SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital: Bamako
Population: 20.2 million (2020)
Currency of government (official) fees: West African CFA franc (XOF)
Language for filing IP applications: French
GDP per capita (US$): 917.9 (World Bank, 2021)
Human Development Index: 0.3 (World Bank, 2020)
Main exports: Gold, Other Oily Seeds, Rough Wood, Raw Cotton, and Mixed Mineral or Chemical Fertilisers
Main imports: Refined Petroleum, Light Pure Woven Cotton, Packaged Medicaments, Cement, and Cars.

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

Mali is a contracting state to the following international legal instruments:
- 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;
- 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;
- 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 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 1989 amended on 3 October 2006 and on 12 November 2007;
- The Singapore Treaty on the law of Trademarks of 27 March 2006;
- The World Intellectual Property Organization Copyright Treaty of 20 December 1996;

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

1.3 REGIONAL AGREEMENTS

Mali is a member of the following regional agreements:
- AfCFTA (the African Continental Free Trade Area) The AfCFTA Agreement includes a protocol on IP rights aimed at advancing 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 Malian legislation.
- ECOWAS (the Economic Community of West African States) ECOWAS has no regional IP agreements, protocols or registration systems in place. ECOWAS is composed of 15 states. These are Benin, Burkina Faso, Cape Verde, Côte d’Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN EQUATORIAL GUINEA

The following IP protection is available in Mali:
1) trademarks: regional (OAPI) and international (Madrid);
2) patents: regional (OAPI);
3) utility models: regional (OAPI);
4) industrial designs: regional (OAPI);
5) geographical indications: regional (OAPI);
6) layout designs of integrated circuits: regional (OAPI);
7) traditional knowledge and handicrafts: no specific law
8) copyright and neighbouring rights: national, regional (OAPI);

1.5 IP REGISTRATION ROUTES

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

Out of the eight IP rights mentioned above, just one (copyright) is protected at the national level. Registrations are done at the level of copyright management bodies.

Regional

Mali is a contracting party to the OAPI, Bangui Agreement Instituting an African Intellectual Property Organization, Act of 14 December 2015 covering Industrial Property Rights. A single filing covers all the OAPI 17 member States.

International

Mali 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 to designate the OAPI through the Madrid System. More information is available at: https://www.wipo.int/madrid/en/

Via the OAPI, Mali is also a contracting party to the Hague System for the international registration of industrial designs, which means that it is possible to register industrial designs through the International Bureau directly through WIPO.

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

A national route is exclusively for copyright.

A regional 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 international route is advisable for trade mark and industrial design protection only, when protection is required in more countries than are covered by the OAPI regional trade mark system or in the case of industrial designs, where international protection is required beyond the regional scope of protection available under the Bangui Agreement.

Useful information:

Professional representation

Foreign applicants whose principal place of business is outside the OAPI member States must appoint a local agent. OAPI accepts signed powers of attorney without any need for notarisation. However, you should check with your IP service provider in the OAPI region 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-acceptees-aupres-de-l-oapi

Trade marks

The trade mark law applicable in the OAPI has established a regional trade mark system where a single filing covers its 17 member Countries with no individual country designation accepted.

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

SECTION 2: OVERVIEW OF IP ENFORCEMENT

Mali is a signatory to the WTO’s TRIPS Agreement and its IP laws, though regionally inclined, are substantively 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, claim of ownership proceedings etc.

Beside the Administrative litigation role of the OAPI, the organisation also has the mission of training IP experts, magistrates, and custom officers, on how to combat IP infringement. There have been training sessions organised by the OAPI and Interpol, and also with WIPO.

For copyrights, Law No. 08 - 024 / of July 23 2008 establishing the system of literary and artistic property in the Republic of Mali provides for conservatory measures that seek to prevent infringements and also to 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 the 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 also seek the intervention of the courts to fight third parties who infringe their rights.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADEMARKS

Regional and international trade marks can be registered in the OAPI as explained below.
Benefits of registering a trade mark

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

3.1.1 Who can register a trade mark?

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

3.1.2 What are the registration requirements?

A trade mark application must contain the following:
- an application letter containing the name, nationality and address of the applicant; or full name (as on the Certificate of Incorporation) and the address of the company;
- a completed Application for Registration of a Trademark (M301) and payment of the prescribed application fee;
- a list of the goods and/or services, 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.

3.1.3 What qualifies for registration?

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 shall be considered a trademark or service mark.

In particular, the following may constitute such sign:
- Denominations in all forms such as words, combination of words, combination of words, surnames in and of themselves or in a distinctive form, special, arbitrary or fanciful designations, letters, abbreviation and numerals;
- Figurative signs such as drawings, labels 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;
- Audio visual signs and series of signs

3.1.4 What cannot be registered?

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 is composed of 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 filling or priority date is earlier that 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 conventional, save where the competent authority of that state or organisation has granted permission.

3.1.5 Where can I file an application?

- OAPI main office;
- OAPI national liaison offices in member states;
- OAPI designation through the international bureau.

3.1.6 How much does it cost?

**Government (official) fees**

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

IP Country Fiche

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 OAPI’s 17 member countries. Here, no (national route) individual country designation is allowed.

Choosing between a national or regional patent registration for Mali

No national route or individual country designation is allowed.

Choosing a patent filing route

Mali is a member of the PCT. Patent applications under the OAPI system have a single route, that is, the regional system. Once this is done, applicants can opt for the PCT. However, the PCT provides a patent filing rather than a patent registration route.

National or Regional Patents

3.2.1 Is it possible to get a national patent in Mali?

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

3.2.2 What are the registration requirements for a regional patent?

A patent application must contain the following:

- a request 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.

3.2.3 What qualifies for registration?

A patent must meet the following requirements:

- **Novelty**, which must be absolute novelty in that the invention must be a new characteristic that is not known in the body of existing knowledge in its technical field. It must not be

<table>
<thead>
<tr>
<th>Description of Process/Service</th>
<th>Official Fees (XOF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application to register a trade mark in colour or black and white</td>
<td>360 000</td>
</tr>
<tr>
<td>Surcharge for additional class</td>
<td>75 000</td>
</tr>
<tr>
<td>Priority claim fee, if applicable</td>
<td>75 000</td>
</tr>
</tbody>
</table>

3.1.7 How long does registration take?

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

3.1.8 What is the duration of protection?

10 years from the filing date, renewable.

3.2 PATENTS

Mali Patent Registration

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

Regional


3.1.6 Professional fees

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

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

<table>
<thead>
<tr>
<th>Type of Fee</th>
<th>Official Fees (XOF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application to register a patent 1st year</td>
<td>225 000</td>
</tr>
<tr>
<td>Priority claim for each priority</td>
<td>63 000</td>
</tr>
<tr>
<td>Patent publication fee</td>
<td>365 000</td>
</tr>
<tr>
<td>Surcharge for each additional claim above the 10th claim</td>
<td>45 000</td>
</tr>
<tr>
<td>Surcharge for patent descriptions from 11 to 20 pages</td>
<td>120 000</td>
</tr>
<tr>
<td>Surcharges for patent descriptions from 21 to 30 pages</td>
<td>300 000</td>
</tr>
<tr>
<td>Surcharges for patent descriptions from 31 to 40 pages</td>
<td>600 000</td>
</tr>
<tr>
<td>Patent annuities fee for each annuity (2nd, 3rd, 4th &amp; 5th)</td>
<td>220 000</td>
</tr>
</tbody>
</table>

3.2.7 How long does registration take?

Regional: route Mali applications are substantively examined by the OAPI and take 6-9 months on average to complete registration, assuming that there are no objections.

3.2.8 What is the duration of protection?

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

3.2.9 When are renewal fees paid?

Regional patents

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

Article 1, Annex II of the Bangui Agreement, Act of December 14, 2015 defines a utility model to be 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.

Mali Utility Model Registrations

Regional


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 the OAPI’s 17 member countries. Here, no (national route) individual country designation is allowed.

National Utility Models

3.3.1 Existence of national utility models

National utility models are not allowed

3.3.2 Where can I file an application?

Regional applications can be filed at OAPI regional offices or through OAPI liaison offices lodged in the member states. For the time being, electronic applications are not yet operational.

3.3.3. OAPI utility model fees

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

Annuities

The following government (official) fees are currently applicable:

<table>
<thead>
<tr>
<th>Type of Fee</th>
<th>Official Fees (XOF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annuity 2nd year</td>
<td>220 000</td>
</tr>
<tr>
<td>Annuity 3rd year</td>
<td>220 000</td>
</tr>
<tr>
<td>Annuity 4th year</td>
<td>220 000</td>
</tr>
<tr>
<td>Annuity 5th year</td>
<td>220 000</td>
</tr>
<tr>
<td>Annuity 6th year</td>
<td>375 000</td>
</tr>
<tr>
<td>Annuity 7th year</td>
<td>375 000</td>
</tr>
<tr>
<td>Annuity 8th year</td>
<td>375 000</td>
</tr>
<tr>
<td>Annuity 9th year</td>
<td>375 000</td>
</tr>
<tr>
<td>Annuity 10th year</td>
<td>375 000</td>
</tr>
<tr>
<td>Annuity 11th year</td>
<td>500 000</td>
</tr>
<tr>
<td>Annuity 12th year</td>
<td>500 000</td>
</tr>
<tr>
<td>Annuity 13th year</td>
<td>500 000</td>
</tr>
<tr>
<td>Annuity 14th year</td>
<td>500 000</td>
</tr>
<tr>
<td>Annuity 15th year</td>
<td>500 000</td>
</tr>
<tr>
<td>Annuity 16th year</td>
<td>650 000</td>
</tr>
<tr>
<td>Annuity 17th year</td>
<td>650 000</td>
</tr>
<tr>
<td>Annuity 18th year</td>
<td>650 000</td>
</tr>
<tr>
<td>Annuity 19th year</td>
<td>650 000</td>
</tr>
<tr>
<td>Annuity 20th year</td>
<td>650 000</td>
</tr>
</tbody>
</table>

OAPI- patent (Mali)

Renewal fees are payable up to the 20th 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 through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

OAPI applies a community patent system where a single payment covers 17 countries.
**OAPI utility model registration fees**

Fees must be paid through OAPI if an applicant chooses to register a utility model in the OAPI region. A single registration covers 17 OAPI countries. The OAPI’s fees are reviewed regularly. The latest fees are available through this link: [http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants](http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants).

Application fees consist of three components, as follows:

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

**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 through this link: [http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agree-aupres-de-l-oapi](http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agree-aupres-de-l-oapi).

**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 grant of the utility model.

Late payment of the 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 10th 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 through this link: [http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants](http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants).

The following government (official) fees are currently applicable:

<table>
<thead>
<tr>
<th>Type of Fee</th>
<th>Official Fees (XOF)</th>
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<tbody>
<tr>
<td>Annuity 2nd year</td>
<td>20 000</td>
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<tr>
<td>Annuity 3rd year</td>
<td>20 000</td>
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<tr>
<td>Annuity 4th year</td>
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<td>Annuity 5th year</td>
<td>20 000</td>
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<tr>
<td>Annuity 6th year</td>
<td>35 000</td>
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<td>Annuity 7th year</td>
<td>35 000</td>
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<tr>
<td>Annuity 8th year</td>
<td>35 000</td>
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<tr>
<td>Annuity 9th year</td>
<td>35 000</td>
</tr>
<tr>
<td>Annuity 10th year</td>
<td>35 000</td>
</tr>
</tbody>
</table>

**3.4. INDUSTRIAL DESIGNS**

Article 1, Annex IV of the Bangui Agreement, Act of December 14, 2015 defines a design to be any arrangement of lines or colors and a model of any three-dimensional shape, whether or not associated with lines or colors 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.
Mali 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 December 14, 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 OAPI’s 17 member countries. Here, no (national route) individual country designation is allowed.

International

Industrial Designs: Hague Agreement

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

• The Hague System Agreement lets applicants 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 International Bureau of WIPO, 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 the International Bureau of WIPO.

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

Choosing between a national or regional industrial design registration for Mali

As a member of the OAPI industrial design system, Mali applies exclusively to regional industrial design registration. Here, a single filing automatically covers the 17 OAPI member states.

Examination and novelty of designs under the OAPI system

The OAPI does substantive examination of design applications but it should be noted that the said examination does not apply to aspects of novelty of the industrial design.

OAPI Industrial Designs

3.4.1 Who can register?

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 case of co-ownership).

3.4.2 What are the registration requirements?

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.

3.4.3 What qualifies for registration?

An industrial design is registrable if it is new. For a creation to qualify for design registration it must clearly identify novel features of the design in terms of:

• shape;
• configuration;
• pattern and/or ornament.

Multiple design applications are possible in the OAPI, provided that all the designs are embodied in a single set of articles and belong to the same class.

3.4.4 What cannot be registered?

The following cannot be registered:

• designs that are contrary to the law, public policy or morality;

3.4.5 Where can I file an application?

Regional applications can be filed at the OAPI regional office or through OAPI liaison offices lodged in the Member States. For the time being, electronic applications are not yet operational.
3.4.6 How much does it cost?

These fees are paid through the OAPI. The OAPI’s fees are reviewed regularly. The latest fees are available through this link: [http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants](http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants)

Application fees, are as follows:

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

Note on professional fees

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

3.4.7 How long does registration take?

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.

3.4.8 What is the duration of protection?

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

3.4.9 When are renewal fees paid?

Renewal fees must be paid before the due date. See above the different renewal fees

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.

OAPI-registered design renewal fees

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 through this link: [http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants](http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants)

The following OAPI renewal fees are currently applicable:

<table>
<thead>
<tr>
<th>Annuity Years</th>
<th>OAPI Fee (XOF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 - 10</td>
<td>115 000</td>
</tr>
<tr>
<td>10 - 15</td>
<td>115 000</td>
</tr>
</tbody>
</table>

Professional services renewal fees

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 different IP agents.

International Industrial Designs:

These are registrable under the Hague System through the International Bureau of WIPO. More information is available through this link: [https://www.wipo.int/treaties/en/registration/hague/summary_hague.html](https://www.wipo.int/treaties/en/registration/hague/summary_hague.html)

The Hague System Agreement allows applicants to register an industrial design by filing a single application with the International Bureau of WIPO, enabling design owners to protect their designs with 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.

3.5. GEOGRAPHICAL INDICATIONS (GIs)

About GIs in Mali - OAPI

Article 1, Annex VI of the Bangui Agreement, Act of December 14, 2015 defines geographical indications (GIs) to 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 such geographical origin.

In Mali, GIs are registered exclusively through the regional route (OAPI) and are governed by Annex VI of the Bangui Agreement, Act of December 14, 2015.

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.
3.5.4 What qualifies for registration?

To be registrable, a GI needs to 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 such geographical origin. 'PRODUCT' means any natural, agricultural, craft or industrial product.

3.5.5 What cannot be registered?

A geographical indication cannot be registered if it consists of:

• indications that do not correspond to the definition in Article 1(a) of Annex VI of the Bangui Agreement, Act of 14 December 2015;

• indications that are contrary to public policy or morality or those which, in particular, are 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;

• indications that are not protected in their country of origin or have ceased to be protected in that country.

3.5.6 Where can I file an application?

Applications can be filed at OAPI regional offices or through OAPI liaison offices lodged in the member states. For the time being, electronic applications are not yet operational.

3.5.7 How much does it cost?

OAPI fees

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

Official fees

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 through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants?

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three OAPI-accredited professionals. A list is available through this link: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-acceptes-aupres-de-l-oapi.
Likely overall registration costs for an OAPI Geographical Indication

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

<table>
<thead>
<tr>
<th>Type of Fee</th>
<th>Official Fees (XOF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filing and publication of an application for registration of a geographical indication</td>
<td>500 000</td>
</tr>
</tbody>
</table>

3.5.8 How long does registration take?

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

3.5.9 What is the duration of protection?

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

3.6. LAYOUT DESIGNS OF INTEGRATED CIRCUITS

About Layout Designs of Integrated Circuits in Mali

Article 1(a), Annex IX of the Bangui Agreement, Act of December 14, 2015 defines that 'integrated circuit' means 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 December 14, 2015 defines that 'layout design' (synonym of topography) means 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 December 14, 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 December 14, 2015.

**Professional fees**

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

**Likely overall registration costs for a layout design**

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

<table>
<thead>
<tr>
<th>Type of Fee</th>
<th>Official Fees (XOF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application to register a layout design</td>
<td>225 000</td>
</tr>
<tr>
<td>Publication fee</td>
<td>365 000</td>
</tr>
<tr>
<td>Surcharge length of design description</td>
<td></td>
</tr>
<tr>
<td>11 to 20 pages</td>
<td>120 000</td>
</tr>
<tr>
<td>21 to 30 pages</td>
<td>190 000</td>
</tr>
<tr>
<td>Above 31 pages, 80 000 F.CFA for</td>
<td></td>
</tr>
<tr>
<td>10 additional pages</td>
<td>270 000</td>
</tr>
</tbody>
</table>

**3.6.7 How long does registration take?**

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

**3.6.8 What is the duration of protection?**

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

**3.6.9 When are renewal fees paid?**

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

**3.7. TRADITIONAL KNOWLEDGE AND HANDICRAFTS**

For the time being, no law governing traditional knowledge is enacted in Mali.
3.8. COPYRIGHT AND NEIGHBOURING RIGHTS

A brief presentation of the cultural diversity and artistic works of Mali:

Mali saw the birth of five great empires, namely: the Ghana Empire, the Mali Empire, the Songhai Empire, the Bamanan Empire of Segou and the Fulani Empire of Macina. From north to south, from east to west; from the Tuaregs, Arabs, to the Senoufos, Miniankas from the Soninkés, Sarakolé to the Bozos, Peuhls. All have left the footprints of their civilisation on this earth. Mali is certainly a country at the crossroads. But it is not enough to call this country the ‘crossroads of civilisations’. Mali is at the heart of the history of Africa. It’s cities are famous for their intellectual importance and the lustre of their scholars. The beauty of its monuments is known throughout the world. Anyone who does not know Mali will at least have heard of Timbuktu.

Pays Dogon, Timbuktu, Djenné, the Askia tomb in Gao, are all listed as UNESCO World Heritage.

About Copyright and Neighbouring Rights in Equatorial Guinea

Mali has enacted Law No. 08 - 024 / of July 23, 2008 establishing the system of literary and artistic property in the Republic of Mali.

At the regional level, Annex VII of the Bangui Agreement, Act of December 14, 2015, though 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.

Mali is also a signatory to the following treaties:

• Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as last revised at Paris on July 24, 1971, and/or the Universal Copyright Convention as revised at Paris on July 24, 1971 and amended on September 28, 1979;
• The World Intellectual Property Organization Copyright Treaty of December 20, 1996.

3.8.1 Can I register?

Copyright is not a registrable right in Mali. It exists automatically when any original work is created in one of the categories that is protected by the Law No. 08 - 024 / of July 23, 2008 establishing the system of literary and artistic property in the Republic of Mali.

3.8.2 What qualifies for protection?

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; and
k) The title of a work shall equally be protected as the work itself.

Literary work shall include 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.

3.8.3 What cannot be protected?

The 2008 Law is to the effect that Copyright shall 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.

3.8.4 What are the requirements for legal protection?

The 2008 Copyright Law lays down three positive criteria for protection of all literary and artistic creations in Mali. These include:

a) The work must be in a tangible form 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 work may be original even if it resembles a previous creation or even if it does not resemble any previous work. We can appreciate originality only when the creation is an expression and where there is a distinctive element between it and any previous creation of the same kind. Thus, there must be an established difference between what is created and any previous work of same kind;
c) The created work must be a literary or artistic work or both literary and artistic work.
3.8.5 What are examples of acts permitted in relation to copyright works?

Permitted acts that do not infringe copyright include:

- fair use: copyright in a work is not infringed by any fair dealing for the purposes of research or private study by the person using the work;
- fair use for purposes of criticism, review or news reporting;
- educational use;
- copies made to replace or conserve library or archival copies of works;
- use of anonymous or pseudonymous works, subject to conditions;
- use of work for parliamentary or judicial proceedings or inquiries;
- quotations from copyright works;
- public readings and recitations.

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

Unpermitted/restricted acts include:

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

3.8.7 What is the duration of protection?

The duration of copyright protection (is as follows):

- literary works: the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- performers and recording rights: 50 years from the end of the calendar year in which the performance took place;
- an audiovisual work, a collective work, a photograph, or a computer program: 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;
- a sound recording: 50 years from the end of the year in which the recording was first published;
- a broadcast: 50 years from the end of the year in which the broadcast first took place;
- a programme-carrying signal: 50 years from the end of the year in which the signal was first emitted to a satellite;

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

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

Links to legislation:

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

Links to institutions:

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


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