an agent if you are a foreign national (i.e. not a citizen of São Tomé and Príncipe) or if you are applying on behalf of a company that has its principal place of business outside São Tomé and Príncipe.
- Representation is optional for local applicants.
- You can find a local agent for São Tomé and Príncipe [here](#).

### 3.2.3 What qualifies for registration?

A patent must meet the following requirements:

- Novelty, which must be absolute novelty in that the invention must be a new characteristic 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?

Inventions that are not new and also contrary to good customs or to public order may not be patented.

### 3.2.5 Where can I file an application?

#### National

Applications for utility models must be filed at the Industrial Property National Service (SENAPIQ– STP) of São Tomé and Príncipe

#### Regional

Applications can be filed at SAENAPIQ–STP or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage e– filings.

### 3.2.6 What are the registration requirements?

National patent application must be submitted in Portuguese on a form containing the following:

- the applicant's name, trade name or business name, nationality, domicile or place of ~~business~~, tax identification number in the case of a resident of São Tomé and Príncipe, and email address, if any;
- the heading or title that summarises the subject matter of the invention;
- the inventor's name and country of residence;
- the country where the first application was submitted, and the date and number of that process, if the applicant wishes to claim a right of priority;
- the averment that the applicant has applied for a utility model for the same invention,





- if applicable;
- signature of the applicant or their representative;
- payment of the prescribed fees.

See here for the [ARIPO patent application filing procedure](#).

### 3.2.7 How do I register?

Registration involves the following steps:

- formal application;
- search is completed with examiner's decision;
- substantive examination either at ARIPO or SENAPIQ-STD;
- amendments at the Director's request;
- opposition period of 90 days after publication;
- grant after end of opposition period.

See here for the [ARIPO patent application filing procedure](#).

### 3.2.8 How much does it cost? National (SENAPIQ-STP) fees

The latest fees are available from the São Tomé and Príncipe national IP office or from a local agent.

#### ARIPO-route patent registration fees

Fees must be paid through ARIPO if an applicant chooses to register a patent for São Tomé and Príncipe using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/resources/fee-schedules/>.

The ARIPO patent fees are available in the fee section of the latest edition of the Harare Protocol on Patents and Industrial Designs, or you can contact ARIPO to request the latest fee schedule.

Application fees consist of three components, as follows: [Please note that this fee is exclusive of substantive examination, surcharges for claims and extra pages as may apply, grant and publication fees]





Type of Fee	ARIPO Fee (USD)
Application fee, regardless of the number of states designated in the application	232 [Electronic filing fee which includes a 20% discount on the paper filing fee]
State designation fee	100 per state (Multiplied by the number of designated states)
Mandatory annuity fee: for PCT-based applications, the first ARIPO annuity fee will usually be due and must be paid with the application fee	50 per state (multiplied by the number of designated states)
Total fees, assuming only São Tomé and Príncipe is designated and payment of first annuity fee	382 [E-filing]
Total fees, assuming all 20 Harare Protocol states, including São Tomé and Príncipe, are designated and payment of first annuity fee	3,232 [E-filing]

### Note on professional fees

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

It is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/member-states-view/243>.

### 3.2.9 How long does registration take?

National-route, the usual timeframe is between 12–18 months on average.

Regional-route São Tomé and Príncipe applications are substantively examined by ARIPO and take 24– 36 months on average to complete the grant process.





### 3.2.10 What is the duration of protection?

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

### 3.2.11 When are renewal fees paid?

#### National patents:

Renewal fees are paid from the first anniversary of the filing date up to the 19th year. A 6-month extension for the annual fee may be granted, subject to a surcharge.

#### ARIPO-route São Tomé and Príncipe patents

Renewal fees are payable up to the 19th year. Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/resources/fee-schedules>.

#### ARIPO fees are payable per designated state.

The following ARIPO renewal fees are currently applicable:

Annuity Year	ARIPO Fee
(NB: Due the second year after the filing date)	50
2	70
3	90
4	110
5	130
6	150
7	170
8	190
9	210
10	230





11	250
12	270
13	290
14	310
15	330
16	380
17	430
18	480
19	530
Late renewal fees are 40% of the fee to be paid.	100
II	50

### 3.3 UTILITY MODELS

#### 3.3.1 Who can register?

An inventor or assignee of an invention can apply to register a utility model.

#### 3.3.2 Do I need a local representative?

- You must be represented by an agent if you are a foreign national (i.e., not a citizen of São Tomé and Príncipe) or if you are applying on behalf of a company that has its principal place of business outside São Tomé and Príncipe.
- Representation is optional for local applicants.
- You can find a local agent for São Tomé and Príncipe [here](#).

#### 3.3.3 What qualifies for registration?

An invention that is new and industrially applicable can be registered as a utility model.





### 3.3.4 What cannot be registered?

Even if new and industrially applicable, the following inventions cannot be registered as utility models in São Tomé and Príncipe:

- inventions involving biological material; or
- inventions involving chemical or pharmaceutical substances or processes.

### 3.3.5 Where can I file an application?

National applications for utility models must be filed at the national IP Office, SENAPIQ-STP.

Regional applications can be filed at SENAPI SENAPIQ-STP or, clearly indicating that they are regional applications. Applications can also be filed directly through electronically, by email, registered mail, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

### 3.3.6 How do I register?

Registration involves the following steps:

- application for a utility model;
- provisional grant on request by the applicant; the provisional utility model's validity ceases as soon as an examination of the invention is requested;
- substantive examination;
- publication in the industrial property bulletin must be made within 12 months from the date of the application for registration, unless a postponement or anticipation of the publication has been requested.

### 3.3.7 How much does it cost?

#### National (SENAPIQ-STP) fees

The latest fees are available from the São Tomé and Príncipe national office or from a [local agent](#).





### 3.3.8 How long does registration take?

National utility model applications are examined substantively. The average time frame is 9–15 months. It is advisable to check applicable processing time frames before starting the registration process.

Regional–route filed SENAPI applications are substantively examined by ARIPO and take longer than national utility model applications to reach registration. These applications can take 24–36 months to complete registration, assuming that only minimal official actions are needed and there are no objections.

### 3.3.9 What is the duration of protection?

A SENAPIQ–STP utility model has an initial duration of 5 years from the application date, with the possibility of two further consecutive 5–year terms, a total of 15 years.

ARIPO–registered utility models have a duration of 10 years from the filing date.

## 3.4 INDUSTRIAL DESIGNS

### 3.4.1 Who can register?

A creator or assignee of an industrial design can apply to register a design in São Tomé and Príncipe.

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

### 3.4.2 Do I need a local representative?

You must be represented by an agent if you are a foreign national (i.e. not a citizen of São Tomé and Príncipe) or if you are applying on behalf of a company that has its principal place of business outside São Tomé and Príncipe.

Representation is optional for local applicants.





You can find a local agent for São Tomé and Príncipe [here](#).

### 3.4.3 What qualifies for registration?

An industrial design can be registered if it is new and has not been disclosed in any place of the world, or in São Tomé and Príncipe by oral disclosure, in use or any other way before the date of filing or, if applicable, from the date of priority of the application for registration.

### 3.4.4 What cannot be registered?

- The visible characteristics of a product resulting exclusively from its technical function.
- The characteristics of the product's appearance that must necessarily be reproduced in their exact form and size so that the product into which the industrial model or design is incorporated, or in which it is applied, can perform its function, or if mechanically connected to another product or inserted into, around or against the other product, so that both can perform their function.

### 3.4.5 Where can I file an application?

National-route design applications must be filed at National Intellectual Property and Quality Service; Secretary of State, Trade and Industry; and Ministry of Tourism, Culture, Commerce and Industry (SENAPIQ-STP).

Regional-route design applications can be filed at SENAPIQ-STP or, clearly indicating that they are regional applications, through ARIPO. Applications can also be filed directly through ARIPO for São Tomé and Príncipe electronically, by email, registered mail, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings, the discount is aimed at encouraging e-filing.

### 3.4.6 What are the registration requirements?

The application must be submitted in Portuguese, accompanied by the following:

- a formal application on the prescribed form;
- drawings depicting different elevations of the design, usually 3-dimensional views;





- an indication of the kind of products for which the industrial design should be used;
- a power of attorney, simply signed, if the application is filed through an agent;
- the Deed of Assignment if the applicant is not the creator;
- a priority document (original or certified copy) if priority is claimed;
- payment of the prescribed fees.

### 3.4.7 How do I register?

Registration involves the following steps:

- filing;
- formal examination;
- registration;
- publication 1 year after filing; opposition period of 3 months after publication.

### 3.4.8 How much does it cost?

#### National (SENAPIQ-STP) fees

You can enquire on the latest fee rates with the [national office](#) or [local agent](#) for this country.

#### ARIPO-route design registration fees

These fees are paid through ARIPO. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/resources/fee-schedules>.

Application fees consist of three components, as follows:

Type of Fee	ARIPO Fee USD
Application fee, regardless of the number of states designated in the application	80
State designation fee	20 per state (multiplied by the number of designated state)
Registration and publication fee	150
Total fees, assuming only São Tomé and Príncipe is designated in the application	250
Total fees, assuming all 20 Harare	630





Protocol states, including São Tomé and Príncipe, are designated in the application

#### Note on professional fees

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

It is advisable to obtain comparative quotes of fees from at least three ARIPO–accredited professionals. A list is available through this link: <https://www.aripo.org/member-states-view/243>.

#### 3.4.9 How long does registration take?

National–route applications usually take 12 months to complete registration. Regional–route applications usually take 8–12 months to complete registration. This includes a period of 6 months for states to examine and decide if a design will have legal effect in their territories after ARIPO has issued them with a notice of intention to register a design.

#### 3.4.10 What is the duration of protection?

A SENAPIQ–STP industrial design has an initial duration of 5 years from the filing date, with the possibility of being renewed for equal periods of 5 years, to a maximum of 25 years.

ARIPO–route design registrations are valid for 15 years, with no possibility of extension.

#### 3.4.11 When are renewal fees paid?

A renewal fee is required for two further terms of 5 years each. A grace period of 6 months is provided for the late payment of renewal fees.





### ARIPO-registered design renewal fees

Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link:

<https://www.aripo.org/fee-schedules/>.

ARIPO fees are payable per designated state. The following ARIPO renewal fees are currently applicable:

Annuity Year	ARIPO Fee
1	10
2	15
3	20
4	25
5	30
6	35
7	40
8	45
9	50
10	55
11	60
12	60
13	60
14	60
Late renewal fees are 30% of the fee to be paid.	15

### Professional services renewal fees

These are usually payable as a flat-rate fee per annuity payment, regardless of the number of designated states. They range between USD 150 to USD 250 per renewal. It is advisable to compare the fees of different IP agents.





### 3.5 GEOGRAPHICAL INDICATIONS (GIs)

#### About Geographical Indications in São Tomé and Príncipe

GIs are registrable in São Tomé and Príncipe under the Regulation on Industrial Property (Decree No. 6/2004 of June 30, 2004).

GIs are registered through National Intellectual Property and Quality Service; Secretary of State, Trade and Industry; and Ministry of Tourism, Culture, Commerce and Industry (SENAPIQ-STP). Currently, there is no regional or international registration system through which GIs can be registered for STP.

- The conditions for the registration of trade marks apply to these registrations.
- It is possible to register foreign GIs in São Tomé and Príncipe as collective or certification marks; an applicant may file a single application in one of the contracting states or directly with ARIPO, and designate the states in which protection is sought. More information is available [here](#).
- São Tomé and Príncipe is a member of the African Union (AU) which, in partnership with the Food and Agriculture Organization of the United Nations (FAO), is developing a Continental Strategy for GIs in Africa (2018–2023). More information is available [here](#).
- São Tomé and Príncipe is a signatory of, and has ratified, the Agreement Establishing the African Continental Free Trade Area (AfCFTA). The Agreement is available [here](#).
- Developments in the implementation of the Continental Strategy's goals and AfCFTA may have an impact on the protection of GIs in São Tomé and Príncipe. It is advisable to obtain professional advice.

#### 3.5.1 Who can register?

The following can apply for the registration of a GI:

- a person who sells or who manufactures, imports or exports for sale a product to which the GI is applied or is to be applied;
- a person who, in the course of business, consumes or uses a product to which the GI is applied or is to be applied;
- any organisation established to represent or further the interests of the persons





referred to above.

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

### 3.5.2 Can European GIs be registered?

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

### 3.5.3 What qualifies for registration?

To be registrable, a GI must be capable of distinguishing goods originating from a particular territory, region or locality, or possess characteristics attributed to the territory, region or locality from which the goods come.

### 3.5.4 What cannot be registered?

Registration of a designation of origin or geographical indication will be refused in the following circumstances:

- the application is submitted by a person who does not have the necessary legal capacity to do so;
- the application does not constitute a designation of origin or a geographical indication;
- it constitutes a reproduction or imitation of a previously registered designation of origin or geographical indication;
- the product name has become generic for the goods designated by it;
- the registration has been cancelled or fallen into disuse in its country of origin;
- it conflicts with the name of a plant variety or an animal breed;
- it is likely to mislead the public, particularly as to the nature, quality and geographical origin of the particular product;
- it is illegal, against public order or morality;
- it encourages unlawful competition.





### 3.5.5 Where can I file an application?

National-route GI applications must be filed at National Intellectual Property and Quality Service; Secretary of State, Trade and Industry; and Ministry of Tourism, Culture, Commerce and Industry (SENAPIQ-STP).

### 3.5.6 What are the registration requirements?

An application for the registration of a GI must include:

- the name of the natural or legal persons, public or private, who have the capacity to acquire the registration and the respective tax identification number;
- the name of the product or products, including the designation of origin or geographical indication;
- the traditional or regulated conditions for the use of the designation of origin or geographical indication, and the boundaries of the respective place, region or territory;
- the signature of the applicant or their representative;
- payment of the prescribed registration fees.

### 3.5.7 How much does it cost?

The latest fees are available from the São Tomé and Príncipe IP [office](#) or from a [local agent](#).

### 3.5.8 How long does registration take?

Unless substantive objections are raised or there are unusual delays, a GI application takes on average 12–15 months to complete registration.

### 3.5.9 What is the duration of protection?

The duration of geographical indications and designations of origin is unlimited.

## 3.7 COPYRIGHT AND NEIGHBOURING RIGHTS





### 3.7.1 Can I register?

- A copyright is recognised regardless of registration, filing or any other formality.
- São Tomé and Príncipe is a member of the ARIPO which is currently considering the possibility of creating a voluntary copyright registration system for its Member States. It remains to be seen if this system will become a reality.

### 3.7.2 What qualifies for protection?

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

- a) dramatic works
- b) conferences, lectures, speeches and sermons;
- c) choreographic works and pantomimes;
- d) cinematographic works;
- e) musical works;
- f) artistic works;
- g) drawing works;
- h) photographic works;
- i) works of applied art;
- j) geographic illustrations and maps;
- k) projects, sketches and plastic arts related to architecture;
- l) slogans or mottos;
- m) parodies and other literary or musical compositions.

### 3.7.3 What cannot be protected?

Any work whose subject matter does not qualify for legal protection. Any work whose author is not São Tomé and Príncipe by:

- 1) citizenship;
- 2) domicile; or
- 3) by virtue of being incorporated in São Tomé and Príncipe.

### 3.7.4 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 dealing for purposes of criticism, review, or news reporting
- educational use
- copies made to replace or conserve library or archival copies of works
- use of anonymous or pseudonymous works, subject to conditions;
- use of work for Parliamentary or judicial proceedings or inquiries
- quotations from copyright works
- public readings and recitations

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

- Unpermitted/restricted acts include:
- reproducing the work;
- publishing the work;
- importing the work into São Tomé and Príncipe or exporting it from São Tomé and Príncipe, otherwise than
- for the 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;
- making an adaptation of the work.

### 3.7.6 What is the duration of protection?

The duration of copyright protection (economic and moral rights) is as follows:

- collaborative and collective works: the lifetime of the author (or last surviving author in the case of co-authored works) plus 70 years;
- anonymous work or work under a pseudonym: 70 years from the end of the calendar year in which the work was made available to the public;
- cinematographic or audiovisual works: the lifetime of the author (or last surviving author in the case of co-authored works) plus 70 years;





- works in the public domain: 25 years from the end of the calendar year in which the work was made available to the public;
- work published or disclosed in part: the legally established periods of protection shall be applied to each part, volume or episode;
- computer programs: the lifetime of the author (or last surviving author in the case of co-authored works) plus 70 years.

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

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





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