



European  
Commission

**AFRICA**  
IP SME HELPDESK



IP Country Fiche  
**THE GAMBIA**



## SECTION 1: COUNTRY OVERVIEW

### 1.1 GENERAL INFORMATION

<b>Capital:</b>	Banjul
<b>Population:</b>	2.5 million (World Bank 2022)
<b>Currency of government (official) fees:</b>	Gambian Dalasi/USD for foreigners
<b>Language for filing IP applications:</b>	English
<b>GDP per capita:</b>	USD 808.3 (World Bank 2022)
<b>Human Development Index:</b>	0.5 (Human Development Report 2021-2022)
<b>Main exports:</b>	Peanuts, fish and cotton.
<b>Main imports:</b>	Foodstuffs, fuel and machinery.

### 1.2. INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

The Gambia is a contracting state to the following international legal instruments:

- ARIPO<sup>1</sup>, the Banjul Protocol on Marks, the Harare Protocol on Patents and Industrial Designs, the Swakopmund Protocol on the protection of Traditional Knowledge & Expressions of Folklore, the Lusaka Agreement and the Arusha Protocol for the protection of new varieties of plants;
- Berne Convention for the Protection of Literary and Artistic Works;
- Madrid Protocol for the International Registration of Trade Marks;
- Paris Convention for the Protection of Industrial Property;
- Patent Cooperation Treaty;
- Patent Law Treaty;
- TRIPS<sup>2</sup> Agreement;
- WIPO<sup>3</sup> Convention.

Most of The Gambia's IP laws are TRIPS-compliant although, in practice, the level of implementation may be different from other countries.

1 ARIPO: the African Regional Intellectual Property Organization.  
2 TRIPS Agreement: Agreement on Trade-Related Aspects of Intellectual Property Rights the World Trade Organization (WTO).  
3 WIPO: World Intellectual Property Organization.

### 1.3 REGIONAL AGREEMENTS

The Gambia is a member of the following regional agreements:

- AfCFTA (the African Continental Free Trade Area)
- The Agreement contains a protocol on IP rights, which aims for effective protection and promotion of IP rights in Africa and may therefore have legal implications for The Gambia when it comes into legal force.
- ECOWAS (Economic Community of West African States)

ECOWAS has no regional agreements, protocols, or IP registration systems in place.

### 1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN THE GAMBIA

The following IP protection is available in The Gambia:

- 1) trade marks: national, regional (ARIPO) and international (Madrid);
- 2) patents: national and regional (ARIPO);
- 3) utility models: national and regional (ARIPO);
- 4) industrial designs: national and regional (ARIPO)
- 5) layout designs (topographies) of integrated circuits: national;
- 6) copyright and neighbouring rights: national.

### 1.5 IP REGISTRATION ROUTES

IP protection in The Gambia can be secured at three levels: national, regional and international.

#### National

The six (6) types of IP mentioned above can be protected on the one hand through The Gambia Industrial Property Office of the Registrar General, headed by the Registrar of Trade Marks and Patents and operated under the supervision of the Ministry of Justice (The Gambia IP Office), see <https://www.moj.gm/registrar-general-s-department>. For copyright, on the other hand, the responsible body is the Copyright Office under the National Centre for Arts and Culture (NCAC; see <https://ncac.gm/copyright/>).

#### Regional

The Gambia has been a contracting party to ARIPO's Banjul Protocol since 3 August 2021 and is also a contracting party to the Harare Protocol on patents, utility models and industrial designs, inter alia.

It is therefore possible to register trade marks, patents, utility models and industrial designs either nationally through the Gambian IP Office or regionally through ARIPO.

## International

The Gambia is also a contracting party to the Madrid Protocol and the Patent Cooperation Treaty (PCT). It is therefore possible, inter alia, to register international trade marks designating The Gambia through the Madrid System. More information is available at: <https://www.wipo.int/madrid/en/>; <https://www.wipo.int/pct/en>.

Choosing a suitable registration route: trade marks, patents, utility models and industrial designs

A **national** route is suitable when IP protection is required in The Gambia only.

A **regional** route through ARIPO is suitable when multi-country protection of the above-mentioned IP rights is required.

An **international** route is advisable for trade mark protection only, when protection is required in more countries than are covered by the ARIPO regional trade mark system.

Useful information

## Representation

Foreign applicants whose principal place of business is outside The Gambia must appoint a local agent (for local applicants this is optional). The Gambia IP Office accepts signed powers of attorney without any need for notarisation. However, you should check with your IP service provider in The Gambia whether hard copies are necessary or scanned copies sent by email are acceptable.

A list of ARIPO representatives (by country) is available at: <https://www.aripo.org/public/ip-agents>.

## Trade marks

Trade marks can be registered through national, regional (ARIPO) and international (Madrid) routes.

- The ARIPO trade mark system's multiclass and state designation system closely resembles the Madrid system and for this reason is often referred to as a 'mini Madrid'.
- The Gambia acceded to the ARIPO Banjul Protocol on Marks on 3 August 2021. It has not yet amended its national law to recognise ARIPO trade marks.
- Gambian trade mark law has not yet been amended to recognise Madrid trade marks which means that they are not yet given the same legal protection as national-route trade marks. Brand holders therefore need to be careful about the route they take to protect their trade marks in The Gambia.
- The Gambia is not a signatory of the Nice Agreement but does use the Nice

Classification <sup>(4)</sup>. Classifications based on the latest edition of Nice at the time of filing an application are accepted.

## SECTION 2: OVERVIEW OF IP ENFORCEMENT

The Gambia 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.

The Gambia IP Office is mandated by the Industrial Property Act of Gambia to register IP rights. Most IP enforcement in The Gambia is carried out by the police and through the Courts. The High Court has jurisdiction to hear infringement cases and has the authority to enforce compliance by enacting civil and criminal sanctions on IP rights infringers.

The Ministry of Justice, in collaboration with the Gambia Police Force, established the Gambia Police Intellectual Property Crime Unit at the police headquarters in Banjul. The officers have the authority to enter and conduct searches of premises suspected of concealing infringing goods, and to seize any goods that are in infringement of copyright.

Interpol is another stakeholder. The organisation works closely with the Gambia Police Force to identify, investigate and prevent organised cross-border crime and assists with the coordination of IP enforcement activities such as the confiscation and seizure of counterfeit goods. The Gambia is one of the countries that took part in global operations to seize fake goods, coordinated by Interpol's Illicit Goods and Global Health Unit.

Other important stakeholders include the legal profession, the Department of Trade and Consumer Affairs, retailers and the general public.

## SECTION 3: TYPES OF AVAILABLE IP PROTECTION

### 3.1 TRADE MARKS

National, regional, and international trade marks can be registered in The Gambia as explained below.

**National** – by registering through the Gambia IP office;

**Regional** – by registering through ARIPO; and

**International** – by registering through the designation of The Gambia in an international application through the Madrid system concerning the international registration of trade marks.

<sup>4</sup> Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.

### About regional (ARIPO) trade marks in The Gambia

The Gambia is a member of the Banjul Protocol which means it can be designated for the purpose of registering trade marks using the ARIPO trade mark system.

Member states conduct substantive examination of applications after which ARIPO registers the trade marks on behalf of its members and subsequently administers the registrations in accordance with the Banjul Protocol. ARIPO member states are free to join any of ARIPO's protocols. Filing requirements, the registration process, payable fees and a list of current Banjul Protocol member states can be found on ARIPO's trade mark web page.

Once registered, an ARIPO IP registration becomes a 'bundle of national rights' that have the same legal effect as directly registered national rights, and which the rights holder will need to enforce according to the national laws of each designated state. ARIPO IP rights therefore co-exist with, rather than displace, the national IP systems.

#### About international (Madrid) trade marks in The Gambia

The Gambia is a signatory of the Madrid Protocol, which means it can be designated for purposes of registering a trade mark under the Madrid trade mark system. The Madrid system makes it possible for a country to be designated in an international application in order for a brand owner to secure trade mark protection in that country. It is also possible for brand owners to extend their trade mark protection to other countries that are members of the Madrid Protocol. A brand owner files one application and pays a single fee to obtain the registration of a trade mark in many other countries that are members of the System. Information about the Madrid trade mark system is available at: <https://www.wipo.int/madrid/en>.

#### Benefits of registering a trade mark

- 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 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 The Gambia needs a professional representative.

### 3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- the full name, nationality and physical address of the applicant or, if the applicant is a company, the full name of the company (represented in a particular manner or as it appears on the certificate of incorporation) and its physical address;
- a completed application for registration of a trade mark (Form M1) containing the applicant's full details;
- a list of the goods and/or services, based on the Nice Classification, for which the trade mark will be used;
- four printouts of the trade mark, one to be affixed to Form M1, and the remaining three to accompany the application;
- in the case of a 3-dimensional mark, the application must specify that registration of the trade mark in 3-dimensional form is requested, and the representations must clearly illustrate the three dimensions.
- a certified copy of the priority document, if applicable;
- a transliteration of the trade mark if it consists of non-Roman characters;
- a translation of the mark if it consists of or contains words that are not in English;
- a signed power of attorney if the applicant is being represented – notarisation is not required;
- the relevant application fee.

### Examination, acceptance and publication

Trade marks are examined on relative and absolute grounds. Acceptance will be notified to the applicant via Form M4 which will be accompanied by a request in Form M3 for the applicant to pay publication fees. The applicant pays publication fees via Form M5 for the application to be published in the Journal for opposition purposes.

An application is deemed abandoned if an applicant fails to pay publication fees within 3 months of the date of issue of Form M4.

The opposition period is 3 months.

If there is no opposition, the Registrar General issues the registration certificate via Form M8 within 3 months of the end of the opposition period.

### 3.1.3 What qualifies for registration?

- A sign that is capable of distinguishing the goods or services of one undertaking from those of others, is not in conflict with earlier registrations or pending applications and is not contrary to public order or morality.
- Any word, phrase, symbol, design, shape, group of letters or numbers, or combination of these, used by an undertaking as its brand or logo.

### 3.1.4 What cannot be registered?

A sign cannot be registered as a trade mark if it:

- is incapable of distinguishing the goods or services of one undertaking from those of others;
- is contrary to public order or morality;
- is likely to mislead the public or trade circles, in particular regarding the geographical origin of the goods or services concerned or their nature or characteristics;
- is identical to, imitates, or contains as an element (i) an armorial bearing, flag or other emblem, or (ii) the name, abbreviation or initials of, or an official sign or hallmark adopted by, a state, intergovernmental organisation or organisation created by an international convention, unless authorised by the competent authority of that state or organisation;
- is identical to, confusingly similar to, or constitutes a translation of a mark or trade name which is well known in The Gambia for identical or similar goods or services owned by another undertaking;
- is identical to a mark belonging to a different owner that is already on the register or which has an earlier filing or priority date in respect of the same (or closely related) goods or services, or if it resembles such a mark to the extent that it is likely to deceive or cause confusion.

### 3.1.5 Where can I file an application?

National trade mark applications are filed through the Industrial Property Office of the Registrar General, headed by the Registrar of Trade Marks and Patents and operated under the supervision of the Ministry of Justice (The Gambia IP Office).

ARIPO and Madrid applications are usually filed online directly with ARIPO or with the International Bureau of WIPO, but it is possible (albeit slower) to also file these applications directly with the

Gambia IP Office for transmitting subsequently to ARIPO and WIPO respectively.

### 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 can pay these fees using the local currency (Gambian Dalasi). Application forms and information on fees are available through this link: <https://www.moj.gm/registrar-general-s-department>.

Description of Process/Service	Local applicant fees (Dalasi)	Foreign applicant fees (USD)
Application for registration of a mark – First or only class of goods/services included	2500	200
Each additional class	1250	100
Notice of acceptance and request for publication fee	NIL	NIL
Notice of payment of publication fee	1250	100
Certificate of registration of a mark	NIL	NIL
Application for renewal of registration of a mark	3125	250

#### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/public/ip-agents>.

### 3.1.7 How long does registration take?

The trade mark registration process takes between 9 and 12 months from the date of filing to completion, assuming that there are no unusual delays or oppositions. This timescale includes an opposition period of 3 months.

### 3.1.8 What is the duration of protection?

Trade mark protection lasts 10 years and may be indefinitely renewed for subsequent ten-year periods.

## 3.2 PATENTS

National and regional (ARIPO) patents can be registered in The Gambia in the following ways.

### National

- At the Gambia IP Office.

### Regional

- For the Harare Protocol, through ARIPO.

All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO patent application. ARIPO's designation system allows an applicant to choose one, some or all of the remaining member states in a patent application. It is therefore also possible to file an ARIPO patent application in which The Gambia (or any other member state) is designated to achieve national patent protection but through a regional registration system.

### Choosing between a national or regional patent registration for The Gambia

The decision about whether to register a patent in The Gambia through the national or ARIPO route is usually guided by the following considerations:

- whether substantive examination is required or not: The Gambia national IP Office, conducts formal examination of applications only. ARIPO conducts the substantive examination as part of its technical assistance to ARIPO member states under the terms of the Lusaka Agreement;
- whether patent protection is required in The Gambia only or in multiple jurisdictions: applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- cost-effectiveness: ARIPO's centralised regional patent registration system is usually considered to be more cost-effective than a national patent registration approach.

### Choosing a patent filing route

The Gambia is a member of the PCT. Patent applications for both The Gambia and ARIPO routes for The Gambia can also be filed through the PCT. However, the PCT provides an international patent filing rather than an international patent registration route.

### 3.2.1 Who can register a patent?

An inventor (or successor in title) can apply to register a patent.

It is possible for two or more people or companies to jointly own a patent and apply for its registration.

### 3.2.2 What are the registration requirements?

A non-PCT patent application must contain the following:

- a request via a prescribed P1 Form; the request should contain a petition that a patent be granted. The request must contain the applicant's details including full name, nationality, legal status and physical address or, if the applicant is a company, its details as they appear in the certificate of incorporation;
- the patent title, abstract, description, claims and drawings;
- a statement or Deed of Assignment justifying the applicant's right to the patent when the applicant is not the inventor but an assignee;
- a certified copy of the priority document, if applicable;
- the relevant application fees which can be obtained from the Gambia IP Office;
- a letter of acceptance together with the publication and grant fees (once the patent is accepted).

### National Phase PCT application

- Power of Attorney;
- Copy of the priority document;
- Patent title, abstract, description, claims and drawings;
- Deed of Assignment, if so;
- Copy of the International Publication;
- Copy of the International Search Report;
- Copy of the International Preliminary Report on Patentability.

### 3.2.3 What qualifies for registration?

A patent must meet the following requirements:

- absolute novelty, the invention must not form part of the state of the art anywhere in the world;
- inventive step, having regard to the prior art, the invention should not be obvious to a person skilled in the art;
- susceptible of industrial applicability in that it can be used in any kind of industry, including agriculture.

### 3.2.4 Where can I file an application?

**National** applications, non-Convention, Convention and PCT national phase applications must be filed at the Gambia IP Office.

**Regional** applications can be filed through ARIPO electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

### 3.2.5 How much does it cost?

#### National (Gambian IP Office) fees

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

#### Government (official) fees

The fee schedule is published in a statutory instrument. Local and foreign applicants pay fees using the local currency, The Gambia Dalasi for locals and United States Dollars for foreigners. Application forms and information on fees are available through this link: <https://www.moj.gm/registrar-general-s-department>.

#### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/public/ip-agents>.

#### Likely overall registration costs for a national 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 Dalasi and USD), unless objections and other special circumstances that may increase the costs apply.

Type of Fees	Local applicant fees (Dalasi)	Foreign applicant fees (USD)
Application for grant of a patent (includes examination, grant and publication)	5000	400
Certificate of grant of a patent	Nil	Nil
Application for extension of the patent term	2500	200

#### ARIPO-route patent registration fees

Fees must be paid through ARIPO and in USD if an applicant chooses to register a patent for The Gambia using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available

Type of Fees	ARIPO Fee USD
Application fee, regardless of the number of states designated in the application	290 (paper filing) 232 (e-filing)
State designation fee	85 (multiplied by the number of designated states)
Mandatory annuity fee: for PCT-based applications, the first ARIPO annuity fee will usually be due and must be paid with the application fee	50 (1st) (multiplied by the number of designated states)
Total fees, <b>assuming only The Gambia is designated</b> and payment of first annuity fee	317
Total fees, <b>assuming all Harare Protocol states, including The Gambia, are designated</b> and payment of first annuity fee	2 662

through this link: <https://www.aripo.org/resources/fee-schedules>.

The fees required at the stage of filing an application are as follows:

#### 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 ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/public/ip-agents>.

#### 3.2.6 How long does registration take?

**National** patent applications in The Gambia take approximately 12-15 months for the registration process to complete, including substantive examination, unless the subject matter is complicated and the patent application is referred to ARIPO for substantive examination.

If substantive examination occurs, it is completed on average within 3 years from the filing date of the application.

**Regional**-route patent applications for The Gambia are substantively examined by ARIPO and take between 24-36 months on average to complete registration, assuming that there are no objections.

#### 3.2.7 What is the duration of protection?

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

#### 3.2.8 When are renewal fees paid?

##### National patents

Annuity Years	Local applicant fees (Dalasi)	Foreign applicant fees (USD)
Year 1	An equivalent value may be paid in local currency	250
Year 2 – 9		300
Year 10		400

Annuity Years	Local applicant fees (Dalasi)	Foreign applicant fees (USD)
Year 11		500
Year 12		600
Year 13		700
Year 14		800
Year 15		900
Year 16		1000
Year 17		1100
Year 18		1200
Year 19		1300

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.

Government fees change. It is advisable to check applicable fees with the Ministry of Justice via this link: <https://www.moj.gm/registrar-general-s-department> or through a local agent.

##### ARIPO-route The Gambia patents

Renewal fees are payable up to the 19th year. Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/resources/fee-schedules>.

Annuity Year	ARIPO Fee (USD)
1	
(NB: Due the second year after the filing date)	50
2	70
3	90
4	110



Annuity Year	ARIPO Fee (USD)
5	130
6	150
7	170
8	190
9	210
10	230
11	250
12	270
13	290
14	310
15	330
For each year thereafter	+ 50
Late renewal fees consist of 2 parts:	
i. <b>Surcharge</b> for late payment of annual maintenance fee	100
ii. <b>Penalty fee</b> for each month or fraction of a month for which the fees remain unpaid	50

ARIPO fees are payable **per designated state**.

The following ARIPO renewal fees are currently applicable:

### 3.3 UTILITY MODELS

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.

#### Patent conversions

A significant number of utility model registrations in The Gambia come from conversions of patent applications to utility model applications. Conversions can be made at any time before a patent is accepted.

It is not possible however to convert a utility model application to a patent application.

#### The Gambia Utility Model Registrations

Utility models are registered in the Gambia through two routes: national and regional.

##### National utility models

Utility models are registered in The Gambia by the Gambia IP Office.

##### Regional utility models

The Gambia is a contracting party of the Harare Protocol and therefore utility models can also be registered through this route as well as the national route. Registration processes and procedures can be obtained from ARIPO via this link: <https://www.aripo.org/ip-services/utility-model/>.

All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO utility model application. ARIPO's designation system allows an applicant to choose one, some or all of the remaining member states in a utility model application. It is therefore also possible to file an ARIPO utility model application in which The Gambia or any other country is designated to achieve national utility model protection but through a regional registration system. However, it is advisable to ensure that utility model protection is available in each state that is designated because it is doubtful that it would be possible to enforce rights in a designated state that actually does not provide utility model protection in its national laws.

#### 3.3.1 Who can register?

An inventor (or successor in title) can apply to register a utility model. Joint owners can apply for a utility model registration.

### 3.3.2 What qualifies for registration?

A registrable utility model must meet the following requirements:

- **Relative novelty** - the invention must be new at national level;
- **Industrial applicability** – the invention should be capable of being used in any kind of industry.

### 3.3.3 What cannot be registered?

The following cannot be registered as utility models in The Gambia:

- discoveries, scientific theories and mathematical methods;
- plant or animal varieties or essentially biological processes for the production of plants or animals, other than microbiological processes and the products of such processes;
- schemes, rules or methods for doing business, performing purely mental acts or playing games;
- methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods practised on the human or animal body; this provision will not apply to products for use in any of these methods.

### 3.3.4 Where can I file an application?

**National applications** for utility models must be filed at the Gambia IP Office.

**Regional applications** can be filed at the Gambia IP Office or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings. If an applicant wishes to obtain a utility model instead of a patent in The Gambia on the basis of an international application, this must be indicated in the international application when filed.

### Examination and novelty of designs in The Gambia

The Gambia carries out substantive examination of design applications. Applications are examined for compliance with formal requirements before substantive examination is performed.

ARIPO carries out a formal examination of designs, but member states are given the opportunity to carry out a substantive examination within six months of ARIPO's notification to register a design

on behalf of a member state.

### 3.3.5 How much does it cost?

#### National (Gambian IP Office) fees

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

#### 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 (The Gambia Dalasi and the USD). Application forms and information on fees are available through this link: <https://www.moj.gm/registrar-general-sdepartment>

#### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ipagents>

### 3.3.6 How long does registration take?

**National** utility model applications are examined substantively. The average time frame is 12-15 months. It is advisable to check applicable processing time frames before starting the registration process.

**Regional**-route filed Gambian IP Office applications are substantively examined by ARIPO and take longer than national utility model applications to reach registration. These applications can take between 18- 24 months to complete registration, assuming that only minimal official actions are needed and there are no objections.

### 3.3.7 What is the duration of protection?

The duration of protection of both national and ARIPO-registered utility models is 10 years from the filing date.

## 3.4. INDUSTRIAL DESIGNS

In The Gambia industrial designs are registered without being classified as either aesthetic or functional designs.

## The Gambia Industrial Design Registrations

National and regional (ARIPO) industrial designs can be registered in The Gambia in the following 2 ways:

### National

- At the Industrial Property Office of the Registrar General, headed by the Registrar of Trade Marks and Patents and operated under the supervision of the Ministry for Justice (MOJ) (The Gambia IP Office)

### Regional

- Through the Harare Protocol, using the ARIPO registration system.

All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO industrial design application. ARIPO's designation system allows an applicant to choose one, some or all of the remaining member states in an industrial design application. It is therefore possible to file an ARIPO design application in which The Gambia or any other country is designated to achieve national design protection but through a regional registration system.

### Choosing between a national or regional industrial design registration for The Gambia

The decision about whether to register a design in The Gambia through the national or ARIPO route is usually guided by the following considerations:

- **whether design protection is required in The Gambia only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- **cost-effectiveness:** ARIPO's centralised regional design registration system is usually considered to be more cost-effective than a national design registration approach;
- **time-effectiveness:** The Gambia, like some other ARIPO member states, does not receive a lot of design applications to justify staff training and deployment into industrial design sections of the IP Office. As a result, in comparison to ARIPO, national offices tend to be considerably slower to process design applications. Time is usually of essence to proprietors because designs are often short-lived. As a result, time-conscious applicants usually tend to prefer to register their designs through the ARIPO route instead of the national route.

### Examination and novelty of designs for The Gambia

The Gambia carries out substantive examination of design applications. Applications are examined as to compliance with formal requirements and then substantive examination.

ARIPO carries out a formal examination of designs, but member states are given the opportunity to carry out a substantive examination within a period of 6 months of ARIPO's notification to register a design on behalf of a member state.

### 3.4.1 Who can register?

A creator of an industrial design (or a successor in title) can apply to register a design in The Gambia. It is possible for two or more persons or companies to jointly own and apply for the registration of an industrial design.

### 3.4.2 What are the registration requirements?

A design application must contain the following documents:

- A request for registration of an industrial design on the prescribed Form D1;
- The applicant's full details including name, nationality, legal status, physical address and full company details if the applicant is a company;
- At least one drawing, photography or other adequate graphical representation of the design;
- An indication of the kind of products for which the industrial design is to be used;
- Classification in terms of the Locarno Agreement;
- Deed of Assignment of the design if the creator is not the applicant but an assignee, simply signed;
- A certified English translation, if the document is not in English;
- A Statement of Novelty (Distinctive Statement) which must not include any description of the use of the article or its features, or of its advantages or method of construction; and
- Certified copy of priority document, if priority claimed, with verified English translation (can be late filed within three months from filing); and
- Prescribed application fees.
- It is not a requirement that a design should have an objectively noticeable aesthetic quality.

### 3.4.3 What qualifies for registration?

An industrial design is registrable if it is new (local novelty). 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 Gambia 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;
- designs for articles that are primarily literary or artistic in character, such as paintings, sculptures, drawings, enamelling, engravings, embroidery, photographs, sculptures, architecture and works of artistic craftsmanship;
- designs consisting solely of a change in the colour of already known designs;
- 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**-route design applications must be filed at the Gambian IP Office. Regional- route design applications can be filed through ARIPO electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

### 3.4.6 How much does it cost?

#### National (Gambian IP Office) fees

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

#### Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants can pay these fees using the local currency (Gambian Dalasi) or USD. Application forms and information on fees are available through this link: <https://www.moj.gm/registrar-general-s-department>.

#### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes for fees from at least three ARIPO-accredited professionals for The Gambia. A list is available through this link: <https://www.aripo.org/ip-agents/>.

Type of Fee	ARIPO Fee(USD)
Application fees, regardless of the number of states designated in an application	50 (paper filing) 40 (e-filing)
State designation fees	10 (multiplied by the number of designated states)
Total fees, <b>assuming that only The Gambia is designated</b> in the application	50
Total fees, <b>assuming that all Harare Protocol states, including The Gambia, are designated</b> in the application	220

### ARIPO-route design registration fees

These fees are paid through ARIPO. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/resources/fee-schedules>.

### Note on professional fees

Professional fees vary and it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/public/ip-agents>.

### 3.4.7 How long does registration take?

National-route applications usually take between 15-18 months to complete registration. The deadline to file missing documents is 2 months from the date of notification.

Regional-route applications usually take 8 -12 months to complete registration. This includes a period of 6 months for states to examine and decide if a design will have legal effect in their territories after ARIPO has issued them with a notice of intention to register a design.

### 3.4.8 What is the duration of protection?

The duration of protection of both national and ARIPO-registered designs is 15 years.

### 3.4.9 When are renewal fees paid?

In ARIPO, annual maintenance fees are payable; they fall due on the eve of each anniversary of the date of filing of the application and are payable in advance to the office. 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 ARIPO website as the official fees may change. The latest fees are available at: <https://www.aripo.org/resources/fee-schedules>.

Annuity Year	ARIPO Fee (USD)
1	10
2	12
3	14
4	16
5	18
6	20
7	24
8	28
9	32
10	36
11	42
12	48
13	54
14	60
Late renewal fees consist of 2 parts:	
• <b>Surcharge</b> for late payment of annual maintenance fee	15
• <b>Penalty fee</b> for each month or fraction of a month for which the fees remain unpaid	2

### ARIPO fees are payable per designated state.

The following ARIPO renewal fees are currently applicable:

#### Professional services renewal fees

These are usually payable as a flat-rate fee per annuity payment, regardless of the number of designated states. It is advisable to compare the fees of different IP agents.

### 3.5. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

These designs are registrable under the Layout Designs (Topographies) of Integrated Circuits Act, 2004. These designs are registered nationally only.

#### 3.5.1 Who can register a layout design?

A designer (or successor in title) can apply to register a layout design. It is possible for two or more persons or companies to jointly own a layout design and to apply for its registration as joint owners.

#### 3.5.2 What qualifies for registration?

A layout design must be new and original as follows:

**New:** the design must have not been commercially exploited anywhere in the world for a period exceeding two years.

**Original:** the design must be the product of its creator's own intellectual effort and must not have been commonplace among creators of layout designs and manufacturers of integrated circuits at the time of filing an application for registration.

#### 3.5.3 What cannot be registered?

A layout design cannot be registered if:

- it is not new and original;
- it is contrary to the law, the public order or morality.

#### 3.5.4 Where can I file an application?

The application is filed with the Registrar of Designs within the Gambia IP Office.

### 3.5.5 How much does it cost?

Fees change. You can obtain the latest fee schedule from the Registrar's office through this link: <https://www.moj.gm/registrar-general-s-department>

### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ipagents/>.

### 3.5.6 How long does registration take?

Registration does not involve substantive examination so the registration period is short, between 4-6 months, as long as there are no objections or unforeseen delays.

### 3.5.7 What is the duration of protection?

10 years from the filing date, without the possibility of renewal.

## 3.6. COPYRIGHT AND NEIGHBOURING RIGHTS

The Gambia has many famous Mbalax (meaning 'rhythm') and Sabar dances. The dance styles are unique, rhythmic and expressive, and they can be copyrighted.

### About Copyright and Neighbouring Rights in The Gambia

The Gambia has a specific law for the protection of copyright and neighbouring rights, namely the Copyright Act 2004.

The Gambia is also a signatory of the WIPO Copyright Treaty.

Copyrights are registered through the Copyright Office under the National Centre for Arts and Culture, Ministry of Culture (NCAC).

### 3.6.1 Can I register?

Although the Berne Convention does not make the formality of registering works a prerequisite for copyright protection, The Gambia Copyright Act 2004 requires it to enable the government to build a database of works, and also to provide proof of ownership.

The Gambia is a member of ARIPO, which adopted the Kampala Protocol on Voluntary Registration of Copyright and Related Rights (the Kampala Protocol) in August 2021 for the creation of a voluntary copyright registration system for its Member States. The Protocol, which will enter into force once five Member States have deposited their instruments of ratification or accession, provides for the establishment of a regional copyright database and offers presumptions of authorship and ownership. Implementing Regulations were adopted in November 2022 and the e-copyright system is being developed to facilitate the voluntary registration of copyright and related rights.

### 3.6.2 What qualifies for protection?

Any original work in the categories listed below qualifies for protection:

- The work must be original and expressed in a definite medium of expression.
- Any original work in respect of the listed works below qualifies for protection:
  - (a) literary works,
  - (b) artistic works,
  - (c) musical works,
  - (d) sound recordings,
  - (e) audio-visual works,
  - (f) choreographic works,
  - (g) the derivative works specified in the Act,
  - (h) programme-carrying signals.

### 3.6.3 What cannot be protected?

- Any work whose subject matter does not qualify for legal protection.
- Any idea, procedure, system, method of operation, concept, principle, discovery or mere data, even if expressed, described, explained, illustrated or embodied in a work.
- Any official text of a legislative, administrative or legal nature, or any of its official translations.
- Any work whose author is not Gambian by:
  - o citizenship;
  - o domicile;
  - o or by virtue of being located in The Gambia.

### 3.6.5 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.

### 3.6.6 What acts are not permitted in relation to copyright works?

Unpermitted/restricted acts include:

- reproducing the work;
- publishing the work;
- importing the work into The Gambia or exporting it from The Gambia, unless it is for personal or 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.

### 3.6.7 What is the duration of protection?

The duration of copyright/neighbouring rights' protection is as follows:

- **General term:** the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- **works published anonymously or under pseudonym:** 50 years from the date on which the work was made first available to the public or first published;
- **a work of applied art:** 25 years from the creation of the work.
- **a work owned by a public corporation or other corporate body:** 50 years from the date on which the work was made public.
- **audiovisual works, sound recordings and broadcasts:** 50 years from the making of the work/its communication to the public;
- **programme-carrying signals:** 50 years from the making of the signal;
- **photographic works:** 50 years from the making of the work;

- **producers of sound recordings:** 15 years from publication/fixation;

### 3.6.8 Can I renew copyright after its term of protection expires?

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

#### Links to legislation:

**ARIPO:** <https://www.aripo.org/member-states-laws/>

#### Links to institutions:

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

**ARIPO** – African Regional Intellectual Property Organization: <https://www.aripo.org/>

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

Copyright Office under the National Centre for Arts and Culture, Ministry of Culture (**NCAC**): [www.ncac.gm](http://www.ncac.gm)

Registrar General (The Gambia IP Office), operated under the supervision of the Ministry of Justice: <https://www.moj.gm/registrar-general-s-department>

