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# AFRICA SME HELPDESK





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IP SME HELPDESK

Capital:	Dakar
Population:	17.32 million (World Bank, 2022)
Currency of government (official) fees:	West African CFA franc (XOF)
GDP per capita (USD):	1,598.73 USD (World Bank, 2022)
Human Development Index:	0.516 (UNDP, 2024)
Main exports:	Crude petroleum, phosphate, gold, fish, cocoa beans, sawn wood, petroleum gas, and rough wood
Main imports:	Cereals, Refined Petroleum, Special Purpose Ships, Rice, Wheat, and capital equipment

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

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- the Paris Convention for the Protection of Industrial Property of 20 March, 1883, as revised at Stockholm on 14 July, 1967 and amended on 28 September, 1979;
- the Berne Convention for the Protection of Literary and Artistic Works of 9 September, 1886, as last revised at Paris on 24 July, 1971, and/or the Universal Copyright Convention as revised at Paris on 24 July, 1971 and amended on 28 September, 1979;
- the Hague Agreement concerning the International Registration of Industrial Designs of 6 November, 1925, as revised at the Hague on 28 November, 1960, and at Stockholm on 14 July, 1967, at Geneva on 28 September, 1979 and 2 July, 1999;
- the Convention Establishing the World Intellectual Property Organization of 14 July, 1967 and amended on 28 September, 1979;
- the Patent Cooperation Treaty of 19 June, 1970 and amended on 28 September 1979, modified on 3 February, 1984 and 3 October, 2001;
- the Nairobi Treaty on the protection of Olympic symbol of 26 September, 1981
- the Marrakesh Agreement establishing the World Trade Organization, including the agreement on Trade-Related Aspects of Intellectual Property Rights of 15 April, 1994;
- the Protocol relating to the Madrid Agreement concerning the International Registration of Marks of 27 June 27, 1989 amended on 3 October, 2006 and on 12 November, 2007;
- the Singapore Treaty on the law of Trademarks of 27 March, 2006





- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 1958
- WIPO Performances and Phonograms Treaty of 1996
- the World Intellectual Property Organization Copyright Treaty of 20 December, 1996.

Senegal is not a member of the Nice Agreement. However, the OAPI region trade mark classification system is based on the NICE classification system.

Senegal is a member of the following regional agreements:

- (African Continental Free Trade Area) The AfCFTA Agreement includes a protocol on IP rights aiming to advance the effective protection and promotion of IP rights in Africa. Once this enters into force it may have an impact on the future shape of Senegalese legislation,
- the OAPI, Bangui Agreement Instituting an African Intellectual Property Organization, Act of 14 December, 2015

(Economic Community of West African States). The ECOWAS has no regional IP agreements, protocols or registration systems in place. It comprises 15 states: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

The following IP protection is available in Senegal:

- trade marks: regional (OAPI) and international (Madrid);
- patents: regional (OAPI), though international registration by international Bureau of WIPO via the PCT is possible ;
- utility models: regional (OAPI);
- industrial designs: regional (OAPI);
- geographical Indications: regional (OAPI) and international through the international Bureau of WIPO via the Lisbon System;
- Appellations of origin: international (through the International Bureau at WIPO via the Lisbon System)
- layout designs of integrated circuits: regional (OAPI);
- traditional knowledge and handicrafts: no specific law;
- copyright and neighbouring rights: national, regional (OAPI);
- Plant variety protection.





IP protection in Senegal can be secured at three levels – national, regional and international – depending on the IP rights involved.

Registration is not possible at national level for trade marks, patents, utility models, industrial designs, geographical indications, appellations of origin and layout designs of integrated circuits. These IP titles can only be registered at the regional level through the OAPI. Only copyright is protected at national level and registration is carried out at the level of copyright management bodies.

Senegal is a contracting party to the OAPI, Bangui Agreement Instituting an African Intellectual Property Organization (OAPI), Act of 14 December, 2015 covering Industrial Property Rights. The regional registration route is community inclined, and designation of one country or Member State is not possible. As such, a single application covers all 17 OAPI Member States.

Senegal is also a contracting party to the Madrid Protocol, the Hague Agreement and the Patent Cooperation Treaty (PCT). It is therefore possible to register international trade marks and designate the OAPI through the Madrid System. Further information is available at: <https://www.wipo.int/madrid/en/>.

**International patent registration is possible at the International Bureau of WIPO via the PCT.** Also, Senegal, via the OAPI, is also a contracting party to the Hague System for the international registration of industrial design, which means that it is possible to register industrial designs through the International Bureau directly in WIPO. It is also possible to register geographical indications and appellations of origin through the Bureau.

: trade marks, patents, utility models and industrial designs.

A route is exclusively for copyright.

A route through the OAPI is mandatory for the following IP registrations: trade marks, utility models, patents, industrial designs, geographical indications, layout designs of integrated circuits and new plant varieties.

An i route is advisable for trade mark and industrial design protection only where protection is required in more countries than are covered by the OAPI regional trade mark system, or, in the case of industrial designs and patents, where international protection is required beyond the regional scope of protection that is available under the Bangui Agreement. International registration of appellations of origin is advisable for persons seeking to protect their appellation of origin on a more global level.





Foreign applicants who are neither resident nor have their principal place of business the OAPI Member States must appoint a local agent. The OAPI accepts signed powers of attorney without any need for notarisation or legalisation. However, applicants should check with their IP service provider in the OAPI region as to whether hard copies are necessary or scanned copies sent by email are acceptable. A list of OAPI representatives (by country) is available at: <http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi>.

The trade mark law applicable in the OAPI has established a regional trade mark system where a single filing covers all 17 Member States, with no individual country designation accepted.

The OAPI countries are not signatories to the Nice Agreement. However, the OAPI uses the Nice Classification. Classifications based on the latest edition of the Nice Classification at the time of filing an application are accepted.

Senegal is a signatory to the WTO's TRIPS Agreement. Moreover, its IP laws, although regionally inclined, are substantially TRIPS-compliant in terms of providing a legal framework for the protection and enforcement of IP rights.

No specific entity has been endorsed to enforce compliance and bring IP infringers to justice. This is done by IP rights owners. However, the OAPI and its High Commission of Appeal is charged to rule on administrative litigations, notably oppositions, restorations, claims of ownership proceedings, etc.

In addition to its administrative litigation role, the OAPI also has the task of training IP experts, magistrates, and customs officers on how to combat IP infringement. Training sessions have been organised by the OAPI, Interpol and WIPO.

For copyrights, Law No 200809 of January 25, 2008 on Copyright and Neighboring Rights of the Republic of Senegal provides for conservatory measures that seek to prevent infringements and preserve relevant evidence related to an alleged infringement. In addition, the law empowers the police to conduct search operations on premises where it is suspected that infringing goods are concealed, and to seize any such goods. Civil remedies include court injunctions, confiscation of infringing goods and payment of damages to the rights holder for any economic damage suffered because of an infringement of their rights. Criminal sanctions include the imposition of substantial fines and the possibility of imprisonment. A copyright owner is expected to 'police' their work and take action against infringers of their rights. This means that the rights holder should initiate action such as reporting infringements to the police or customs (in the case of the importation of infringing goods) and seek the intervention of the courts to fight third parties who infringe their rights.





Regional and international trade marks can be registered in the OAPI as explained below.

- A trade mark registered in the OAPI will automatically cover all 17 Member States.
- A registered trade mark gives the owner exclusive rights to use it to market their goods and services. It gives the owner protection against others using the same, or a similar, mark without authorisation.
- In the long term, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing it to others, franchising it or obtaining finance.

#### Who can register a trade mark?

A natural person, a company or any other entity can apply to register a trade mark. However, a person who does not have their place of business in Senegal (OAPI region) will need to appoint a professional representative.

A trade mark application must contain the following:

- an application letter containing the name, nationality and address of the applicant, or full name (as shown on the Certificate of Incorporation) and address of the company;
- a completed application for registration of a trade mark (M301) and payment of the prescribed application fee;
- a list of the goods and/or services for which protection is sought, based on the Nice Classification;
- two printouts of the trade mark;
- a certified copy of the priority document, if applicable;
- a signed power of attorney if the applicant is represented – notarisation is not required;
- the prescribed application fee;





With reference to Article 2, Annex 3 of the Bangui Agreement, any visible or audible sign used or intended to be used, and capable of distinguishing the goods or services of any natural or legal person, will be considered a trade mark or service mark.

In particular, the following may constitute a sign:

- denominations in all forms, such as words, combinations of words, surnames (either per se or in a distinctive form), special, arbitrary or fanciful designations, letters, abbreviations and numerals;
- figurative signs such as drawings, label seals, selvedges, reliefs, holograms, logos, synthesised images, shapes – especially those of the product or its packaging or those characteristic of the service – and arrangements, combinations and shades of colours;
- audible signs such as sounds and musical phrases;
- audiovisual signs and series of signs.

With reference to Article 3, Annex 3 of the Bangui Agreement, a mark may not be validly registered if:

- it is not distinctive, in particular because it comprises signs or matter constituting the necessary
- or genetic designation of the product or its composition;
- it is identical to a mark that belongs to another owner and is already registered, or to marks whose filing or priority date is earlier than which relates to the same or similar goods or services, or it so resembles such a mark that it is liable to mislead or confuse;
- it is contrary to public policy, morality or the law;
- it is liable to mislead the public or business circles, in particular as to the geographical origin,
- nature or characteristics of the goods or services in question;
- it reproduces, imitates or incorporates armorial bearings, flags or other emblems, the abbreviated name or acronym or an official sign or hallmark indicating control and warranty of a state or intergovernmental organisation established by an international convention, except where the competent authority of that state or organisation has granted permission.





- OAPI main office;
- Online through a licensed agent
- OAPI national liaison offices in Member States
- OAPI designation through the International Bureau.

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (West African Franc CFA – XOF). Application forms and information on fees are available [here](#).

Professional fees vary so it is advisable to obtain comparative quotes from at least three OAPI- accredited professionals. A list is available at <http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi>.

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

Application to register a trade mark in colour or black and white	360 000
Surcharge for additional class	75 000
Priority claim for each priority	75 000

The trade mark registration process takes 6-9 months from the filing date to completion, assuming that there are no unusual delays and no oppositions against the trademark sought to be registered. This includes an opposition period of 3 months.

Protection lasts for 10 years from the filing date and is renewable for similar periods.





Regional (OAPI) patents can be registered in Senegal in the following ways.

- Annex I of the Bangui Agreement, Act of 14 December 2015 applies.

The OAPI has 17 Member States: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea, and Republic of Comoros.

The OAPI patent system is a regional system where a single application automatically covers all 17 Member States.

No (national route) individual country designation is allowed.

Senegal, through the OAPI, is a member of the PCT. Patent applications under the OAPI system have a single route, which is the regional system. Once this is completed, applicants can opt for the PCT through the International Bureau of WIPO or by OAPI as its designated receiving office for PCT applications. It should be noted that the PCT provides a patent filing rather than a patent registration route, and Senegal cannot be designated on its own.

National patents are not recognised in Senegal. As a member of the OAPI patent system, Senegal applies the regional patent system.

A patent application must contain the following:

- an application on the prescribed form;
- the patent title, abstract, description, claims and drawings;
- the applicant's details including full name, nationality, legal status and physical address or, if it
- is a company, its Certificate of Incorporation;
- the Deed of Assignment, if the applicant is not the inventor;





- a certified copy of the priority document, if applicable;
- the prescribed application fees.

A patentable invention must meet the following requirements.

- **Novelty**, which must be absolute novelty in that the invention must be a new characteristic that is not known in the body of existing knowledge in its technical field. It must not be anticipated by prior art.
- **Non-obviousness**, which means that, having regard to prior art, the invention is not obvious to a person skilled in the art.
- **Industrial applicability**, in that it can be used in any kind of industry.

The following cannot be patented:

- a discovery of a plant, animal, microorganism or substance as found in nature, including the human body;
  - a scientific theory or mathematical method;
  - a literary, dramatic, musical or artistic work or other aesthetic creation;
  - a scheme, rule or method for doing business, performing mental acts or playing a game;
  - methods for the treatment of the human or animal body by surgery or therapy, including diagnostic methods practiced in relation to them, except products for use in any of these methods;
  - an invention whose commercial exploitation is necessary to protect public order or morality, including the protection of human or animal health, plant life or to avoid prejudice to the environment;
  - plants and animals other than microorganisms;
  - essentially biological processes for the production of plants or animals.
- 
- OAPI main office;
  - Online with an OAPI-accredited agent.
  - OAPI national liaison offices in Member States.





The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (XOF). Application forms and information on fees are available at [Règlements des taxes \(oapi.int\)](http://oapi.int).

Professional fees vary so it is advisable to obtain comparative quotes from at least three OAPI- accredited professionals. A list is available at: <http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi>.

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

Application to register a patent for the first year	225 000
Priority claim for each priority	63 000
Patent publication fee	365 000
Surcharge for each additional claim above the 10th claim	45 000
Surcharge for patent descriptions between 11 and 20 pages	120 000
Surcharges for patent descriptions between 21 and 30 pages	300 000
Surcharges for patent descriptions between 31 and 40 pages	600 000
Patent annuities fee for each annuity (second, third, fourth and fifth)	220 000

route: applications in Senegal are substantively examined by the OAPI and take 69 months on average to complete registration, if there are no objections.

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

<sup>1</sup> The professional fees listed on this page are for informational purposes only and are subject to change without notice. No guarantees are made regarding the accuracy, validity, or applicability of these fees to any specific situation. The Africa IP SME Helpdesk is not liable for any damage or loss arising from the use of this information. For an accurate and personalised quote, it is recommended to contact the relevant professional directly.





Renewal fees are paid from the second anniversary of the filing date up to the 20<sup>th</sup> year. Late payment is possible, with a corresponding surcharge, within a grace period of 6 months after the due date.

The following government (official) fees are currently applicable:

Annuity 2 <sup>nd</sup> year	220 000
Annuity 3 <sup>rd</sup> year	220 000
Annuity 4 <sup>th</sup> year	220 000
Annuity 5 <sup>th</sup> year	220 000
Annuity 6 <sup>th</sup> year	375 000
Annuity 7 <sup>th</sup> year	375 000
Annuity 8 <sup>th</sup> year	375 000
Annuity 9 <sup>th</sup> year	375 000
Annuity 10 <sup>th</sup> year	375 000
Annuity 11 <sup>th</sup> year	500 000
Annuity 12 <sup>th</sup> year	500 000
Annuity 13 <sup>th</sup> year	500 000
Annuity 14 <sup>th</sup> year	500 000
Annuity 15 <sup>th</sup> year	500 000
Annuity 16 <sup>th</sup> year	650 000
Annuity 17 <sup>th</sup> year	650 000
Annuity 18 <sup>th</sup> year	650 000
Annuity 19 <sup>th</sup> year	650 000
Annuity 20 <sup>th</sup> year	650 000

Renewal fees are payable up to the 20<sup>th</sup> year. Before payment, it is advisable to confirm the amount of the fees on the OAPI website as the official fees may change. The latest fees are available at <http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants>.

The OAPI applies a community patent system whereby a single payment covers all 17 Member States.





Article 1, Annex II of the Bangui Agreement, Act of 14 December 2015, defines utility models as 'implements of work or objects intended to be utilised, or parts of such implements or objects, provided they are useful for the work or employment for which they are intended on account of a new configuration, a new arrangement or a new component device and are industrially applicable'.

In some jurisdictions utility models are referred to as 'petty patents' because they are similar to patents but require less stringent conditions for registration and are registered for a shorter term than a conventional patent.

- Annex II of the Bangui Agreement, Act of 14 December, 2015 applies.

The OAPI has 17 Member States: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea, and Republic of Comoros.

The OAPI utility model system is a regional system where a single application automatically covers all 17 OAPI Member States.

National utility models are not allowed

applications can be filed at OAPI regional offices or through OAPI liaison offices in the Member States. For international applications, the International Bureau of WIPO or OAPI as its designated Receiving Office receives for multi-jurisdiction utility model applications. The applicant indirectly registers in Senegal by designating OAPI. Electronic applications are now operational.

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

Fees must be paid through the OAPI if an applicant chooses to register a utility model in the OAPI region. A single registration covers all 17 OAPI Member States. The OAPI's fees are reviewed regularly. The latest fees are available at Règlements des taxes ([oapi.int](http://oapi.int))



Application fees consist of three components, as follows:

Type of Fee	Official Fees (XOF)
Application to register a utility model 1 <sup>st</sup> year	20 000
Priority claim for each priority	25 000
Utility model publication fee	30 000
Surcharge for additional claim above the 10 <sup>th</sup> claim	40 000
Utility model annuity fee – 2 <sup>nd</sup> to 5 <sup>th</sup> year (for each year)	20 000
Utility model annuity fee – 6 <sup>th</sup> to 10 <sup>th</sup> year (for each year)	35 000

### 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 OAPI-accredited professionals. A list is available at <http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi>.

### 3.3.4 How long does registration take?

**Regional applications** are substantively examined by the OAPI. These applications can take 69 months to complete registration, assuming that only minimal official actions are needed and there are no objections.

### 3.3.5 What is the duration of protection?

OAPI-registered utility models are protected for a period of 10 years from the filing date.

### 3.3.6 When are renewal fees paid?

Renewal fees must be paid each year, starting one year after the filing date of the application or the granting of the utility model.

Late payment of annual fees, with a corresponding surcharge, is possible within a grace period of 6 months after the due date.

### OAPI renewal (official) fees

Renewal fees are payable up to the 10<sup>th</sup> year. Before payment, it is advisable to confirm the amount of the fees on the OAPI website as the official fees may change. The latest fees are available at <http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants>.





The following government (official) fees are currently applicable:

Annuity Year	Official Fees (XOF)
Annuity 2 <sup>nd</sup> year	20 000
Annuity 3 <sup>rd</sup> year	20 000
Annuity 4 <sup>th</sup> year	20 000
Annuity 5 <sup>th</sup> year	20 000
Annuity 6 <sup>th</sup> year	35 000
Annuity 7 <sup>th</sup> year	35 000
Annuity 8 <sup>th</sup> year	35 000
Annuity 9 <sup>th</sup> year	35 000
Annuity 10 <sup>th</sup> year	35 000

### 3.4. INDUSTRIAL DESIGNS

Article 1, Annex IV of the Bangui Agreement, Act of 14 December 2015 defines a design as 'any arrangement of lines or colours' and a model as 'any three-dimensional shape, whether or not associated with lines or colours, provided that the said arrangement or shape gives a special appearance to an industrial or craft product and may serve as a pattern for the manufacture of such a product'.

#### Senegal industrial design registrations

Regional (OAPI) and international (WIPO/Hague System) industrial designs can be registered in the following ways:

##### Regional

- Annex IV of the Bangui Agreement, Act of 14 December 2015.

The OAPI has 17 Member States: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea, and Republic of Comoros.

The OAPI industrial design system is a regional system where a single application automatically covers all 17 OAPI Member States. No (national route) individual country designation is allowed.

##### International

#### Industrial designs: Hague Agreement

The OAPI, on behalf of Senegal, is a signatory of the Hague Agreement, which means it can be designated for the purposes of registering an industrial design under the Hague Agreement for the international registration of industrial designs. Read more about the Hague Agreement at <https://www.wipo.int/hague/en/>.





- The Hague Agreement enables applicants to register an industrial design by filing a single application with the International Bureau of WIPO. This enables design owners to protect their designs with a minimum of formalities in multiple countries or regions. The Hague Agreement also simplifies managing an industrial design registration, since it is possible to record subsequent changes and renew the international registration through a single procedural step.
- International design applications may be filed with the WIPO's International Bureau, either directly or through the industrial property 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 WIPO's International Bureau.
- The Hague Agreement is integrated into Senegal's national legal framework for the protection of industrial designs. Therefore, an international design registration that designates Senegal enjoys the same force of law as a nationally registered industrial design.

As a member of the OAPI industrial design system, Senegal applies exclusively regional industrial design registration. A single filing automatically covers all 17 OAPI Member States.

The OAPI carries out substantive examination of design applications, although this examination does not apply to aspects of novelty of the industrial design.

A creator or assignee of an industrial design can apply to register a design in the OAPI region.

It is possible for two or more persons or companies to jointly own and apply for the registration of an industrial design (in the case of co-ownership).

A design application must contain the following documents:

- the applicant's full details, including full name, nationality, legal status, physical address and full company details if the applicant is a company;
- at least two graphical representations of the design;
- the kind of products to which the industrial design applies;
- the prescribed application fees;
- the power of attorney if represented by an accredited agent.





clearly identify novel features of the design in terms of:

in a single set of products and belong to the same class.

The following cannot be registered:

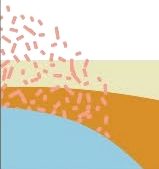
- ### 3.4.5 Where can I file an application?

### 3.4.6 How much does it cost?

Current application fees, are as follows:

Type of Fee	Official Fees (XOF)
Application to register an industrial design	50 000
Surcharge per undivided group of ten (10) designs	10 000
Industrial design publication fee	30 000
Renewal 5 <sup>th</sup> Year	115 000
Renewal 10 <sup>th</sup> Year	115 000

Professional fees vary and it is advisable to obtain comparative quotes from at least three OAPI- accredited professionals. A list is available at Règlements des taxes (oapi.int)





Regional applications are substantively examined by the OAPI. These applications can take 6-9 months to complete registration, assuming that only minimal official actions are needed and there are no objections.

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

Renewal fees must be paid before the due date.

In the OAPI, renewal fees are payable before the due date (that is the anniversary date of renewal). Late payment of the renewal fees is possible within a grace period of 6 months after the due date.

Before payment, it is advisable to confirm the amount of the fees on the OAPI website as the official fees may change. The latest fees are available at <http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants>.

The following OAPI renewal fees are currently applicable:

5 to 10	115 000
10 to 15	115 000





These are usually payable as a flat-rate fee per annuity payment. The OAPI industrial design system is a community system where a single payment of annuity covers all its 17 Member States. It is advisable to compare the fees of various IP agents.

These are registrable under the Hague Agreement through the WIPO's International Bureau. Further information is available at [https://www.wipo.int/treaties/en/registration/hague/summary\\_hague.html](https://www.wipo.int/treaties/en/registration/hague/summary_hague.html).

The Hague Agreement allows applicants to register an industrial design by filing a single application with the WIPO's International Bureau, enabling design owners to protect their designs with a minimum of formalities in multiple countries or regions. The Hague Agreement also simplifies managing an industrial design registration, since it is possible to record subsequent changes and renew the international registration through a single procedural step.

Article 1, Annex VI of the Bangui Agreement, Act of 14 December 2015 defines a geographical indication (GI) as 'an indication that serves to identify a product as originating from a place, a region, or a country, in those cases where the quality, reputation or other specific characteristic of the product may be essentially attributed to such geographical origin'.

In Senegal, GIs are registered through the regional route (OAPI) and are governed by Annex VI of the Bangui Agreement, Act of 14 December 2015. In addition, OAPI became a contracting party to the Lisbon Treaty on Appellations of Origin and Geographical Indications by adopting the Geneva Act in March 2023. Therefore, International applications via Lisbon's International System of Appellations of Origin and Geographical Indications is a filing route.

Without prejudice to the existing GI system under the Bangui Agreement, the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ("the Geneva Act") was adopted in 2015 to modernize the Lisbon International Registration System, and extend protection to the broader category of Geographical Indications (GIs) in addition to Appellations of Origin (AOs). This, in turn, allows more products (i.e. those that do not qualify under the more stringent category of AOs) to benefit from the international protection mechanism offered by the Lisbon System. Also, the Geneva Act opens the Lisbon System to the accession of certain intergovernmental organizations (such as the European Union or the African Intellectual Property Organization). More information is available in the link below: <https://www.wipo.int/lisbon/en/>.





The Lisbon Agreement enables applicants to register a geographical indication or appellation of origin by filing a single application with the International Bureau of WIPO. This enables design owners to protect their designs with a minimum of formalities in multiple countries or regions. The Lisbon Agreement also simplifies the process of managing a geographical indication or appellation of origin.

International geographical indication or appellation of origin applications may be filed with the WIPO's International Bureau, either directly or through the industrial property 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 WIPO's International Bureau.

The OAPI has 17 Member States: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea, and Republic of Comoros. Therefore, all members of OAPI can file a single application at the International Bureau of WIPO and enjoy protection of their GIs and AOs in contracting Member States that permit the protection of GIs and AOs.

The OAPI GI system is a regional system whereby a single application automatically covers all 17 OAPI Member States. No (national route) individual country designation is allowed.

The following can apply for the registration of a GI:

- farmers or any other person exploiting natural products;
- manufacturers of products of craft or industry;
- processors of natural or agricultural products;
- any person who trades these products.

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

European GIs do appear to be registrable under the current OAPI GIs law. For information about the protection of European GIs in African countries, the Organization for an International Geographical Indications Network should be consulted at <https://www.origin-gi.com/worldwide-gi-compilation/>.





An application for the registration of a GI must include:

- an application addressed to the Director-General of the organisation;
- a document proving payment of the filing fee to the organisation;
- the geographical indication;
- a reasoned notice of validation of the geographical indication by the competent Ministry of the State of origin of the geographical indication;
- the specifications, containing in particular the following:
  - the applicant;
  - the name of the producer;
  - the type of product;
  - the specifications of the product, setting out in particular the quality, reputation or other characteristics of the products for which the indication is used;
  - the delimitation of the geographical area;
  - the breeding method;
  - the link to the origin;
  - the inspection plan;
  - the labeling;
  - the articles of association of the group of producers, if applicable;
  - the agent's power of attorney, if applicable; and
  - proof of registration of the geographical indication in the country of origin, for foreign geographical indications.

To be registrable, a GI must be an indication that serves to identify a product as originating from a place, a region, or a country, in those cases where the quality, reputation or other specific characteristic of the product may be essentially attributed to this geographical origin. 'Product' means any natural, agricultural, craft or industrial product.

A geographical indication cannot be registered if it:

- does not correspond to the definition in Article 1(a) of Annex VI of the Bangui Agreement, Act of 14 December 2015;
- is contrary to public policy or morality or is likely to deceive the public, in particular, as to the nature, source, manufacturing process, characteristic qualities or suitability for their purpose of the goods concerned;
- is not protected in the country of origin or has ceased to be protected in that country.





Applications can be filed at the OAPI regional offices, through OAPI liaison offices in the MemberStates or through the International Bureau at WIPO for international registrations. Electronic applications are now currently operational.

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

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (XOF). Application forms and information on fees are available at <http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants>.

Professional fees vary so it is advisable to obtain comparative quotes from at least three OAPI- accredited professionals. A list is available at [http://oapi.int/index.php/fr/component/k2/item/295- liste-des-mandataires-agrees-aupres-de-l-oapi](http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi).

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

Description of Process/ Service	Official Fees
Filing and publication of an application for registration of a geographical indication	500 000



Unless substantive objections are raised or there are unusual delays, a GI application takes, on average, 14 months to complete registration. This includes an opposition period of 3 months.

Subject to compliance with the specifications of the OAPI law, the protection conferred on a geographical indication is unlimited in duration.

Article 1(a), Annex IX of the Bangui Agreement, Act of 14 December 2015 defines ‘integrated circuit’ as ‘a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in or on a piece of material and which is intended to perform an electronic function’.

Article 1(b), Annex IX of the Bangui Agreement, Act of 14 December 2015 defines ‘layout design’ (synonym of ‘topography’) as ‘the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an integrated circuit, or such three-dimensional disposition prepared for an integrated circuit intended for manufacture’.

Article 1(c), Annex IX of the Bangui Agreement, Act of 14 December 2015 defines ‘holder’ as ‘the natural or legal person who is to be regarded as the beneficiary of the protection referred to in Article 7 of Annex IX of the Bangui Agreement, Act of 14 December 2015’.

In Senegal, layout designs of Integrated circuits (‘layout designs’) are registered exclusively through the regional route (OAPI) under Annex IX Part V of the Bangui Agreement, Act of 14 December 2015.

The OAPI has 17 Member States: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d’Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea, and Republic of Comoros.

Currently, the OAPI has no registered layout designs of integrated circuits (‘layout designs’).

An application for registration of a layout design can be made by, or on behalf of, the following:

- a person claiming to be the proprietor of the design;
- co-owners claiming proprietorship over the design;
- a person claiming to be the proprietor’s assignee or successor in title.





An application for the registration of a layout design must include:

- an application for registration of the layout design addressed to the Director-General bearing, inter alia, the applicant's name, address, nationality and, where the nationality is different from the address given, the address of habitual residence;
- a document proving payment of the required fees to the organisation;
- a short and precise description of the layout design with sufficient information on how best to exploit the layout design known to the creator on the date of deposit and, in the event that a priority is claimed, the priority date of the application;
- the powers of attorney of the applicant's agent, where appropriate; a copy or a drawing of the layout design, together with information defining the electronic function that the integrated circuit is intended to perform; however, the applicant may omit from the copy or from the drawing those parts that concern the method of manufacturing the integrated circuit, on condition that the parts submitted are sufficient to permit identification of the layout design;
- the date of the first commercial exploitation of the layout design anywhere in the world or a statement that exploitation has not yet begun;
- particulars establishing the entitlement to protection under Article 4.

'The right to protection of a layout design shall belong to its creator. It may be assigned or transferred by succession. Where several persons have jointly created a layout design, the right shall belong to them jointly.'

A layout design, is registrable if:

- they are original within the meaning of Article 3 of Annex IX of the Bangui Agreement, Act of 14 December 2015;
- the layout design has not yet been commercially exploited or has been commercially exploited for not more than 2 years anywhere in the world.
- A layout design will be deemed original if it is the result of its creator's own intellectual effort and is not commonplace among creators of layout designs and manufacturers of integrated circuits.
- A layout design that consists of a combination of elements and interconnections that are commonplace will be protected only if the combination, taken as a whole, is original within the meaning of paragraph (1) of this article.





- Any layout designs whose use would be contrary to the law, public policy or morality.
- A layout design that is not original and has been exploited commercially for more than 2 years anywhere in the world.

An application on the prescribed form must be submitted exclusively to the OAPI office. No national or individual country designation is admitted.

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

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (XOF). Application forms and information on fees are available at <http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants>.

Professional fees vary, so it is advisable to obtain comparative quotes from at least three OAPI- accredited professionals. A list is available at <http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi>.

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

Application to register a layout design	225 000
Publication fee	365 000
Surcharge length of design description: 11 to 20 pages	120 000
(XOF 80 000 for 10 additional pages)	270 000

<sup>3</sup> The professional fees listed on this page are for informational purposes only and are subject to change without notice. No guarantees are made regarding the accuracy, validity, or applicability of these fees to any specific situation. The Africa IP SME Helpdesk is not liable for any damage or loss arising from the use of this information. For an accurate and personalised quote, it is recommended to contact the relevant professional directly





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Unless substantive objections are raised or there are unusual delays, an integrated circuit layout design takes 9-12 months to complete registration. This includes an opposition period of 3 months.

The duration of an integrated circuit layout design registration in the OAPI is 10 years.

There are no prescribed renewal fees that must be paid after the 10-year registration term.

No law governing traditional knowledge is currently enacted in Senegal.

A brief description of the cultural diversity and artistic works of Senegal follows.

The most represented ethnic groups in Senegal are the Wolofs, the Peuls, the Sérères and the Diolas. They are mainly found in Casamance in the south of the country. In addition to these are the Malinkés in the south-east and the Soninkés, which are very present in the upper valley of the Senegal River, as well as the populations of Mancagne.

In Senegal, social traditions are first characterised by the collective spirit and *Teranga*, hospitality that is recognised all over the world. *Teranga* designates that extremely warm welcome from others that makes one feel instantly integrated. Traditionally, respect for the word and the social function that belongs to everyone allows men and women to live in harmony.

Senegal is also distinguished by its crafts, its very rich cultural heritage, and traditional wrestling, music and cuisine.

Senegal has enacted Law No 200809 of January 25, 2008 on copyright and neighbouring rights of the Republic of Senegal.

At the regional level, Annex VII of the Bangui Agreement, Act of 14 December 2015, although not directly applicable at the national level, is referred to in the presence of a conflict of law or in the absence of specific provisions on a copyright matter.

Senegal is also a signatory to the following treaties:

- The Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886, as last revised at Paris on 24 July 1971, and/or the Universal Copyright Convention as revised at Paris on 24 July 1971 and amended on 28 September 1979;





- The Rome Convention for the protection of Performers, Producers of Phonograms and Broadcasting Organizations of 26 October 1961;
- The World Intellectual Property Organization Copyright Treaty of 20 December 1996.

Copyright is not a registrable right in Senegal. It exists automatically when any original work is created in one of the categories that is protected by Law No 200809 of 25 January 2008 on copyright and neighbouring rights of the Republic of Senegal.

All literary or artistic works irrespective of their mode, worth, genre or purpose of expression are protected under copyright, particularly:

- a) computer programs;
- b) musical composition with or without lyrics;
- c) dramatic, dramatico-musical, choreographic works and pantomimes created for the stage;
- d) audiovisual works;
- e) drawings, paintings, lithographs, etchings or wood engravings and other works of the same kind;
- f) all kinds of sculptures, bas-reliefs and mosaics;
- g) architectural works, including the drawings, models and the construction itself;
- h) tapestries and objects created by the arts and applied arts, including the sketches or patterns and the works themselves;
- i) maps as well as graphic and plastic drawings and reproductions of a scientific or technical nature;
- j) photographic works including work expressed by a process similar to photography.
- k) the title of a work will be equally as protected as the work itself.

Literary work includes work expressed in words, numbers or other verbal or numerical symbols or insignia regardless of the nature of the material object used. This implies that all computer programs fall under literary works. A work may be literary and artistic especially when it is composed of both words and signs other than words alone.

Under the 2008 Copyright Law, copyright will not protect:

- a) official texts and their official translation, reports, court judgments and other official instruments and translations;
- b) ideas themselves;
- c) coats of arms, decorations, currency marks and other official insignia.





The 2008 Copyright Law lays down three positive criteria for protection of all literary and artistic

creations in Senegal. These include the following.

- a) The \_\_\_\_\_ that is sufficiently stable so as to permit it to be perceived, reproduced or otherwise communicated for a period of more than transitory duration either by human sense(s) or with the help of a machine.
- b) A \_\_\_\_\_ whether or not it resembles a previous creation or work. Originality is only appreciable when the creation is an expression and where there is a distinctive element differentiating it from any previous creation of the same kind. Therefore, there must be an established difference between what is created and any previous work of the same kind.
- c) The created work must be a literary and/or artistic work.

Permitted acts that do not infringe copyright include:

- fair use: copyright in a work is not infringed by any fair dealing for the purposes of research or private study by the person using the work;
- fair use for the 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.

Unpermitted/restricted acts include:

- reproducing the work;
- publishing the work;
- importing or exporting the work to/from Senegal, other than for personal and private use;
- causing the work to be transmitted on a cable programme service, unless the service transmits a lawful broadcast and is operated by the original broadcaster;
- making an adaptation of the work.





The duration of copyright protection is as follows:

- : the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- : 50 years from the end of the calendar year in which the performance took place;
- : 50 years from the end of the year in which the work was made available to the public with the consent of the owner of the copyright or, failing such an event, 50 years from the making of the work or 50 years from the end of the year in which the work was made;
- : 50 years from the end of the year in which the recording was first published;
- : 50 years from the end of the year in which the broadcast first took place;
- : 50 years from the end of the year in which the signal was first emitted to a satellite;
- : 50 years from the end of the year in which the edition was first published;
- : 25 years from the making of the work.

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

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

The breeding of new plant variety entitles the breeder to a plant variety certificate. In order to enjoy the protection afforded, a variety shall be: (a) new; (b) distinct; (c) uniform; (d) stable; and (e) given a denomination devised in accordance with the applicable provisions.

Under Annex X of the Bangui Accord a plant variety a plant grouping within a single botanical taxon of the lowest known rank, which grouping, whether or not it meets the conditions for the grant of a plant variety certificate, can be:

- defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;
- distinguished from any other plant grouping by the expression of at least one of the above-mentioned characteristics; and
- considered as a unit with regard to its suitability for being propagated unchanged.





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

The rights to a plant variety belongs to the breeder.

An application for registration can be made by:

the State or the government of a reciprocating country;

an individual who is a citizen or resident of Cameroon or another OAPI member state;

an entity that has its main office in Cameroon or in one of the other member countries where the state or government, individual, company, or body corporate, as the case may be, is a breeder of the new variety

concerned. In most cases, foreign applications are filed on the basis that the applicant is a citizen or resident of a country member of UPOV.

A local agent must file a power of attorney in support of a PBR application.

An application for registration must include the following:

- I. an application form PBR1 and PBR2;
- II. a technical description of the variety;
- III. payment of the required fees;
- IV. priority documents;
- V. a signed power of attorney, if the applicant is not from an OAPI member state;
- VI. the Deed of Assignment, if the applicant is not the breeder;
- VII. a completed technical questionnaire;
- VIII. colour photographs showing the variety's essential characteristics.

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

The following subject matter cannot be registered as PBRs:

wild species and species that have been neither planted nor improved by man;

a variety that is not new, distinctive, uniform and stable.

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

Applicants resident outside OAPI territory must file through an agent in one of the member states. The professional status of OAPI-accredited agent is governed by special regulations. More information is available through this link: <http://www.oapi.int/index.php/fr/ressources/documents-prives>





Information on fees is available through this link: <http://oapi.int/index.php/fr/ressources/reglements/item/382-taxes-applicables-en-matiere-d-obtentions-vegetales>.

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

- the filing date can be assigned;
- the documents in the application are complete and satisfy the requirements in articles 5,6,7 and 8 of Annex X of the Bangui Accord 2015;
- the application is not excluded from eligible botanical taxes; and
- the candidate variety is new.

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

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

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

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

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

This includes an opposition period of 3 months.

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

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

OAPI: <http://oapi.int/index.php/fr/ressources/actes-de-l-oapi>.

AfCFTA – Africa Trade House, Ambassadorial Enclave, Liberia Road, Ridge, Accra Ghana: <https://au.int/en/cfta>.

OAPI – African Regional Intellectual Property Organization: <http://oapi.int>.

ECOWAS – Economic Community of West African States: <https://ecowas.int/>.



