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IP SME HELPDESK



IP Country Fiche
SOMALIA



SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Mogadishu
Population:	15.44 million
Currency of government (official) fees:	Somali shilling (Sh.So)
Language for filing IP applications:	Somali, Arabic, Somali, Arabic, Italian, English
GDP per capita:	4,917.61 (est. in 2020)
Human Development Index:	0.285 out of 1.0
Main exports:	livestock, bananas, skins, fish, charcoal and scrap metal
Main imports:	foodstuffs; manufactures; petroleum products; construction materials

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

- WIPO¹ Convention

1.3 REGIONAL LEGAL INSTRUMENTS

Somalia is a contracting state to the following regional legal instruments:

African Continental Free Trade Area (AfCFTA) Agreement

COMESA²

- ARIPO³

1 WIPO: World Intellectual Property Organization.
2 The Common Market for Eastern and Southern Africa
3 The African Regional Intellectual Property Organisation

1.4 OVERVIEW OF REGIONAL AGREEMENTS

AfCFTA Agreement (Agreement Establishing the African Continental Free Trade Area)

Somalia has signed the Agreement but has not yet ratified it. The Agreement is available here: <https://au.int/en/treaties/agreement-establishing-african-continental-free-trade-area>. It contains a Protocol on Intellectual Property Rights (IPR) which aims at the effective protection and promotion of IPR in Africa and may, therefore, have legal implications for Somalia when it enters into force.

COMESA

It has a COMESA Policy on Intellectual Property Rights. The purpose of the Policy is to promote the use of IP rights by COMESA member states so that they can shift from resource-based economies to knowledge-based and innovation-driven economies. COMESA has no regional IP agreements, protocols or registration systems in place.

ARIPO

Somalia is a member of the African Regional Intellectual Property Organization (ARIPO) but is yet to be a signatory to the ARIPO Protocols.

1.4 AVAILABLE IP PROTECTION

The following IP protection is available in Somalia:

- 1) trade marks: national
- 2) patents: national
- 3) industrial designs: national

1.5 IP PROTECTION NOT AVAILABLE IN SOMALIA

- 1) geographical indications
- 2) plant variety rights
- 3) layout designs of integrated circuits
- 4) traditional knowledge and handicrafts
- 5) copyright and related rights

1.6 IP REGISTRATION ROUTES

IP protection in Somalia can be secured only at national level. The eight types of IP mentioned above can be protected directly in Somalia through the Somalia Intellectual Property Office (SIPO) under the Ministry of Industry, Patents and Trade marks Office.

SECTION 2: OVERVIEW OF NATIONAL IP ENFORCEMENT

The Patents & Trade Marks Registry in Somalia does not currently have any structure for enforcement of IP.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

WHAT YOU SHOULD KNOW ABOUT SOMALI TRADE MARKS

- Foreigners need to appoint a local agent;
- Customs recordals are possible;
- Single-class filing system;
- Cancellation for non-use period is 3 years;
- Appointment of and recordal of licensees at the IP office is advisable;
- Opposition period is 35 days

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 Somalia needs a professional representative.

3.1.2 Do I need a local representative?

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

Representation is optional for local applicants.

- A list of local agents is available from [SIPO](#).

3.1.3 What qualifies for registration?

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

3.1.4 What cannot be registered?

- A trade marks cannot be registered if it:
- contains false indications or is likely to mislead the public;
- contains false indications concerning a geographical indication;
- contains symbols and insignia, flags, arms or official signs of the state or international organisations;
- contains business emblems that do not belong to the applicant;
- is likely to cause confusion with an earlier registered trade mark or pending application;
- is contrary to morality or the law;
- uses a name or likeness of individuals without their authorisation.

3.1.5 Where can I file an application?

- National applications must be filed at the Somalia Intellectual Property Office, SIPO.

3.1.6 What do I need to register?

- A trade mark application must contain the following:
- the applicant's full details, namely their name, nationality, physical address and signature;
- a power of attorney, if the applicant is a foreign company;
- the mark proposed to be used;
- the class(es) of goods or services;
- payment of the prescribed fees.

3.1.7 How do I register?

The national (SIPO) registration process involves the following stages:

- search for the trade mark;
- trade mark application;
- examination;
- publication in the local gazette/on the SIPO website for 35 days;
- trade mark registration and issue of certificate.

3.1.8 How much does it cost to register?

Government/official fees
You can get the latest fees from [here](#).

3.1.9 How long does registration take?

The trade mark registration process takes 2-3 months from the filing date to complete, assuming that there are no unusual delays and no oppositions.

3.1.10 What is the duration of protection?

10 years from the filing date, renewable.

3.1.11 When are renewal fees paid?

- Renewal fees are due on the 10th anniversary of the filing date.

3.2 PATENTS

WHAT YOU SHOULD KNOW ABOUT SOMALI PATENTS

Patents can only be recognised by publishing a 'cautionary notice' in a local newspaper as the Intellectual Property Office in Somalia has been closed for many years and due to the lack of formal IP legislation in the country.

Somalia is a member of ARIPO, as it is a party to the Lusaka Agreement on the Creation of the African Regional Intellectual Property Organization (ARIPO). Nevertheless, Somalia is yet to accede to the Harare Protocol which controls the filing of patents through ARIPO. Therefore, Somalia cannot be designated in an ARIPO patent application.

3.3 INDUSTRIAL DESIGNS

WHAT YOU SHOULD KNOW ABOUT SOMALI INDUSTRIAL DESIGNS

Industrial designs can only be recognised by publishing a 'cautionary notice' in a local newspaper as the Intellectual Property Office in Somalia has been closed for many years and due to the lack of formal IP legislation in the country.

Somalia is a member of ARIPO, as it is a party to the Lusaka Agreement on the Creation of the African Regional Intellectual Property Organization (ARIPO). Nevertheless, Somalia is yet to accede to the Harare Protocol which controls the filing of industrial designs through ARIPO. Therefore, Somalia cannot be designated in an ARIPO design application.

