European Commission | AFRICA IP SME HELPDESK

IP Factsheet
BENIN

SECTION 1: GENERAL OVERVIEW OF THE COUNTRY

1.1 General information

Capital:	Porto Novo
Surface:	114,763 km²
Population:	14.5 million (UN, 2024)
Money:	Franc CFA
Official languages for filing IP applications:	French
Country code:	229
The Human Development Index (HDI):	0.525 (2024)
GDP:	19.67 (2023)
Main exports:	Cashew nuts, coconuts, coconuts, shea nuts, boats, cement, textile products and seafood
Main imports:	Food products (rice, meat), petroleum products, medicines, fertilisers and capital machinery and equipment

Benin is a member of ECOWAS and is bordered by Togo (west), Nigeria (east), Niger (northeast) and Burkina Faso (northwest).

Benin is also a Member State of OAPI, an intergovernmental institution specialising in intellectual property, which currently has seventeen (17) Member States in West and Central Africa and the Indian Ocean. It is governed by a uniform regional convention, namely the Bangui Agreement. The other Member States that are part of the Schengen São Paulo are the following: Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.

1.2 International Conventions and Treaties

Benin is a party to the Bangui Agreement, a regional law on intellectual property that created the African Intellectual Property Organization, better known by its French acronym OAPI.

The Bangui Agreement is a regional convention applicable in all Member States and a national law on intellectual property for Benin and each of the other States. However, each of the seventeen Member States has its own copyright and related rights legislation, and OAPI needs to ensure compliance with the provisions of the Bangui Agreement.

Disputes relating to the recognition, scope or exploitation of IP rights fall under the jurisdiction of the courts of Benin and each of the Member States.

The Bangui Agreement system, which is at the same time Benin's national intellectual property legislation, is in line with 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, and the Metropolitan Police. phonogram producers and broadcasting organisations, the International Convention for the Protection of New Varieties of Plants (and the Agreement on Trade-Related Aspects of Intellectual Property Rights ('the TRIPS Agreement').

The Bangui Agreement consists of the Agreement itself and ten annexes on:

1. Patents (Schedule 1);
2. Utility models (Appendix 2);
3. Trade marks of goods or services (Schedule 3);
4. Industrial designs (Annex 4);
5. Trade names (Schedule 5);
6. Geographical indications (Annex 6);
7. Literary and artistic property (Appendix 7);
8. Protection against unfair competition (Annex 8);
9. Layout-designs (topographies) of integrated circuits (Annex 9);
10. Plant variety protection (Annex 10).

In addition, Benin is a party to the following international conventions and treaties:

- the Paris Convention
- the Berne Convention
- The Convention of the World Intellectual Property Organization WIPO
- L'Arrangement de Nice
- The Patent Cooperation Treaty (PCT)
- L'Arrangement de La Haye
- The WIPO Copyright Treaty
- The WIPO Performances and Phonograms Treaty
- The Brussels Convention
- The TRIPS Agreement

Benin is not a member of the International Convention for the Protection of New Varieties of Plants. However new varieties/plant varieties protected by OAPI have an effect on its territory and citizens of the country can also protect their new plant varieties at OAPI and internationally

1.3. Features of the OAPI system

- A single industrial property office common to all Member States, including the Benin;
- A single IP law applicable in the seventeen (17) Member States: the Bangui Agreement and its annexes;
- Centralisation of all procedures for the grant of patents, utility models, trade marks, industrial designs, trade names, plant varieties and geographical indications, layout-designs (topography) of integrated circuits;
- Any application for industrial property rights filed with Benin or any other Member State or with the Organization shall have the value of a national application in each of the Member States;
- Industrial property titles granted by OAPI create a bundle of rights in all Member States;
- Sanctions for infringement of intellectual property rights fall under the jurisdiction of the courts of Benin and each Member State;
- There are no national securities systems that coexist with the regional system.

In this regard, a National Liaison Structure with OAPI (SNL) has been created in Benin and each Member State and placed under the administrative authority of the country's Ministry of Industry to serve as a communication channel between national users and the

General Directorate of OAPI to:

- promote intellectual property matters;
- improve monitoring of intellectual property issues at the international level; and
- improve efficiencies in forwarding applications for industrial property titles from nationals to the Organization's headquarters. (See below, the link containing the list of NHS and their respective addresses).
- http://www.oapi.int/index.php/fr/oapi/organisation/structures-nationales-de-liaison

Address: National Liaison Structure with the OAPI (SNL) - BENIN - Cotonou

National Agency for Industrial Property (ANAPI)

01 B.P. 363 Cotonou 01
Phone: (229) 21 31 02 40
Fax.:(229) 21 30 30 24

(Ministry of Industry, Trade and SMEs)

Benin's National Liaison Structure (SNL) falls under the Ministry of Industry, Trade and SMEs. The National Liaison Structure serves as a relay between the national users and the General Management of OAPI.

1.4. Regional Conventions

Benin is a member of the following regional bodies:

- **ECOWAS** (Economic Community of West Africa)

The Economic Community of West African States (ECOWAS) is a West African intergovernmental organisation created on May 28, 1975. Its primary mission is to promote cooperation and integration and coordinate West African countries' actions to create a West African Economic and Monetary Union. ECOWAS now has 15 Member States, including Benin. Nine of the fifteen member countries are members of the African Intellectual Property Organization (OAPI), which has common legislation, the Bangui Agreement, and an industrial property office, OAPI.

The ECOWAS Regional Intellectual Property Observatory was established with the objectives of promoting the policy for the protection and development of intellectual property, contributing to the economic development of Member States through a harmonised framework and appropriate strategies for the development of innovation and creativity, centralise, coordinate and disseminate

information of any kind relating to intellectual property and to act as an advisory body on intellectual property.

- **The WAEMU** (West African Economic and Monetary Union)

Created on 10 January 1994 in Dakar, the West African Economic and Monetary Union (WAEMU) has as its main objective the construction of a harmonized and integrated economic area in West Africa , within which total freedom of movement of people, capital, goods and services is guaranteed.

The Member States of the West African Economic and Monetary Union (UEMOA) are eight (8), namely Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal and Togo. They are all also members of the African Intellectual Property Organization (OAPI).

WAEMU has regional agreements on intellectual property (Bangui Agreement), and the intellectual property registration system in place is OAPI.

It has an intellectual property rights policy to promote the use of intellectual property rights by Member States so that they can move from a resource-based economy to a knowledge-based and innovation-based economy

- **OHADA** (the Convention on the Harmonization of Business Law in Africa)

OHADA and OAPI have the particularity of having the same Member States within their organisation, with a few exceptions, since only Mauritania, which is a member of OAPI, is not a member of OHADA. In contrast, the Democratic Republic of Congo, which is a member of OHADA, is not a member of OAPI. Benin ratified this Convention on 8 March 1995.

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

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

1.5. Overview of Protected Industrial Property Subject Matter

Protection of the following IP objects is available in Benin through the OAPI Regional Protection System.

1. **Trade marks:** Regional (OAPI) and International (Madrid);
2. **Patents:** Regional (OAPI) and International (PCT);
3. **Industrial designs:** Regional (OAPI) and international (Hague Treaty);
4. **Plant Breeders' Rights:** Regional and International;

5. **Geographical indications:** Regional and international;
6. **Trade Names:** Regional;
7. **Copyright and related rights:** National.

The following IP protection is not available in Benin:

- Integrated Circuits and Layout-Designs: Not yet implemented.

1.6. Ways of registering IP applications

Benin is a contracting party to the African Intellectual Property Organization (OAPI). As such, the registration of industrial property titles can only be done through regional and/or international channels.

SECTION 2: OVERVIEW OF THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

2.1 TRIPS Agreements

Benin is a contracting party to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), and its laws largely comply with the TRIPS Agreement in establishing a legal framework for the protection and enforcement of intellectual property rights.

2.2 Overview of Intellectual Property Enforcement

Under Law 15 of 2010, the government included patents, trademarks, industrial designs, and all other intellectual property rights as legally recognisable assets forming a company's capital.

The Criminal Code provides for offences and the resulting penalties for acts of counterfeiting and piracy. At the expense of the convicted party, the court may order the posting of the sentence and its publication in the newspapers as a whole or in part. The court may also order that the confiscated products be returned to the owner of the infringing goods without prejudice to damage or that they be destroyed.

In accordance with Law No. 2005-30, the publication, reproduction, performance, or dissemination for commercial use in the territory of the Republic of Benin of a protected work or performance in violation of copyright or related rights, and piracy of literary and artistic works through the reproduction of literary and artistic works without the prior consent of the holders of copyright and related rights and the management organization are crimes.

Under the Competition Act, acts of unfair competition are prohibited. These include false or misleading advertising, denigration, disorganization, confusion, the delivery of coupons for goods that are in direct competition with those purchased by the consumer.

The Competition Act provides for the establishment of a supervisory body for commercial activities.

Even if efforts to enforce IPRs have been less effective, particularly with the challenges posed in terms of public health, Benin has civil and commercial courts that have jurisdiction in economic matters. This jurisdiction is determined by Law No. 200-37 of 27 August 2002 on the organisation of the judiciary in the Republic of Benin (amended by Law No. 2016-15 of 28 July 2016 and by Law No. 2018-2013 of 2 July 2018). While the commercial court has jurisdiction to hear disputes arising between traders, the civil courts have jurisdiction over other types of economic disputes.

The Commercial Court is responsible for dealing with legal proceedings in the field of intellectual property, including infringement actions and unfair competition actions. In addition to counterfeiting and unfair competition, other actions are also addressed.

Decree No. 2005-187 of 14 April 2005 on the establishment, powers and functioning of the National Commission to Combat Piracy of Literary and Artistic Works in the Republic of Benin.

Despite the State's efforts to limit IP infringements, IP rights holders must play an important role in controlling the use of their IP in Benin. They must constantly check the industrial and commercial markets in which they sell their goods or services and take appropriate measures against the infringement of their intellectual property rights by competitors, retailers or street vendors. The Bangui Agreement gives rights holders the right to bring a civil action against infringers to recover their loss of income or to obtain the destruction of counterfeit products.

SECTION 3: TYPES OF IP PROTECTION AVAILABLE

3.1 Product and/or service marks

The national route is prohibited because the trade mark registration is carried out only by OAPI, and the rights granted to the owner are valid in each Member State, including Benin.

Regional and international trade marks can be registered in Benin through the OAPI office in the following ways:

- **Regional:** The application is submitted to the Ministry of Industry, through the National Liaison Structure (SNL) called the National Agency for Industrial Property (ANAPI), or directly to the OAPI. The trade mark application seeks the registration of a trade mark in respect of specific goods or services.

- Application fees are 400,000,360,000 CFA francs for one class and 75,000 for each additional class.

- **International:** (under the Madrid Protocol): The international route is advised when broader international trade mark protection is required beyond the protection available under the OAPI regional trade mark system.

Regional Trade marks (OAPI)

Features of the OAPI trade mark system in Benin:

- The OAPI trade mark system is a multi-class system. This means that an applicant can file an application that covers Benin for one, several or all of the 45 classification classes of goods or services of the Nice Classification system.
- OAPI examines received trade mark applications to verify compliance with formal requirements. Thereafter, applications are examined on substantive grounds.
- OAPI Member States do not conduct their own examinations and do not decide whether or not trade mark s can be registered in their territories. This means there is no designation system in the procedure for applying for regional registration of industrial property titles at OAPI.

3.1.1 Who can register a trade mark with OAPI?

Any natural or legal person or company can apply for the registration of a trade mark .

3.1.2 What are the requirements for the registration of a trade mark?

- The application for registration on the prescribed form (M301) with complete information about the applicant, i.e., name, nationality, legal status and postal address;
- Proof of payment of the corresponding fees;
- The reproduction of the trade mark with an exhaustive list of the goods or services to which the trade mark applies;
- The Regulation laying down the conditions of use in the case of a collective mark or a collective certification mark;
- The priority document, if applicable;
- A power of attorney if an agent represents the applicant.

3.1.3 What can be registered?

- Any distinctive, original and unique trade mark that does not conflict with prior registrations or pending applications in OAPI;

- Any visible or audible sign used or intended to be used to distinguish the goods or services of any natural or legal person;

- Denominations in all their forms such as words, combinations of words, surnames;
- Figurative signs such as drawings, labels, seals, logos, holograms, etc.
- Audible signs such as sounds and musical phrases;
- Audiovisual signs;
- The series of signs.

3.1.4 What cannot be registered?

A trade mark cannot be registered if :

- it lacks distinctiveness character, in particular, because it consists of signs or indications constituting the necessary or generic description of the product or the composition of the product;
- it is identical to a trade mark belonging to another proprietor who is already registered, or whose earlier filing or priority date is made, for the same or similar goods or services, or if it resembles such a mark as to involve a risk of deception or confusion;
- it is contrary to public order, morality or the law;
- it is likely to mislead the public or commercial circles, in particular as to the geographical origin, nature or characteristics of the goods or services in question;
- it reproduces, imitates or contains among its elements coats of arms, flags or other emblems, abbreviations or acronyms or an official sign or hallmark of control and guarantee of a State or of an intergovernmental organisation established by an international convention unless authorized by the competent authority of that State or Organisation.

3.1.5 Where do I file my trade mark application?

- Applications can be filed with OAPI electronically (since 2 June 2024) or by email, in person, by registered mail, by fax or by courier. Applications can also be filed through Benin's SNL for onward transmission to OAPI.

Address National Liaison Structure with OAPI (SNL) – Benin, Cotonou

Agence Nationale de la Propriété Industrielle (ANAPI)

01 B.P. 363 Cotonou 01

Phone: (229) 21 31 02 40

Fax.:(229) 21 30 30 24

(Ministry of Industry, Trade and SMEs)

- Applicants residing outside the OAPI territory must submit their application through a representative selected in one of the Member States. A special regulation governs the professional status of the professional representative with the OAPI. More information on representation can be accessed through this link: http://www.oapi.int/index.php/fr/

3.1.6 What is the cost of registering a trade mark with OAPI

a) OAPI's fees

Find out more about OAPI's fees through this link:

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

Current application fees are 400,000,360,000 CFA francs for the first class and 75,000 for each additional class. Additional fees apply for claiming priority.

b) Agents' fees

OAPI Representatives are regulated under Representatives Rules. However, OAPI does not control the amount of the fees that representatives charge.

It is advisable to obtain comparative fee quotes from at least three OAPI-accredited agents, whose contact details can be obtained from OAP through this link.

3.1. 7 How long does it take to register a trade mark?

The registration process is completed in 15 to 18 months from the filing date, assuming

no unusual delays exist.

3.1. 8 How long does protection?

Ten (10) years from the filing date, renewable indefinitely every 10 years, subject to payment of prescribed renewal fees.

3.1.9 When are renewal fees paid?

- On the tenth anniversary of the filing date. Renewal fees can be paid up to 12 months in advance.

- The grace period for payment of late renewal fees is six (6) from the due date of renewal, subject to payment of the prescribed renewal surcharge.

After this grace period, an application for restoration of the trade mark must be filed within 24 months, failing which trade mark rights will be lost.

3.1.10 Legal Text

ANNEX III of the Bangui Agreement on Trade marks:

http://www.oapi.int/index.php/en/ressources/ Bangui Agreement

3.1.11 OAPI's Contact Information

OAPI
Courriel: oapi@oapi.int
http://www.oapi.int/
Secretariat: Hyppodrome Street 158, Place de la Préfecture,
BP 887, Yaoundé, Cameroon;
Phone: (237 2) 22205700

3.2. Madrid Protocol International Trade Marks

- The Madrid International trade mark system is available in Benin through membership to OAPI. This means that an applicant can designate Benin in an international trade mark application in respect of any or all the 45 classes of goods and services of the Nice Classification;

- Trade mark applications under the Madrid System must be examined bythe Office to OAPI to verify their compliance with formal and legal requirements;

- International marks registered by OAPI under the Madrid Protocol have the same legal effect in all OAPI Member States, whether or not they have acceded to the Madrid Protocol.

3.2.1 Who can register a trade mark?

- Any natural person or company can apply to OAPI for registration of a trade mark
- It is possible for two or more persons or companies to be joint owners of an international trade mark

3.2.2 What are the registration requirements?

Natural person

- Complete information about the applicant, including name, nationality and mailing address.
- Power of attorney (if applicable): no legalization or notarial deed is required.

An electronically signed copy is accepted.

Company or legal entity

- Full name as it appears on the certificate of incorporation and physical address, Applicant details are required, name, nationality, physical address.
- Power of attorney: No legalisation or notarial deed is required. An electronically signed copy is accepted.

3.2.3 What can be registered?

A trade mark that is distinctive and does not conflict with similar prior registrations or applications can be registered.

3.2.4 How do I file my application?

- Applications can be filed directly with the World Intellectual Property Organization (WIPO) or through the OAPI Office for citizens of OAPI Member States. They may also be filed with the SNL of Benin for transmission to OAPI, which in turn transmits them to WIPO;
- Depending on the filing route chosen, filing fees may be paid to WIPO or OAPI.

3.2.5 What is the cost of registration?

WIPO Fees

The cost of registering an international trade mark includes the basic fee (653 Swiss francs (CHF) or 903 CHF for a colour mark) and some additional fees that may be incurred depending on the number of classes of goods and services covered by the mark. You can use the Madrid Fee Calculator to establish the exact amount of payable fees.

OAPI's fees for international marks under the Madrid Protocol can be accessed through the following link:
http://www.oapi.int/phocadownload/protocole_madrid/reglement_taxes_madrid.pdf

Professional Fees

These fees vary depending on several factors, including the level of experience of the professional involved and the time spent on a task.

It is advisable to obtain comparative quotes from at least three OAPI-accredited professionals, whose contact details can be obtained from OAPI via the following link:

http://www.oapi.int/index.php/en/component/k2/item/295-list-of-professional-representatives-with-oapi

3.2.6 How long does it take to register a trade mark?

It takes between 15 to 18 months to complete registration in the absence of unusual delays.

3.2.7 How long does protection last?

Ten (10) years from the date of filing, renewable indefinitely every ten years, subject to payment of prescribed renewal fees.

3.2.8 When are renewal fees paid?

- On the tenth anniversary of the effective registration date. It is best to deposit online renewal applications.
- Renewal fees must be paid directly to WIPO for up to six months in advance. It is advisable to use the WIPO Fee Calculator to estimate the renewal fees. The tax calculator can be accessed via this link: https://madrid.wipo.int/feecalcapp/

- The grace period for payment of late renewal fees is six months from the due date of renewal.

3.2. 9 Legal Text

ANNEX III of the Bangui Agreement on Trade Marks:

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

3.2. 10 Contact Information

WIPO

https://www.wipo.int/madrid/fr/

Secretariat: 34 chemin des Colombettes
1211 Geneva 20
Switzerland 3.2.

3.3 PATENTS AND CERTIFICATES OF ADDITION

3.3.1 Who can file a patent application?

The right to a patent belongs to:

I. The inventor or his successor;

II. Where several persons have made the same invention independently of each other, the right to the patent belongs to the person who has the earliest filing date or, in the case of a priority claim, whose priority date claimed is the earliest;

III. Where several persons have made an invention in common, the right to the patent belongs to them in common;

IV. When the invention is made by employees in execution either of an employment contract involving an inventive task compatible with their actual duties, or of studies and research entrusted to them, the right belongs to the employer.

3.3.2 What can be protected as a patent?

The invention must be new, involve an inventive step and be applicable to industry.

3.2.3 What are the non-patentable inventions

- Inventions the use of which is contrary to public order or morality;

- Methods of treating the human or animal body by surgery or therapy;
- Inventions concerning plant varieties, animal species.
- discoveries, scientific theories and mathematical methods;
- plans, principles, or methods for doing business, performing purely intellectual actions, or gambling;
- simple presentations of information;
- computer programs;
- creations of an exclusively ornamental nature;
- literary, architectural, artistic or any other aesthetic creation

3.2. 4. What should a patent application include?

- The patent application must contain:
- An application for a patent addressed to the Director General (Form B101);
- Proof of payment of filing fees;
- A private power of attorney if the applicant is represented;
- A description of the invention that is clearly and completely disclosed so that a person of ordinary knowledge and skill in the art can interpret it.

3.2. 5 Where to apply?

The patent application must be filed with the Ministry of Industrial Property. It may be filed directly at the OAPI headquarters, transmitted by post, electronically or by any other legal means of communication;

(3) Applicants residing outside the territory of the OAPI Member States must file their application through a representative chosen in one of those Member States (see the link to the list of representatives approved by OAPI at the following address: http://www.oapi.int/ index.php /fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi).

3.2. 6 How much does it cost?

The latest rates are available on the OAPI website: www.oapi.int.

Information on patent fees and certificates of addition can be found via this link: http://oapi.int/index.php/fr/services/brevet-2/taxes.

Agents' fees

Fees vary depending on several factors, including the level of experience of the professional involved and the time spent on a task.

It is advisable to obtain comparative quotes from at least three OAPI-accredited professionals, whose contact details can be obtained from OAPI or through the following link:

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

3.2.7 International Applications:

OAPI processes international applications under the Paris Convention and assists its citizens in entering the international phase under the Paris Convention.

OAPI acts as a receiving Office and as a designated Office under the Cooperation Treaty Patent Law (PCT).

3.2. 8 What is the processing time of a patent application?

It takes 18-24 months from the filing to completion of registration unless unusual delays are encountered.

3.2.9 How long does protection last?

Twenty (20) years from the filing date, subject to the payment of annual maintenance fees.

3.2.10 When are maintenance fees due?

-The fees are due from the 1st anniversary of the filing date. It is advisable to check the exact amount of the fees before payment, as official fees may change.

The grace period for late renewal is six (6) months from the due date, subject to payment of the prescribed late renewal penalty.

After this grace period, an application for restoration of the patent must be filed within 24 months from the date of the due date, subject to the payment of prescribed restoration fees the required annuity and a fee for the restoration of rights in the amount of 375,000 CFA which you can obtain from OAPI or an IP representative.

OAPI fees are payable directly to an OAPI account located in each Member State.

3.2.11 Legal Texts :

Accord de Bangui : http://oapi.int/index.php/fr/ressources/accord-de-bangui

Regulations for the Implementation of Annex I on Patents for Inventions of OAPI: http://oapi.int/index.php/fr/ressources/reglement-d-application

3.3 INDUSTRIAL DESIGNS

3. 3.1 Who can register an industrial design

- The creator or successor in title of an industrial design may apply for the registration of a design.

- It is possible for several persons or companies to be joint owners of an industrial design and to apply for its registration.

3.3.2 What are the application requirements?

An application for the registration of a design must contain the following documents:

- A formal application on a prescribed form (DM401);
- Drawings representing different assemblies of the design, usually perspective views;
- A power of attorney, if the application is filed through a representative;
- A deed of assignment if the creator is not the applicant;
- A priority document (original or certified true copy) if the priority is claimed;
- An indication of the kind of product for which the industrial design will be used;
- Two identical copies of a graphic or photographic representation or a specimen of the industrial design in a sealed envelope;
- A description of the industrial design(s), if applicable.

3.3.3 What is registrable as a design?

In order for a creation to be registered, it must clearly identify the new features of the design in terms of:

- Its shape;
- In configuration;
- Its motif(s) and/or ornament(s).

It is not necessary for a design to have an objectively perceptible aesthetic quality.

3.3.4 What cannot be registered as a design?

- Designs that are contrary to the law, public order or morality;
- designs for articles of an essentially literary or artistic nature such as paintings, sculptures, drawings, engravings, photographs, works of architecture and works of art.

3.3.5 Where do I submit my registration application?

- Applications from national citizens may be submitted to the Ministry of Industry through the SNL, which is responsible for forwarding the file to the OAPI, which alone is authorized to carry out the examination and issue the certificate on behalf of all its members.

The application may also be sent to OAPI by e-mail, registered mail, fax, courier or delivered in person.

3.3.6 How much does it cost to register?

- It is advisable to check with OAPI for the accuracy of the fees indicated below by in relation to the tax regulations in force.

Information on taxes can be accessed via the following link: http://oapi.int/index.php/fr/services/2017-03-10-06-46-19/taxes.

- The fees paid to the representatives are not known to OAPI.
- These fees vary depending on several factors, including the level of experience of the professional involved and the time spent on a task.
- It is advisable to obtain comparative quotes from at least three OAPI-accredited professionals, whose contact details can be obtained from OAPI. Find out more about OAPI-accredited IP agents.
- You can obtain OAPI's fees by consulting the Fee Regulations in force:

1. Fees for the renewal of designs:

- Renewal fee: CFAF 115,000 and 45,000 CFA francs for late renewal
- Correction of clerical errors, before publication: 10,000 CFA francs

• Correction of clerical errors, after publication: 15,000 CFA francs

2. Restoration Fees:

• Fault attributable to the applicant: 250,000 CFA francs

• Fault attributable to the agent: 400,000 CFA francs

3. Fees for the Special Register of Industrial Designs:

• Recording and Publishing Changes in Design Ownership industrial: 150,000 CFA francs

a) Registration and publication of the cancellation, expiration, suspension or resumption of the performance of a licence: 150,000 CFA francs

b) Registration and publication of changes of name, address, legal or legal form: 150,000 CFA francs

3.3.7 How long does it take to complete registration?

Registration takes between 6-9 months from the application filing date.

3.3.8 What is the duration of protection of a registered design?

Five (5) years from the date of filing, subject to a possible extension of two consecutive five-year periods upon request by the holder and upon payment of the renewal fee. The maximum duration is, therefore, 15 years.

3.3.9 When do I pay design renewal fees?

Twelve (12) months before the expiry of the registration period.

The grace period for late renewal is six (6) months from the due date of renewal, subject to payment of prescribed/late renewal fees.

After the grace period, the holder of the industrial design may submit a request for restoration of his rights within 24 months from the renewal due date, subject to payment of prescribed fees.

OAPI fees are payable directly to an OAPI bank account domiciled in each Member State.

3.4. PLANT VARIETIES

About plant variety protection in Benin

- OAPI operates a *sui generis* system for the protection of plant varieties (PVV) which covers the territory of its 17 Member States: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.

- The protection of new plant varieties in Benin is provided for by Annex X of the Bangui Agreement; It entered into force on 1 January 2006.

- According the Annex, the production of a new plant variety entitles the breeder to a new protection document called "Plant Breeders' Rights Certificate" (VOC).

- The plant breeders' rights right is obtained by registration and is granted for only one variety; At the national level, the plant variety can be registered in Benin through the OAPI office. The Ministry of Industry of Benin, through the National Liaison Structure (SNL) or any other Member State, receives requests from citizens and forwards them to the OAPI IP Office, which is at the same time the national intellectual property office. Benin does not grant plant breeders' rights, only OAPI can do so on behalf of its members.

3.4.2 Who can register?

- The State or public authorities of a country practising reciprocity;
- Any individual who is a citizen of an OAPI member state or who resides in the territory of OAPI or in another UPOV Member State;
- Any company or legal person which carries on its activity or has its registered office in one or more other member countries where the State or administration, the natural person,
- the company or legal person, as the case may be, is a breeder of the new variety concerned;
- In most cases, foreign applications are filed on the basis of the applicant's citizenship of a UPOV Member State or permanent residence in one of those countries;
- A representative who is resident in one of the OAPI member countries must file a private power of attorney in support of an application for a plant breeder's right.

3.4.3 What are the registration requirements?

An application for registration must include the following documents:

1. An application on the prescribed forms for:

   a) The name and other prescribed information about the applicant, or officer, if

applicable;
b) Identification of the botanical taxon (Latin name and common name);
c) The proposed denomination of the variety or a provisional designation.

2. A brief technical description of the variety;
3. Proof of payment of the required fees;
4. The priority document, if applicable;
5. A power of attorney if the applicant does not reside in an OAPI member state;
6. A deed of assignment if the applicant is not the breeder;
7. A duly completed technical questionnaire; and
8. A colour photograph showing the essential characteristics of the variety.

3.4.4 What can be registered

All botanical taxa that have been improved by human intervention can be protected. To qualify for protection under Annex X, a variety must be: new, distinct, uniform, stable and with a name.

3.4.5 What can't be registered

The following objects cannot be registered as plant breeders' rights:

- Wildlife species and species that have not been planted or improved by human intervention;
- The variety that is not new, distinctive, uniform and stable.

3.4.6 Where do I apply for a plant breeders' rights?

An application for registration of a plant variety right must be submitted to the OAPI or SNL of any Member State. The request received by the SNL is forwarded to the OAPI within a regulatory period. The application may also be submitted to the OAPI headquarters in person, by e-mail or by any other prescribed means.

Applicants domiciled outside the territory of the 17 OAPI Member States are obliged to choose a representative from the list of professional representatives with OAPI. For more
You can obtain more information on fees through from OAPI's website through this link.

International applications can also be submitted to OAPI through UPOV's the Prisma international filing platform.

3.4.7 How much does it cost to register?

Information on fees can be obtained through OAPI's website or by sending an email

request for information to OAPI using this email address: oapi@oapi.int

3.4.8 What examination is performed?

a) OAPI examines a submitted application on its form and substance to ascertain whether:

- The documents contained in the application are complete and meet the requirements;
- The application is not excluded from eligible botanical taxa;
- The candidate variety is new;
- The name of the variety is correct.

b) A technical examination carried out by an institution authorised and approved by OAPI is carried out to verify that the candidate variety is distinct, homogeneous and stable (DUS). If the DUS trials of the candidate variety are ongoing or already available from a contracting authority, OAPI purchases the results.

OAPI may also request another competent authority to carry out DUS for candidate varieties for which local expertise is lacking.

3.4.9 What is the procedure for the registration of the denomination?

The proposed denomination for the candidate variety shall be filed with the application.

In return for the payment of a special fee, and the proposal of a provisional name in the the application, the applicant may defer the procedure for registering the name.

The proposed name is published by the organization in the Official Bulletin of Property (BOPI), which opens the way to a period of opposition for third parties.

OAPI publishes the proposed varietal name unless it finds a ground for refusal or is aware of a ground for refusal.

The proposed varietal name is then communicated to the services of the Contracting Parties to the International Convention for the Protection of New Varieties of Plants (UPOV).

3.4.10 How long does it take to register?

Unless unusual delays arise, the process takes 12-15 months from the filing date, including a three-month opposition period.

3.4.11 How long does protection last?

The term of protection of a plant breeder's right at OAPI and its Member States is twenty-five (25) years, non-renewable, from the application filing date, subject to the payment of the renewal maintenance fees.

3.4.12 When are annual maintenance fees paid?

They are paid from the first anniversary of the registration date of the plant variety certificate.

A grace period of six (6) months is granted for the payment of the late maintenance fees, subject to payment of a prescribed surcharge.

An application for the restoration of rights can be filed as provided for in the regulations.

Legal Text

Accord de Bangui: http://oapi.int/index.php/fr/ressources/accord-de-bangui

3.5. INTEGRATED CIRCUIT LAYOUT DIAGRAMS

The protection of layout-designs of integrated circuits is the subject of Annex IX of the Agreement of Bangui, but this annex has not yet been implemented at OAPI.

3.6 GEOGRAPHICAL INDICATIONS

Annex VI of the Bangui Agreement provides for the protection of geographical indications (GIs) at OAPI and in its Member States.

A geographical indication can concern several States (cross-border GIs).

3.6.1 Who is eligible to apply for a GI?

Legal persons who carry out a producer activity for the products indicated in the application (any farmer or other operator of natural products, any manufacturer of handicrafts or industrial products, or anyone who trades in such products) in the geographical area indicated in the application, as well as groups of such persons, and any competent authority.

The application may be made by a natural person on an exceptional basis and under the conditions laid down in the implementing regulation.

3.6.2 What are the requirements for filing an application for GI registration?

1) The application file must include the following elements:

- The application addressed to the Director General of the organisation on the form (IG601) available on the OAPI website (http://www.oapi.int › Geographical Indication);
- Proof of payment of the filing fee; • Geographical indication (GI);
- The reasoned opinion validating the GI by the competent national administration of the GI's home State;
- the terms of reference; • The statutes of the producer group, if applicable;
- Proof of registration of the GI in the country of origin, for foreign GIs.

2) Where the transboundary Geographical Indication concerns one or more Member States of the Organisation:

- Each of the States concerned may submit its application to the OAPI;
- All Member States may submit a joint application.

3.6.3 What are the protection conditions?

GIs are protected as such if they have been registered by OAPI or if a registration effect results from an international convention to which the Member States and OAPI are parties.

A geographical indication with indications that serve to identify a product (any natural, agricultural, artisanal or industrial product) as originating in a place, region or country, in the event that a quality, reputation or other specific characteristic of the product can be attributed essentially to that geographical origin.

3.6.4 Which GIs are excluded from protection?

GIs are excluded from protection if:

- Do not meet the definition mentioned above;
- Are contrary to public order or morality or which could deceive the public, in particular as to the nature, provenance, method of manufacture, qualities, characteristics, or suitability for use of the products in question;

- Are not protected in their country of origin or have ceased to be protected in that country.

3.6.5 Where to apply for registration?

- The application for registration of a GI can be submitted to the Organization or the SNL of Benin.

- Applicants domiciled outside the territory of the 17 OAPI Member States are obliged to choose a representative from the list of professional representatives before OAPI. For more information, please visit:

  http://oapi.int/index.php/fr/component/k2/item/295-list-of-professional-representatives-with-the-oapi

3.6.6 What are the filing fees?

Information on fees can be accessed via this link: http://www.oapi.int/index.php/fr/propriete-intellectuelle/concept-de-la-pi/itemlist/category/105-oapi?start=60

The fees for obtaining the registration of a geographical indication are summarised in the table below **[1 euro = 655.95 CFA francs (XAF/XOF)].**

Service	Amount (CFA francs)
Filing and Publication of a Registration of Geographical Indication	500 000
Corrections of clerical errors found in the entries on the forms, after publication	20 000
Recording of any changes to a GI	265 000
Prior art search fee	95 000

3.6.7 How long does protection last?

Subject to compliance with the specifications, the duration of the protection of a GI is unlimited.

3.7. PROTECTION OF COPYRIGHT: LITERARY AND ARTISTIC PROPERTY

The Bangui Agreement is a regional convention applicable in all member countries and a national law on intellectual property for each of these States. However, each of the 17 Member States has its own legislation on copyright and related rights, and it is essential for OAPI to verify its compliance with the provisions of the Bangui Agreement.

OAPI is responsible for promoting the protection of literary and artistic property, encouraging the establishment of national authors' organizations, and dealing with other related matters.

In this regard, Benin has a law dedicated to the protection of copyright and related rights, namely "Law No. 2005-30 of 5 April 2006 on copyright and related rights".

3.7.1 Who can register?

Copyright is not a registrable right in Benin. The authors of intellectual works enjoy, by the mere fact of their creation, an exclusive property right over these works, called "copyright," enforceable against all third parties. This right includes attributes of a moral and patrimonial nature.

3.7.2 What are the requirements for legal protection?

In order for an original work to be eligible for copyright protection, it must bear on any of the following topics:

- Literary works;
- Musical works;
- Artistic works;
- Audiovisual works;
- Sound recordings;
- Broadcasting broadcasts;
- Program-carrying signals;

- Published editions.

In addition to the above, the author or, in the case where the work belongs to two or more authors,

At least one of the authors must be:

- A citizen of Benin or a designated country; or
- A person domiciled or habitually resident in Benin;
- In the case of a legal person, it is constituted under the laws of Benin or a designated country.

3.7.3 What can benefit from protection?

The original work concerning the works listed below may be protected.

- Books, pamphlets and other works expressed in writing, including computer programs;
- Lectures, addresses, sermons, pleadings and other works of a similar nature;
- Works created for the stage or for the diffusion (sound or visual), whether dramatic, dramatic-musical, choreographic or pantomimic, the staging of which is fixed in writing or otherwise;
- Musical compositions with or without lyrics;
- Lithographic, pictorial and drawing works, etchings, woodcuts and others of the same kind;
- Sculptures, bas-reliefs and mosaics of all kinds;
- Architectural works, both drawings and models as well as the construction itself;
- Tapestries and objects created by artistic crafts and applied arts, both sketches or models and the work itself;
- The maps, illustrations and drawings that graphic reproductions and
- artistic or scientific plastics;
- Radio or audiovisual works
- Photographic works of an artistic or documentary nature, to which are assimilated works expressed by a process similar to photography;
- Expressions of folklore and works inspired by folklore;

- Translations, adaptations, arrangements and other transformations of works and expressions of folklore;
- Collections of works, expressions of folklore or simple facts or data.

3.7.4 What cannot be protected?

- Official texts/documents of a legislative, administrative or judicial nature, nor their official translation;
- Today's news;
- Ideas, processes, systems, methods of operation, concepts, principles, discoveries, or simple data.

3.7.5 Where can I voluntarily submit a copyrighted work?

The deposit can be made with the National Copyright Protection Structure and Neighbouring Rights.

This structure called the Beninese Office of Copyright and Related Rights (BUBEDRA), is responsible for collective management and the defence of rights as defined in the law.

For more information, please visit the following link:
https://www.musicinafrica.net/fr/directory/bureau-b%C3%A9ninois-des-droits-dauteur-et-des-droits-voisins-bubedra

3.7.6 How much does a voluntary deposit cost?

Currently, there is no fee for a voluntary deposit of works. This is in accordance with the Berne Convention, which does not require copyright registration for it to be legally protected.

3.8. TRADITIONAL KNOWLEDGE AND GENETIC RESOURCES

The concept of access to genetic resources and benefit-sharing (ABS) was born with the advent of the Convention on Biological Diversity (CBD), which affirms the sovereignty of States over their genetic resources, the power to determine access to resources, and the obligation to take appropriate measures to share the benefits arising from the use of resources in a fair and equitable manner.

For its part, Benin has been committed to exploiting the asset mentioned above and meeting the challenge. It is also working to establish legal, institutional and operational mechanisms to regulate access to and fair and equitable sharing of benefits arising from the utilisation of its biological and genetic resources and associated traditional knowledge.

At the institutional and organisational level, the Ministry in charge of the protection of natural and forest resources is the focal point (FP) of the CBD and the Nagoya Protocol on ABS, and its administration has established an inter-ministerial select committee responsible, inter alia, for developing and implementing a national ABS framework.

Benin is a member of the WIPO Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Expressions of Folklore. Thus, he is responsible for developing several legal instruments ensure the protection of genetic resources, traditional knowledge and expressions of folklore and actively participate in the negotiations.

Decree No. 2018-405 of 7 September 2018 entered into force in Benin. It contained guidelines for access and benefit-sharing regarding the use of genetic resources and associated traditional knowledge in the country.

The guidelines specify the modalities for access to genetic resources and associated traditional knowledge and for the fair and equitable sharing of benefits arising from their utilisation. The guidelines have the following objectives, namely, to:

- contribute to the conservation and sustainable use of biological diversity;
- facilitate a transparent framework for access for the use of genetic resources and associated traditional knowledge and to ensure fair and equitable sharing of the benefits arising therefrom;
- provide information to users and providers of genetic resources and associated traditional knowledge in the Republic of Benin; and
- identify the steps in accessing genetic resources and associated traditional knowledge for use and benefit-sharing.

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