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CABO VERDE



SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Praia
Population:	589 451
Currency of government (official) fees:	Cabo Verde escudo (CVE)
Language for filing IP applications:	Portuguese
GDP per capita:	USD \$6,000 (2020 est.) (Source: CIA: The World Factbook)
Human Development Index:	0.665 (Source: Human Development Report 2020)
Main exports:	Fish and clothing.
Main imports:	Food, fuel and machinery.

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

Cabo Verde is a contracting state to the following international legal instruments:

- The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)
- Convention Establishing the World Intellectual Property Organization

Cabo Verde is not a signatory of the Paris Convention for the Protection of Industrial Property so, in theory, it should not be possible to claim priority. However, the Cabo Verde Industrial Property Code (2007) specifically provides that priority can be claimed and, in practice, such claims are recognised.

1.3 REGIONAL AGREEMENTS

Cabo Verde is a member of the Economic Community of West African States (ECOWAS). Created in May 1975 by the Treaty of Lagos, ECOWAS is a group of 15 countries whose mandate is to promote economic integration in all areas of its Member States' activities.

The ECOWAS Member States are Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal, The Gambia and Togo.

Considered to be one of the pillars of the African Economic Community, ECOWAS was created to

foster the ideal of collective self-reliance of its Member States. As a trading union, it is expected to establish a single, vast trading bloc through economic cooperation. More information is available at: <https://www.ecowas.int/about-ecowas/basic-information>

1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN CABO VERDE

The following IP protection is available in Cabo Verde:

- trade marks: national;
- patents: national;
- utility models: national;
- industrial designs (designs or models): national;
- appellations of origin and geographical indications: national;
- layout designs of integrated circuits: national;
- copyright and neighbouring rights: national and international (Bern Convention).

1.5 IP REGISTRATION ROUTES

IP protection in Cabo Verde can only be secured at one level (national), with the exception of copyright and neighbouring rights, which may be secured at both national and international levels. The legal protection a work enjoys is determined by Cabo Verdean legislation, without prejudice to the international conventions to which Cabo Verde has adhered or will adhere. The main rule of law for an author is that IP protection automatically exists when any original work is created in one of the categories that is protected by the Copyright Law.

National

The types of IP mentioned above can be protected directly in Cabo Verde at the national IP office (IPO), the Instituto de Gestão da Qualidade e da Propriedade Intelectual (IGQPI).

Representation

Foreign applicants whose main place of business is outside Cabo Verde must appoint a local agent. For local applicants, this is optional. In Cabo Verde, to take over representation of an IP asset a notarised power of attorney should be submitted. The original document is required and all elements must be translated into Portuguese.

Trade marks

Cabo Verde is not a member of the Paris Convention, but the Cabo Verde Industrial Property Code (2007) provides that priority may be claimed and, in practice, such claims are recognised.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

Cabo Verde is a signatory of the WTO's TRIPS Agreement, and its laws are substantially TRIPS compliant in terms of providing a legal framework for the protection and enforcement of IP rights.

Despite the Cabo Verde IPO and State efforts to curb IP infringement, rights holders must play a significant role in policing the use of their IP in Cabo Verde. They must constantly check that the industrial and commercial markets in which they sell their goods or services take appropriate action against the infringement of their IP rights by competitors, retailers or street vendors. Cabo Verde law entitles rights holders to take civil action against infringers to recover their lost revenue and/or to have the infringing goods destroyed.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

Benefits of registering a trade mark

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 mark or a similar mark without prior authorisation.

In the long run, a well-maintained trade mark can help to build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing the mark to others, franchising 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 Cabo Verde needs a professional representative and must prove that the trade mark is related to their commercial, industrial or professional activity.

3.1.2 What are the registration requirements?

A trade mark application must include the following:

- an application letter containing the applicant's name, nationality and address; or full name (as on the Certificate of Incorporation) and address of the company;
- a completed Application for Registration of a Trade Mark;
- a list of the goods and/or services for which protection is sought, based on the Nice Classification;
- 4 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 required;
- the prescribed application fee;
- for registration: a letter requesting registration and the prescribed fee.

3.1.3 What qualifies for registration?

A trade mark is any word, phrase, symbol, design, shape, group of letters or numbers, or combination of these, used by a company as its brand or logo. Consumers can rely on trade marks to help them distinguish between different goods in the marketplace and to help them identify brands they are loyal to.

3.1.4 What cannot be registered?

A trade mark cannot be registered if it:

- is incapable of distinguishing the goods or services for which protection is sought;
- contains false indications, is deceptive or is likely to deceive or mislead the public or cause confusion;
- is contrary to law, public order or morality;
- is likely to cause confusion with an earlier registered trade mark or pending application;
- constitutes a name or likeness of individuals without their authorisation;
- contains a representation of the head of state of any foreign state, or any colourable imitation thereof;
- contains a likeness to a specific armorial bearing, flag or emblem;
- contains a title or abbreviation of any international intergovernmental organisation;
- may serve in trade to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or service;
- consists of a mark, sign or indication which has become customary in the current language or in the bona fide and established practices of the trade in respect of the goods or services for which registration is sought;
- comprises a sign that consists exclusively of:
 - o the shape that results from the nature of the goods themselves;
 - o the shape of goods that is necessary to obtain a technical result;
 - o the shape that gives substantial inherent value to the goods.

3.1.5 Where can I file an application?

At the Cabo Verde IPO, IGQPI (<http://igqpi.cv/>).

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 (Cabo Verde escudo, CVE). Information on fees is available at <http://igqpi.cv/tabelas-de-taxas/>.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes from at least three professionals.

Potential overall registration costs

The cost of a trade mark application up to registration will depend on the number of classes to be protected, as the IPO will add a fixed fee for each additional class when charging the granting fees.

A smooth process up to registration of one trade mark in one class costs a total of CVE 19 000: the filing of a trade mark application costs CVE 9 500, granting fees are CVE 7 000 (per class), and the registration certificate costs CVE 2 500.

3.1.7 How long does registration take?

The trade mark registration process takes about 12 months from the filing date to complete, assuming that there are no unusual delays and no oppositions. This includes an opposition period of 2 months.

3.1.8 What is the duration of protection?

10 years from the granting date, renewable. DIU (Declarations of Intent to Use) must be submitted every 5 years from the granting date. These declarations are waived in the renewal years.

3.2 PATENTS

Cabo Verde patent registrations

Patents can only be registered via the national route in Cabo Verde, at the IGQPI.

National patents

3.2.1 Who can register a patent?

An inventor (or successor in title) or an assignee of an invention can apply to register a patent.

3.2.2 What are the registration requirements?

A patent application must include 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 the applicant 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;
- when the patent is accepted: a letter of acceptance together with the publication and grant fees.

3.2.3 What qualifies for registration?

A patent must meet the following requirements:

- novelty: it must be an absolute novelty in that the invention must be a new characteristic, which is not known in the body of existing knowledge in its technical field; it must not be anticipated by prior art;
- inventive step: having regard to prior art, the invention is not obvious to a person skilled in the art;
- susceptible of industrial applicability: it can be used in any kind of industry, including agriculture;
- a patentable invention under national patent law.

3.2.4 What cannot be registered?

The following cannot be patented:

- scientific theories and mathematical methods;
- materials or substances which already exist in nature and nuclear materials;
- aesthetic creations;
- schemes, rules and methods of performing mental acts, playing games or doing business;
- presentations of information.

3.2.5 Where can I file an application?

At the Cabo Verde IPO, IGQPI (<http://igqpi.cv/>).

3.2.6 How much does it cost?

Official (IGQPI) fees

Information on fees is available at <http://igqpi.cv/tabelas-de-taxas/>.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes from at least three professionals.

3.2.7 How long does registration take?

National patent applications are examined substantively in Cabo Verde after they have been formally examined. Currently, the Cabo Verde IPO is receiving training from the Portuguese IPO, and is now beginning to take the first steps in substantive examination of patent applications. As per the available data, no patents have been granted so far in Cabo Verde.

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?

Renewal fees for national patents are paid from the filing date up to the 20th year.

Annuities

The Cabo Verde IPO is currently waiting to receive notification of the official application fees for patent annuities from the ministry responsible. To date, because the fees are not fixed, the IPO does not accept payment for patent annuities.

3.3 UTILITY MODELS

Cabo Verde utility model registrations

National utility models can be registered in Cabo Verde at the IGQPI (<http://igqpi.cv/>).

3.3.1 Who can register?

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

3.3.2 What are the registration requirements?

A utility model application must include the following:

- a request for registration;
- full details of the applicant, including name(s), nationality and physical address;
- where the applicant is a company, full details of the company;
- title, abstract, description, claims and drawings;
- a signed power of attorney, if the applicant is represented; notarisation is required (original document(s) must be submitted);
- the Deed of Assignment, if the applicant is not the inventor;
- payment of the prescribed application fee.

3.3.3 What qualifies for registration?

A registrable utility model must meet the following three requirements:

- novelty: the invention must be a new characteristic and must not be anticipated by the prior art;
- industrial applicability: the invention must be useful in any kind of industry.
- inventive step: having regard to prior art, the invention is not obvious to a person skilled in the art.

3.3.4 What cannot be registered?

The following cannot be registered as utility models in Cabo Verde:

- scientific theories and mathematical methods;
- materials or substances which already exist in nature and nuclear materials;
- aesthetic creations;
- schemes, rules and methods of performing mental acts, playing games or doing business;
- presentations of information;
- inventions which relate to biological material;
- inventions which relate to chemical or pharmaceutical substances or processes.

3.3.5 Where can I file an application?

National applications for utility models must be filed at the Cabo Verde IPO, IGQPI (<http://igqpi.cv/>).

3.3.6 How much does it cost?

Official (IGQPI) fees

Information on fees is available at <http://igqpi.cv/tabelas-de-taxas/>.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes from at least three professionals.

Potential overall registration costs for a utility model

Information on fees is available at <http://igqpi.cv/tabelas-de-taxas/>.

3.3.7 How long does registration take?

National utility model applications are examined substantively in Cabo Verde after they have been formally examined. Currently, the Cabo Verde IPO is receiving training from the Portuguese IPO, and is now beginning to take the first steps in substantive examination of utility applications. As per the available data, no utility models have been granted so far in Cabo Verde.

3.3.8 What is the duration of protection?

In Cabo Verde, the duration of utility models is 10 years from the filing date.

3.3.9 When are renewal fees paid?

Renewal fees for national utility models must be paid each year, from the filing date of the application.

Annuities

The Cabo Verde IPO is currently waiting to receive notification of the official fees for utility model annuities from the ministry responsible. To date, because the fees are not fixed, the IPO does not accept payment for annuities.

3.4. DESIGNS OR MODELS

In Cabo Verde, there is a single IP regime for industrial designs and models named 'designs or models'.

'Design' or 'model' means 'the ornament or aesthetic aspect of an article, including the appearance of the whole or part of a product resulting from the whole, or part, of a product resulting from the characteristics of, inter alia, lines, contours, colours, shape, texture or materials of the product itself and its ornamentation'.

Registration of designs or models in Cabo Verde

National designs or models can be registered in Cabo Verde at the IGQPI (<http://igqpi.cv/>).

Examination and novelty of designs for Cabo Verde

Cabo Verde does not carry out a substantive examination of design applications. Applications are only examined for compliance with formal requirements. The examination is based on a relative statement of novelty. In such a scenario, there are provisional registrations.

The substantive examination only takes place if the applicant formally requests it for their application. It can be requested at the application stage or while the provisional registration remains valid.

National (IGQPI) designs or models

3.4.1 Who can register?

A creator or assignee of a design or model can apply to register a design or model in Cabo Verde.

3.4.2 What are the registration requirements?

A design or model application must include the following documents:

- the applicant's full details, including full name, nationality, legal status, physical address and, if the applicant is a company, full company details;
- at least one graphical representation of the design;
- the signed Deed of Assignment of the design (if the creator is not the applicant), with a translation into Portuguese if the document is in another language;
- a Statement of Novelty (Distinctive Statement), which must not include a description of the use of the article or its features, its advantages, or its method of construction;
- the prescribed application fees;
- when an industrial design is accepted, a letter of acceptance together with the registration and publication fees.

The registration procedure is as follows:

- filing of the application;
- formal examination (within 1 month of the filing of the application);
- publication in the industrial property bulletin;
- opposition period (2 months after publication in the bulletin);
- substantial examination (on request);
- notice of grant.

A design or model is valid for 25 years (five periods of 5 years) from the filing of the application.

3.4.3 What qualifies for registration?

A design or model is registrable if it is new and has a unique character. 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.

3.4.4 What cannot be registered?

The following cannot be registered:

- designs that are contrary to the law, public policy or morality;
- designs consisting solely of a change in the colour of designs that are already known;
- designs whose features correspond to or are determined by functions to be performed by the products.

3.4.5 Where can I file an application?

National applications for designs or models can be filed at the IGQPI (<http://igqpi.cv/>).

3.4.6 How much does it cost?

Official (IGQPI) fees

Information on fees is available at <http://igqpi.cv/tabelas-de-taxas/>.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes from at least three professionals.

Potential overall registration costs for a national design or model
Information on fees is available at <http://igqpi.cv/tabelas-de-taxas/>.

3.4.7 How long does registration take?

National applications take at least 15-18 months to complete registration.

3.4.8 What is the duration of protection?

Designs or models have a maximum duration of 25 years of protection (with renewals payable every 5 years).

3.4.9 When are renewal fees paid?

Renewal fees must be paid every 5 years from the application date.

3.5. DENOMINATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

Under Cabo Verde IP law, an denomination of origin (DO) corresponds to the name of an island, region or place, which designates or identifies a product from that location, the qualities of which are due to its geographical environment, including natural and human factors. Furthermore, the production, processing and creation of the product must occur within the delimited geographical area.

However, geographical indications (GIs) have less demanding requirements, as the product is only required to possess a reputation, specific quality or other essential characteristic that is derived from being:

- produced within the delimited area;
- processed within the delimited area; or
- created within the delimited area.

3.5.1 Who can register?

The following can apply for the registration:

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

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

Denominations of origin and geographical indications, when registered, are common property of residents or established effectively and seriously in the locality, region or territory, and can be used without distinction by those who, in the respective area, explore any characteristic branch of production, when authorized by the registration holder.

3.5.2 Can European GIs be registered?

European GIs do not appear to be registrable under the current national law.

3.5.3 What are the registration requirements?

An application for the registration of an DO or GI must include:

- the name of the natural or legal persons, public or private, with the quality to acquire the registration;
- the name of the product or products, including the appellation of origin or geographical indication;
- The traditional or regulatory conditions of use of the appellation of origin or geographic indication and the limits of the respective locality, region, or territory;
- for the granting of registration, the terms of the registration process for the establishment's name apply with the necessary adaptations;
- applications may be submitted electronically under the terms to be regulated by the government member responsible for the industrial property sector;
- the applicant's full name, legal status and physical address;
- a signed power of attorney, if the applicant is represented; notarisation is not required;
- the prescribed government (official) fees.

3.5.4 What qualifies for registration?

An AO corresponds to the name of an island, region or place, which designates or identifies a product from that location – the qualities of which are due to its geographical environment, including natural and human factors. Furthermore, the production, processing and creation of the product must occur within the delimited geographical area.

However, GIs have less demanding requirements, as the product is only required to possess a reputation, specific quality or other essential characteristic that is derived from being:

- produced within the delimited area;
- processed within the delimited area; or
- created within the delimited area.

3.5.5 What cannot be registered?

The registration of an appellation of origin or geographical indication must be refused if:

- it is applied for by a person who lacks the capacity to acquire it;
- it constitutes a reproduction or imitation of an appellation of origin or geographical indication previously registered;
- it is likely to mislead the public, namely about the nature, quality and geographical origin of the product;
- it infringes industrial property rights or copyrights;
- it is offensive to the law, public order or good customs;
- it may favour acts of unfair competition.

3.5.6 Where can I file an application?

Applications for registration must be filed at the IGQPI (<http://igqpi.cv/>).

3.5.7 How much does it cost?

Official (IGQPI) fees

Information on fees is available at <http://igqpi.cv/tabelas-de-taxas/>.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes from at least three professionals.

Potential overall registration costs for a geographical indication

Information on fees is available at <http://igqpi.cv/tabelas-de-taxas/>.

3.5.8 How long does registration take?

National applications take at least 15-18 months to complete registration.

3.5.9 What is the duration of protection?

AOs and GIs have unlimited duration. Their ownership is protected – regardless of registration and whether or not they are part of a registered trade mark – by the application of the rules laid down in the Cabo Verde IP Code, in specific legislation, and also by rulings against false indications of origin.

3.6. LAYOUT DESIGNS OF INTEGRATED CIRCUITS

3.6.1 Who can register?

An application for the 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;
- a person claiming to be the proprietor's assignee or successor in title.

3.6.2 What are the registration requirements?

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

- a request for registration, including the applicant's full name, address and nationality;
- a drawing of the layout design;
- 4 graphic representations of the layout design,
- an original and notarised power of attorney, if the applicant is represented;

- a Deed of Assignment, if the applicant is not the creator of the layout design;
- the prescribed application fees.

3.6.3 What qualifies for registration?

Only layout designs that result from the intellectual effort of their creator and that are not known in the semiconductor industry enjoy legal protection.

Moreover, layout designs comprising elements known in the semiconductor industry enjoy legal protection provided that the combination of these elements, as a whole, satisfies the abovementioned conditions.

3.6.4 What cannot be registered?

A layout design cannot be registered:

- if it does not meet the granting requirements;
- if the heading or title given to the layout design covers a different subject or if there is a discrepancy between the description and the drawings and their duplicates;
- if its subject matter is not described in a way that enables any person competent in the matter to produce the layout design of the semiconductor product.

3.6.5 Where can I file an application?

At the IGQPI (<http://igqpi.cv/>).

3.6.6 How much does it cost?

Official (IGQPI) fees

Information on fees is available at <http://igqpi.cv/tabelas-de-taxas/>.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes from at least three professionals.

Potential overall registration costs for a layout design

Information on fees is available at <http://igqpi.cv/tabelas-de-taxas/>.

3.6.7 How long does registration take?

Applications take at least 15-18 months to complete registration.

3.6.8 What is the duration of protection?

The duration of the registration is 10 years from the date of the application, or from the date on which the layout design was first exploited, anywhere, if this is earlier.

3.6.9 When are renewal fees paid?

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

3.8. COPYRIGHT AND NEIGHBOURING RIGHTS

About copyright and neighbouring rights in Cabo Verde

3.8.1 Can I register?

Cabo Verde has a dedicated law for the protection of copyright rights: the Copyright Law. Although it can be registered, the main rule of law for an author is that IP protection exists automatically when any original work is created in one of the categories that is protected by the Copyright Law.

3.8.2 What qualifies for protection?

Any original work qualifies for protection, including the following:

- literary works;
- musical works;
- artistic works;
- audiovisual works;
- sound recordings;
- broadcasts;
- published editions;
- software;
- folklore.

Derivative works are also protected as originals, without prejudice to the rights of their authors, including the following:

- translations and adaptations, arrangements, instrumentalizations and other transformations of any work, even if this work is not subject to protection or can be freely used;
- compilations of works, protected or not, such as anthologies, encyclopaedias, compendiums, dictionaries and databases that, by the choice or composition of the materials, constitute intellectual creations;
- systematic or annotated compilations of texts of conventions, laws, regulations or administrative decisions, or any organ or authorities of the State or Administration;
- works inspired by national folklore.

3.8.3 What cannot be protected?

Any work whose subject matter does not qualify for legal protection, such as:

- laws, judicial and administrative decisions;
- public political speeches and lectures that are not compiled into a book by their authors;
- news of the day, simple reports of facts transmitted by social media;

- simple facts and data, ideas, processes, systems, operational methods, concepts, principles or discoveries are not, by themselves, protected under the terms of current law, except when they are, or serve as, reference for a work of any nature.

3.8.4 What are the requirements for legal protection?

The main rule of law for an author is that IP protection exists automatically when any original work is created in one of the categories that is protected by the Copyright Law. However, there are some exceptions. Without prejudice to the above, for constitutive, declarative or advertising purposes, the following legal registration is required:

- the title of the unpublished work;
- titles of newspapers and other periodicals.

3.8.5 What are examples of acts permitted in relation to copyright works?

Without prejudice to authorisations to be granted by authors, artists, performers, producers of phonograms and videograms, and broadcasting organisations, the following are permitted, regardless of the author's authorisation, and without any remuneration being due for the use of a work already lawfully disseminated, provided that it retains its original title, the author is accredited, and its genuine nature and integrity are respected.

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 in a private event that is not for profit, and for which entry is not charged;
- fair use for review or news reporting;
- reproduction by photographic or similar processes, when carried out for didactic purposes by public or private libraries or centres; in documentation files of general interest or public institutions with a scientific or technological vocation; or by educational establishments.
- reproduction of works, permanently exposed to the public through images or reports for educational use;
- reproduction of an arrangement or translation exclusively for individual and private use;
- quotations from copyright works and critics;
- speeches and lectures before the media;
- performance of hymns, as well as works of a religious character.
- private reproduction of an arrangement or translation exclusively for an individual.

It does not allow:

- reproduction of architectural works covering the form of a building or other similar constructions;
- reprographic reproduction of an entire book or piece of music;
- reproduction of an entire database, or parts of it;
- reproduction of computer programs (software in the terms of the Copyright Law);
- reproduction that affects the normal exploitation of the work or causes unjustified prejudice to the legitimate interests of the author.

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

The use of works not authorised by the owner of the copyright or related rights is not permitted, with the exception of the uses referred to in section 3.8.5.

Unpermitted/restricted acts include:

- reproducing the work;
- trading;
- claiming authorship of the work;
- translation, adaptation, arrangement, instrumentation or any other transformation, as well as its use in a different work;
- construction of a work of architecture according to a design, whether or not there is repetition;
- broadcast or rebroadcast of a work by satellite or by any other methods of telecommunication of sounds, images, documents, data or messages of any type.

However, if the legislation of a foreign country grants copyright protection for a term different from that established in the Cabo Verde Copyright Law, the term of protection claimed in the territory of Cabo Verde for any work originating from that country will be the one established in the Copyright Law, provided it does not exceed that established in the law of the country of origin of that work.

3.8.7 What is the duration of protection?

The general rule is that copyright last for the life of the author and for 50 years after their death, even if the work is published posthumously.

The duration of copyright protection is as follows:

- joint authorship: the right lapses 50 years after the death of the last surviving author;
- collective works: the right lapses 50 years after the first disclosure or publication of the work;
- copyright related to the individual contributions of authors in a work of joint authorship or collective work lapses 50 years after their death;
- if the collective work belongs to a single entity, the copyright extends for the lifetime of the author and for another 50 years after their death;
- in cases of transfer or alienation in executive proceedings, the 50 years start from the date of the transfer or alienation;
- posthumous works: the duration of protection, for the benefit of heirs and other successors of the author, is 50 years after the author's death;
- if the posthumous works are disclosed after the end of this period, the duration of the exclusive right is 25 years;
- the copyright in anonymous works lapses 50 years after its disclosure or publication as of 1 January of the calendar year following that in which the work was published, starting from the end of the calendar year in which it took place;
- audiovisual works, the right is extinguished 50 years after the death of the last survivor of the following persons:

- o the director;
- o the author of the script and dialogues or their adaptation;
- o the composer of the music;
- o the author and the director of the cartoons;

- copyright in a photographic work or work of applied art is for 25 years after such works are produced;
- copyright in computer programs lapses 50 years after the creator's death;
- works of folklore have unlimited protection.

Neighbouring rights shall expire after 50 years from 1 January of the following calendar year:

- the interpretation, representation or performance by the artist
- the first fixation, by the producer, of the phonogram, videogram or film, for the original and copies of its films
- the first transmission by the broadcasting organization, whether the transmission is made by wire or wireless, including cable or satellite.
- the first communication to the public of programmes belonging to audiovisual companies by these.

However, if during the referred period, a fixation of the representation of the artist, the phonogram, the videogram or the protected film is published or lawfully communicated to the public, the 50 years referred shall run from the verification of such facts.

3.8.8 Can copyright be renewed after its term of protection expires?

The main rule is that copyright cannot be renewed in Cabo Verde. Once the rights conferred by the Copyright Law on the respective authors or their successors have lapsed, the work is considered to have fallen into the public domain.

Works in the public domain

These include:

- works after the abovementioned deadlines;
- works by deceased authors whose estate has been declared unclaimed and became property of the State, after 10 years without the works having been used directly or their exploitation by third parties authorised;
- works of folklore;
- works that have not been legally published or disclosed within 50 years of their creation, if this period is not calculated from the author's death.

The use and exploitation, for profit, of works in the public domain is free – provided that such use is subject to an absolute respect for moral rights, the payment of a fee, and prior authorisation from the members of the government responsible for culture and finance – for the purposes of promotion, cultural development and social assistance to Cabo Verdean authors.

Anyone who legally publishes or discloses an unpublished work, after its copyright has expired, will enjoy protection equivalent to that resulting from copyright for a period of 25 years from the date of publication or disclosure.

Critical and scientific publications of works that have fallen into the public domain are protected for 25 years from the date of first legal publication.

Links to legislation

Industrial Property Code: http://igqpi.cv/wp-content/uploads/2020/04/Decreto-Legislativo-n%C2%BA-4_2007_-Aprova-o-C%C3%B3digo-da-Propriedade-Industrial.pdf

Copyright Law (not available on-line)

