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IP Country Fiche
SEYCHELLES





SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Victoria
Population:	99 202 (2021)
Currency of government (official) fees:	Seychellois Rupee (SCR)
Language for filing IP applications:	English
GDP per capita (USD):	13 306.7 (World Bank, 2021)
Human Development Index:	0.6 (World Bank, 2020)
Main exports:	Recreational boats, processed fish, non-fillet frozen fish, refined petroleum and passenger and cargo ships.
Main imports:	Recreational boats, refined petroleum, non-fillet frozen fish, planes, helicopters, and/or spacecraft, and passenger and cargo ships.

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

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

- the Lusaka Agreement establishing the African Regional Intellectual Property Organization (ARIPO), Act of 9 December, 1976;
- the ARIPO's Harare Protocol on Patents and Industrial Designs of 10 December, 1982;
- the Paris Convention for the Protection of Industrial Property of 20 March, 1883, as revised at Stockholm on 14 July, 1967 and amended on 28 September, 1979;
- the Convention Establishing the World Intellectual Property Organization of 14 July, 1967 and amended on 28 September, 1979;
- the Patent Cooperation Treaty of 19 June, 1970 and amended on 28 September, 1979, modified on 3 February, 1984 and 3 October, 2001;
- the Agreement establishing the World Trade Organization (WTO) of 15 April, 1994;
- the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of 15 April, 1994;
- the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16 November, 1972;





- the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 17 October, 2003;
- the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 20 October, 2005;
- the UN Convention on Biological Diversity of 5 June, 1992;
- the Abuja Treaty establishing the African Economic Community (AEC) of 3 June, 1991;
- the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity of 29 October, 2010;
- the Treaty establishing the Common Market for Eastern and Southern Africa (COMESA) of 5 November, 1993.

Seychelles is not a member of the Nice Agreement. However, the country's trade mark classification system is based on the NICE classification system.

1.3 REGIONAL AGREEMENTS

Seychelles is a member of the following regional agreements:

- **AfCFTA** (African Continental Free Trade Area). The AfCFTA Agreement includes a protocol on IP rights aiming to advance the effective protection and promotion of IP rights in Africa. Once this enters into force, it may have an impact on the future shape of Seychelles IP legislation.
- **COMESA** (Common Market for Eastern and Southern Africa).The COMESA has no regional IP agreements, protocols or registration systems in place. It comprises 19 states. They are Burundi, Comoros, Democratic Republic of Congo (DRC), Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and Zimbabwe.

1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN SEYCHELLES

The following IP protection is available in Seychelles under the **Industrial Property Act of 2014**:

- 1) trade marks;
- 2) patents;
- 3) utility models;
- 4) industrial designs;
- 5) layout designs of integrated circuits;
- 6) geographical indications (GIs).





Copyright and neighbouring rights are protected under the **Copyright Act of 2014**. Traditional Cultural Expressions (TCEs) or Expressions of Folklore are also protected under the same Act. There is no specific law for the protection of traditional knowledge (TK) and handicrafts in Seychelles.

Currently there is no protection provided for plant varieties. The legislation which will provide protection for new plant varieties is in the process of being drafted. Seychelles is expected to accede to the International Union for the Protection of New Varieties of Plants in the near future.

1.5 IP REGISTRATION ROUTES

IP protection in Seychelles can be secured at two levels – national and regional – depending on the IP rights involved.

National

All seven IP rights mentioned above can be protected at national level.

Regional

Seychelles is a contracting party to the ARIPO's Harare Protocol on Patents and Industrial Designs of 10 December, 1982. Under the ARIPO regional route, patents, utility models and industrial designs can be protected in the Member States. Here, a single filing can designate and cover 20 Member States including Seychelles. The other 19 Member States are Botswana, Cape Verde, Kingdom of Eswatini, The Gambia, Ghana, Kenya, Kingdom of Lesotho, Liberia, Malawi, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Sierra Leone, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe.

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

All IP rights in Seychelles can be protected via the **national** route.

A **regional** route, through the ARIPO, can also be utilised for patents, utility models and industrial designs.

Useful information:

Professional representation

Foreign applicants whose principal place of business is outside Seychelles must appoint a local agent. Seychelles accepts signed and notarised powers of attorney and no legalisation is required. However, applicants should confirm with their IP service provider as to whether hard copies are necessary or scanned copies sent by email are sufficient. More details can be found at <https://tradeportal.sc/industrial-property-act/>



Trade marks

Trade marks are protected under the Industrial Property Act of 2014.

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

SECTION 2: OVERVIEW OF IP ENFORCEMENT

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

The Registration Division of the Department of Legal Affairs, President's Office, is the sole institution responsible for the registration of IP. There are Government bodies such as the Seychelles Police Force, the Customs Division, the Attorney General's Chambers and the Judiciary that are entrusted with the enforcement of IP rights.

Aside from the enforcement mechanisms available through the criminal justice system, the current IP law also provides for civil remedies, which rest entirely on the holders right to pursue lawsuits against infringing parties.

Despite the existence of relevant laws and institutions dealing with the enforcement of IP rights, as well as the claims of the stakeholders that indicate serious challenges surrounding counterfeiting and piracy, the number of IP rights infringement cases brought before these law enforcement agencies is insignificant. This can be a result of several factors including the size of the Seychelles market, which some foreign rights holders might consider very small. Moreover, the rights holders have a limited awareness on the processes around enforcing their rights in case of infringement.

The Copyright Act of 2014 provides for the administrative enforcement of copyrights to protect eligible works by an exclusive right conferred to the author or another person for the lifetime of the author plus 50 years. The Copyright Act of 2014 provides for provisional measures that seek to prevent infringements and to preserve relevant evidence related to an alleged infringement. In addition, the Act empowers the police to conduct searches of premises where it is suspected that infringing goods are concealed, and to seize any offending goods. Civil remedies include court injunctions, confiscation of offending goods and payment of damages to the rights holder for any economic damage suffered because of an infringement of their rights. Criminal sanctions include the imposition of substantial fines and the possibility of imprisonment. A copyright owner is expected to take an active role in protecting their work and taking action against infringers. Any enforcement action should be initiated by the right holder. This includes reporting infringements to the police or customs (in the case of the importation of infringing goods) and seeking the intervention of the courts to fight third parties who infringe their rights. The Customs Management (Border Measures) Regulations of 2014 also provide for enforcement measures at the border with respect to counterfeit and/or pirated goods.





SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

Trade marks can be registered in Seychelles as explained below.

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, or a similar, mark without authorisation.
- In the long term, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing it to others, franchising 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 Seychelles will need to appoint a professional representative.

3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- an application form containing the name, nationality and address of the applicant, or full name (as shown on the Certificate of Incorporation) and address of the company;
- the prescribed application fee;
- a list of the goods and/or services, for which protection is sought, based on the Nice Classification;
- four 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.

3.1.3 What qualifies for registration?

A mark that qualifies for registration, according to the Industrial Property Act of 2014, is any sign capable of distinguishing goods ('trade mark') or services ('service mark') of one enterprise from those of other enterprises.





3.1.4 What cannot be registered?

A mark cannot be registered if:

- it is incapable of distinguishing the goods or services of one person from those of other persons;
- it is contrary to public order or morality, although the nature of the goods or services in relation to which a mark is used will not be an obstacle to registration;
- it is likely 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 consists exclusively of signs or indications that, in current language or economic and business activities, have become the customary designation for the goods or services for which the registration of the mark have been requested;
- it is identical or similar to an earlier mark registered in the name of a different person, where the goods/services for which protection is sought are identical or similar to those of the earlier mark, and there exists a likelihood of confusion on the part of the public because of the identity or similarity of the marks and the goods/services; where an identical mark is used for identical goods or services, a likelihood of confusion will be presumed;
- it constitutes a reproduction, imitation, or translation of an earlier mark that is well-known in Seychelles and the goods/services for which protection is sought are identical or similar to the goods/services for which the earlier mark is well-known;
- it constitutes a reproduction, imitation, or translation of an earlier mark that is well-known in Seychelles and the goods or services in respect of which the registration of the mark is applied for are dissimilar to those of the earlier well-known mark, provided that the use of the mark would indicate a connection between the goods/services for which it is used and the owner of the earlier registered well-known mark and the interests of the owner of the earlier registered well-known mark are likely to be damaged by such use;
- it contains a title or abbreviation of any international intergovernmental organisation;
- it consists of or contains as an element:
 - a reproduction of the flag adopted by a State;
 - a reproduction of the armorial bearings, official signs and hallmarks indicating control and warranty adopted by a State;
 - a reproduction of the armorial bearings, flags, or the name, abbreviation of an international intergovernmental organisation; or
 - any imitation from a heraldic point of view of the signs enumerated in the points above;
- it consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, place of origin, of the goods, or the time of production.





3.1.5 Where can I file an application?

Intellectual Property Office, c/o The Registrar General's Office Registration Division, Department of Legal Affairs, President's Office.

3.1.6 How much does it cost?

Government (official) fees

The fee schedule is published in the regulations. Both local and foreign applicants may pay these fees using the local currency (Seychelles Rupee (SCR)). Information on fees is available at: <https://tradeportal.sc/wp-content/uploads/2022/05/SI-89-of-2014-Industrial-Property-Marks-Regulations2014.pdf>.

Professional fees

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

Likely overall registration costs

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

Description of Process/ Service	Official Fees (SCR)
Application to register a trademark in one class	
(i) individual applicant	1 000
(ii) Others	500
Collective mark	3 000
Certification mark	3 000
Registration fees	500
Renewal of registration of a trademark	
(i) individual applicant	1 000
(ii) Others	500
Renewal of Collective and Certification mark	2 000

3.1.7 How long does registration take?

The trade mark registration process takes 9-12 months from the filing date to completion, assuming that there are no unusual delays and no oppositions. This includes an opposition period of 60 days.

3.1.8 What is the duration of protection?

Protection lasts for 10 years from the filing date, and is renewable for consecutive periods of 7 years each.





3.2 PATENTS

Seychelles patent registrations

National and regional (ARIPO) routes can be utilised for patent registration in Seychelles.

National

- Intellectual Property Office, c/o The Registrar General's Office Registration Division, Department of Legal Affairs, President's Office.

Regional

- Country designation 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 20 Member States in a patent application. It is therefore also possible to file an ARIPO patent application in which Seychelles (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 Seychelles

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

- **whether substantive examination is required or not:** The Seychelles Intellectual Property Office does not conduct substantive examination of patent applications. The Industrial Property Act only provides for formality examination which means quick granting, therefore, a decision to use the national route may be beneficial if time is of the essence. On the other hand, ARIPO conducts substantive examination which makes the regional route more time consuming.
- **quality of patents:** the ARIPO conducts substantive examination which makes the regional route more attractive in terms of the quality of patents granted.
- **whether patent protection is required in Seychelles only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- **cost-effectiveness:** the ARIPO's centralised regional patent registration system is usually considered to be more cost-effective than a national patent registration approach if the applicant targets more jurisdictions.

Choosing between registration routes

Most patent applications for Seychelles were registered through the national route since the country was not yet a member of ARIPO. This will soon change because the regional route (ARIPO) allows applicants to designate more than one country. It is also more cost-effective to file a single application in ARIPO to gain patent coverage in two or more ARIPO Member States.





Choosing a patent filing route

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

National patents

3.2.1 Who can register a patent?

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

3.2.2 What are the registration requirements?

The application for a patent should be made in writing in prescribed form and must contain the following.

- **A request, a description, one or more claims, an abstract, and where required, one or more drawings.** In accordance with the above and according to the Industrial Property Act, the following applies:
 - The request must contain a petition to the effect that a patent be granted, the name and other prescribed data of the applicant, the inventor and the agent, if any, together with the title of the invention. If the applicant is not the inventor, the request must be accompanied by a statement justifying the applicant's right to the patent;
 - The description should disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by an ordinary person having skill in the art, either at the filing date or, as the case may be, at the priority date. It should also indicate at least one mode known to the applicant for carrying out the invention.
 - The claim or claims must define clearly and concisely the matter for which protection is sought and be fully supported by the description.
 - The abstract, which must be concise and precise, merely serves the purpose of technical information and will not be taken into account for the purpose of interpreting the scope of protection.

3.2.3 What qualifies for registration?

An invention shall be patentable if it is new, involves an inventive step and is industrially applicable.

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





- **Inventive step**, which means that, having regard to prior art, the invention is not obvious to a person skilled in the art.
- **Industrially applicable** - in that it can be made and used in any kind of industry or it has specific, substantial and credible utility.

3.2.4 What cannot be registered?

The following shall cannot be patented:

- inventions contrary to public order or morality;
- plants or animals, including parts thereof, other micro-organism, or essentially biological processes for the production of plants or animals or parts thereof, other than non-microbiological processes;
- schemes, rules or methods for doing business, for performing purely mental acts or for playing games;
- discoveries, scientific theories and mathematical methods;
- methods for treatment of the human or animal body by surgery or therapy, including diagnostic methods practiced on the human or animal body; or
- natural substances, whether or not purified, synthesised or otherwise isolated from nature, excluding the processes of isolating natural substances from their original environment.

3.2.5 Where can I file an application?

National applications – non-Convention, Convention and PCT national phase applications must be submitted to The Office of the Registrar General, Registration Division at the Department of Legal Affairs (Independence House, Victoria, Seychelles).

Regional applications – can be submitted to The Office of the Registrar General, Registration Division at the Department of Legal Affairs 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.

3.2.6 How much does it cost?

National (Seychelles IP Office) fees

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





Government (official) fees

The fee schedule is published in the specific regulations. Both local and foreign applicants may pay these fees using the local currency (Seychelles Rupees). Application forms and information on fees are available at: <https://tradeportal.sc/industrial-property-act/>.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three Seychelles and ARIPO-accredited professional representatives. A list is available at: <https://www.aripo.org/ip-agents/>.

Likely overall registration costs for a Seychelles patent

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

Type of Fee	Official Fees (SCR)
Application and grant fees	3 000
Each divisional application fee	1 500

ARIPO-route patent registration fees

Fees must be paid through ARIPO and in USD if an applicant chooses to register a patent for Seychelles using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available at: <https://www.aripo.org/fee-schedules/>.

Fees that are required at the stage of filing an application as follows:

Type of Fee	ARIPO Fees (USD)
Application fee, regardless of the number of States designated in the application	232
State designation fee	85 per state (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 per state (multiplied by the number of designated States)
Total fees, assuming only Seychelles is designated and payment of first annuity fee	367
Total fees, assuming all Harare Protocol States, including Seychelles, are designated and payment of first annuity fee	2 932





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 from at least three ARIPO-accredited professionals. A list is available at: <https://www.aripo.org/ip-agents/>.

3.2.7 How long does registration take?

National patent applications are examined formally in Seychelles. The registration process is completed on average within a year from the filing date of the application.

Regional route - applications in Seychelles are substantively examined by ARIPO and take 3-4 years on average to complete registration, if there are no objections.

3.2.8 What is the duration of protection?

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

3.2.9 When are renewal fees paid?

National patents

Annual fees shall be paid in advance to the Registrar for each year, starting 1 year after the filing date of the application for grant of the patent up to the 20th year. Late payment is possible, with a corresponding surcharge (10 % of the overdue fee), within a grace period of 6 months after the due date.





Annuities

The following government (official) fees are currently applicable:

Annuity Year	Official Fees (SCR)
2 nd	1 000
3 rd	1 000
4 th	1 000
5 th	1 500
6 th	2 000
7 th	3 000
8 th	4 000
9 th	5 000
10 th	10 000
11 th	10 000
12 th	10 000
13 th	10 000
14 th	10 000
15 th	10 000
16 th	10 000
17 th	10 000
18 th	10 000
19 th	10 000
20 th	12 000
Surcharge for late payment of annual fee	10 % of the overdue fee overdue

ARIPO-route Seychelles patents

Renewal fees are payable up to the 20th 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 at: <https://www.aripo.org/fee-schedules/>.





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

The following ARIPO renewal fees are currently applicable:

Annuity Year	ARIPO Fee (USD)
1 st	50
2 nd	70
3 rd	90
4 th	110
5 th	130
6 th	150
7 th	170
8 th	190
9 th	210
10 th	230
11 th	250
12 th	270
13 th	290
14 th	310
15 th	330
16 th	380
17 th	430
18 th	480
19 th	530
20 th	580

Late renewal fees consist of 2 parts:

- i. **Surcharge** for late payment of annual maintenance fee; 100
- ii. **Penalty fee** for each month or fraction of a month for which the fees remain unpaid. 50





3.3 UTILITY MODELS

Utility models require less stringent conditions for registration and are registered for a shorter term than a conventional patent. Seychelles provides utility model protection for minor inventions that possess novelty and industrial applicability.

Seychelles utility model registrations

National and regional (ARIPO) routes can be utilised for utility model registration in Seychelles.

National

- Intellectual Property Office, c/o The Registrar General's Office Registration Division, Department of Legal Affairs, President's Office.

Regional

- Country designation through ARIPO.

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 20 Member States in a patent application. It is therefore also possible to file an ARIPO patent application in which Seychelles (or any other Member State) is designated to achieve national patent 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 since ARIPO Member States do not have utility model laws in place. Enforcement of utility model rights will be difficult and almost impossible in those jurisdictions.

Choosing between a national or regional utility model registration for Seychelles

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

- **cost:** it may be more cost-effective to proceed through the national route if protection is required in Seychelles only;
- applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- **duration of protection:** there is no difference that may influence preference for the ARIPO registration route as in other jurisdictions where national protection has a shorter validity period. The duration of protection of a national utility model registration or an ARIPO-registered utility model is 10 years.

In the foreseeable future, most Seychelles utility models will be registered through ARIPO because the regional route allows applicants to designate more than one country in an application. It is more cost effective to file a single application in ARIPO to gain utility model coverage in two or more ARIPO Member States.

National (Seychelles IP Office) utility models





3.3.1 Who can register?

An inventor or successor in title can apply to register a utility model.

3.3.2 What are the registration requirements?

A utility model application must contain the following:

- **a request, a description, one or more claims, an abstract, and where required, one or more drawings.** In accordance with the above and according to the Industrial Property Act, the following applies.
 - The request must contain a petition to the effect that a utility model be granted, the name and other prescribed data of the applicant, the inventor and the agent, if any, together with the title of the invention. If the applicant is not the inventor, the request must be accompanied by a statement justifying the applicant's right to the utility model;
 - The description should disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by an ordinary person having skill in the art, either at the filing date or, as the case may be, at the priority date. It should also indicate at least one mode known to the applicant for carrying out the invention.
 - The claim or claims must define clearly and concisely the matter for which protection is sought and be fully supported by the description.
 - The abstract, which must be concise and precise, merely serves the purpose of technical information and will not be taken into account for the purpose of interpreting the scope of protection.

At any time prior to the granting or refusal of a utility model certificate, an applicant for a utility model certificate may, upon payment of the prescribed fee, convert their application into a patent application, approval of which would be as from the filing date of the initial application.

For this conversion, a request for conversion of the utility model application must be submitted together with all the documents filed in the application. An application may not be converted more than once.

3.3.3 What qualifies for registration?

Under section 32(1) of the Industrial Property Act, a minor invention that possesses novelty and industrial applicability will give rise to a right to protection.





3.3.4 What cannot be registered?

The following cannot be registered as utility models in Seychelles:

- changes in the shape, proportions or material of a patented object or of one that forms part of the public domain, except where such a change alters the qualities or functions or the object, thereby producing an improvement in its use or the effects of its intended functions;
- the mere replacement of elements in a known combination by other known elements having an equivalent function, which does not thereby produce an improvement in its use or the effect of its intended functions; or
- an invention that is contrary to public order or morality.

3.3.5 Where can I file an application?

National applications for utility models must be filed at the Seychelles Intellectual Property Office, c/o The Registrar General's Office Registration Division, Department of Legal Affairs, President's Office.

Regional applications can be filed at the Seychelles Intellectual Property Office 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 Seychelles on the basis of an international application, this must be indicated in the international application when filed.

3.3.6 How much does it cost?

National (Seychelles Intellectual Property 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 the regulations. Both local and foreign applicants may pay these fees using the local currency (Seychelles Rupee). Application forms and information on fees are available at: <https://tradeportal.sc/industrial-property-act/>.

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three Seychelles and ARIPO-accredited professional representatives. A list is available at: <https://www.aripo.org/ip-agents/>.





Likely overall registration costs for a Seychelles Intellectual Property Office utility model

Unless objections and other special circumstances that may increase costs apply an applicant can expect to pay the following official fees to register a utility model in Seychelles:

Type of Fee	Official Fees (SCR)
Application and grant fees	2 000

ARIPO-route utility model registration fees

Fees must be paid through the ARIPO if an applicant chooses to register a utility model in Seychelles using the ARIPO route. The ARIPO's fees are reviewed regularly. The latest fees are available at: <https://www.aripo.org/fee-schedules/>.

Application fees consist of three components, as follows:

Type of Fee	ARIPO Fees USD
Application fee, regardless of the number of States designated in the application	80
State designation fees	20 per state (multiplied by the number of designated States)
Mandatory annuity fees (per designated state)	20 (1 st year) per state multiplied by the number of designated States
Total fees, assuming only Seychelles is designated and payment of 1 st annuity fee	120
Total fees, assuming all Harare Protocol States, including Seychelles, are designated and payment of 1 st annuity fee	880

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 at: <https://www.aripo.org/ip-agents/>.





3.3.7 How long does registration take?

National utility model applications are examined formally. There is no substantive examination and the average time frame is 3-5 months. It is advisable to check applicable processing time frames before starting the registration process.

Regional-route filed Seychelles Intellectual Property Office applications are substantively examined by the ARIPO and take longer than national utility model applications to reach registration. These applications can take 24-36 months to complete registration, assuming that only minimal official actions are needed and there are no objections.

3.3.8 What is the duration of protection?

In Seychelles, the duration of utility models is 10 years from the filing date. It is renewable and application for renewal shall be filed within 90 days prior to the expiration of the period of protection upon payment of the prescribed fees.

ARIPO-registered utility models have a duration of 10 years from the filing date.

3.3.9 When are renewal fees paid?

National utility models

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 is possible within a grace period of 6 months after the due date with a corresponding surcharge.

Government (official) fees

The following government (official) fees are currently applicable:

Annuity Year	Official Fees (SCR)
2 nd	1 000
3 rd	1 000
4 th	1 000
5 th	1 500
6 th	2 000
7 th	3 000
8 th	4 000
9 th	5 000
10 th	10 000
Surcharge for late payment of annual fees	10 % of the overdue fee





ARIPO-route filed Seychelles utility models

Renewal fees are payable up to the 10th 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 at: <https://www.aripo.org/fee-schedules/>.

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

The following ARIPO renewal fees are currently applicable:

Annuity Year	ARIPO Fee (USD)
1 st	20
2 nd	25
3 rd	30
4 th	35
5 th	40
6 th	45
7 th	50
Each year thereafter	10
Late renewal fees consist of 2 parts:	
i. Surcharge for late payment of annual maintenance fee	30
ii. Penalty fee for every month or fraction of a month for which the fees remain unpaid	5

3.4. INDUSTRIAL DESIGNS

Under the Seychelles Industrial Property Act, an industrial design will be protected if it is independently created and new.

Seychelles industrial design registrations

National and regional (ARIPO) industrial designs can be registered in Seychelles in the following ways.

National

- at Seychelles Intellectual Property Office, see below.

Regional

- Under the Harare Protocol, through ARIPO.





The ARIPO currently has 22 Member States: Botswana, Cape Verde, eSwatini, The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Mozambique, Namibia, Rwanda, São Tomé and Príncipe, Seychelles, Sierra Leone, Somalia, Sudan, Tanzania, Uganda, Zambia and Zimbabwe.

All ARIPO Member States except Mauritius and Somalia can be designated in an ARIPO industrial design application. The 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 Seychelles or any other country is designated to achieve national design protection but through a regional registration system.

International

Industrial designs: Hague Agreement

Seychelles is not a signatory of the Hague Agreement which means it cannot be designated for the purposes of registering an industrial design under the Hague Agreement for the international registration of industrial designs.

Choosing between a national or regional industrial design registration for Seychelles

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

- **whether design protection is required in Seychelles only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- **cost-effectiveness:** the ARIPO's centralised regional design registration system is usually considered to be more cost-effective than a national design registration approach;
- **time-effectiveness:** Seychelles, 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 the 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. Considering that there is no substantive examination of industrial designs in Seychelles, the national route might still be a time-effective one.

Examination and novelty of designs for Seychelles

Seychelles does not carry out a substantive examination of design applications. Applications are only examined to determine compliance with formal requirements. The examination is based on a relative statement of novelty.

Similarly, the ARIPO carries out a formal examination of designs, but Member States are given the opportunity to carry out a substantive examination if their national laws require it.





As there is no requirement for a substantive examination of designs under Seychelles law, only a formal examination is carried out, as mentioned above.

National (Seychelles Intellectual Property Office) industrial designs

3.4.1 Who can register?

A person who has created it or his or her successor in title can apply to register a design in Seychelles.

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?

An application for the registration of an industrial design must contain a request to register, information identifying the applicant(s), drawings, photographs or other adequate graphic representation of the product embodying the industrial design and an indication of the kind of products for which the industrial design is to be used.

A design is not required to have any objectively noticeable degree of aesthetic quality.

3.4.3 What qualifies for registration?

An industrial design is registrable and considered new if it has not been disclosed to the public, anywhere in the world, by publication in tangible form or by use or in any other way, prior to the filing date or, where applicable, the priority date of the application for registration.

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

3.4.4 What cannot be registered?

A design cannot be registered if:

- it is contrary to public order or morality;
- the design is functional and serves solely to obtain a technical result.

3.4.5 Where can I file an application?

National-route design applications must be filed at Seychelles Intellectual Property Office.

Regional-route design applications can be filed at Seychelles Intellectual Property Office clearly indicating that they are regional applications. The ARIPO. Applications filed through the ARIPO





for Seychelles designs 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.

3.4.6 How much does it cost?

National (Seychelles Intellectual Property 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 the regulations. Both local and foreign applicants may pay these fees using the local currency (Seychelles Rupee). Application forms and information on fees are available at: <https://tradeportal.sc/industrial-property-act/>.

Professional fees

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

Likely overall registration costs for a Seychelles Intellectual Property Office industrial design

An applicant can expect the cost of registering an industrial design to be approximately the amounts in the table below (in SCR), unless objections and other special circumstances which increase costs apply.

Type of Fee	Official Fees (SCR)
Application fees	2 000
Registration fees	500

ARIPO-route design registration fees

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





Application fees, are as follows:

Type of Fee	ARIPO Fee (USD)
Application fees, regardless of the number of States designated in an application	40 - Online filing 50 - Paper filing
State designation fees	10 per state (multiplied by the number of designated States)
Total fees, assuming that only Seychelles is designated in the application	50
Total fees, assuming that all Harare Protocol States, including Seychelles, are designated in the application	240

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 at: <https://www.aripo.org/ip-agents/>.

3.4.7 How long does registration take?

National-route applications usually take 9-12 months to complete registration.

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 the ARIPO has issued them with a notice of intention to register a design.

3.4.8 What is the duration of protection?

A Seychelles Intellectual Property Office 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.

ARIPO-route design registrations are valid for 15 years, with no possibility of extension, except for designated States with a shorter term of protection, the registration shall expire at the end of the term of protection provided for under the design laws of that member state.

3.4.9 When are renewal fees paid?

Renewal fees must be paid within 90 days from the due date.

The renewal fees are currently SCR 2 000 for the first renewal if the applicant chooses to extend the duration of the design from 5 to 10 years and SCR 2 000 for the second and final renewal if you choose to extend the duration from 10 to 15 years.

In the ARIPO, renewal fees are payable within 6 months before the registration period expires. Late payment of the renewal fees is possible within a grace period of 6 months after the due date.





ARIPO-registered design renewal fees

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/fee-schedules/>.

ARIPO fees are payable per designated state. The following ARIPO renewal fees are currently applicable:

Application and Registration	ARIPO Fees (USD)
1 st	10
2 nd	12
3 rd	14
4 th	16
5 th	18
6 th	20
7 th	24
8 th	28
9 th	32
10 th	36
11 th	42
12 th	48
13 th	54
14 th	60
Late renewal fees consist of 2 parts:	
i. Surcharge for late payment of annual maintenance fee	15
ii. Penalty fee for each month or fraction of a month for which the fees remain unpaid	2

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. GEOGRAPHICAL INDICATIONS (GIS)

About GIs in Seychelles

Geographical Indications (GIs) are registrable in Seychelles under Chapter 7 of the Industrial Property Act of 2014 (Act No 7 of 2014) the Industrial Property (Geographical Indication) Regulations of 2014.

GIs are registered through Seychelles Intellectual Property Office. Currently, there is no regional or international registration system through which GIs can be registered for Seychelles.

3.5.1 Who can register?

The following shall have the right to file an application for protection of GIs in Seychelles:

- a group of producers or a legal entity of groups of producers which operate in a specified geographical area and with respect to specified goods; or
- a government body.

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

3.5.2 Can European GIs be registered?

European GIs do not appear to be registrable under the current national law. For information about the protection of European GIs in African countries, the Organization for an International Geographical Indications Network should be consulted at: <https://www.origin-gi.com/>.

3.5.3 What are the registration requirements?

An application for the registration of a GI must include:

- the name, address and nationality of the applicant;
- the geographical indication for which registration is requested;
- the geographical area to which the registration of the indication shall apply;
- the goods for which the geographical indication shall apply;
- the quality, reputation or other characteristics of the goods for which the geographical indication is used;
- any other matter prescribed by the Regulations; and
- the prescribed government (official) fees.





3.5.4 What qualifies for registration?

To be registrable, a GI must be capable of distinguishing goods originating from a particular territory, region or locality, or possess characteristics attributed to the territory, region or locality from which the goods come.

3.5.5 What cannot be registered?

The following shall be excluded from protection:

- geographical indications which do not fit to the definition of GI according to the act;
- geographical indications which are contrary to public order and morality;
- geographical indications which are not protected in their country of origin or cease to be protected in their country of origin, or which have fallen into disuse in this country;
- indications for goods which are identical to the term commonly used in current language as the common name for these goods in Seychelles.

3.5.6 Where can I file an application?

Applications for registration must be submitted to Seychelles Intellectual Property Office.

3.5.7 How much does it cost?

National (Seychelles Intellectual Property 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 the regulations. Both local and foreign applicants may pay these fees using the local currency (Seychelles Rupee). Application forms and information on fees are available at: <https://tradeportal.sc/industrial-property-act/>.

Professional fees

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

Likely overall registration costs for a Seychelles 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 SCR), unless objections and other special circumstances that may increase the costs apply.





Type of Fee	Official Fees (SCR)
Application fees	2 000
Registration fees	500

3.5.8 How long does registration take?

Unless substantive objections are raised or there are unusual delays, a GI application may take on average 9-12 months to complete registration. This includes an opposition period of 2 months.

3.5.9 What is the duration of protection?

The term of a GI registration in Seychelles is indefinite.

3.6 LAYOUT DESIGNS OF INTEGRATED CIRCUITS

About layout designs of integrated circuits in Seychelles

Layout designs of integrated circuits are registrable in Seychelles under Part V of the Industrial Property Act of 2014 and the Industrial Property (Layout-Designs) Regulations of 2014.

Currently, there is no regional or international registration system through which layout designs can be registered for Seychelles.

3.6.1 Who can register?

The creator of the layout-design or their heirs, legal representative or assignee, as the case may be, or any person in the name of creator, may make an application for registration of the layout-design.

- Where several persons have jointly created a layout-design, the right shall belong to them jointly;
- Where the layout-design has been made or created in the performance of a contract of employment or in the execution of a work, the right to protection shall belong, unless otherwise stated in the contract, to the employer or the person who commissioned the work.

3.6.2 What are the registration requirements?

Applications for the registration of layout-designs shall be in writing and shall be filed with the Registrar and separate applications shall be filed for each layout-design.

An application for the registration of a layout design must:





- contain a request for registration of the layout design and a brief and accurate description of the layout-design;
- indicate the name, address, nationality and, if different from the address, the habitual residence of the applicant;
- be accompanied by the power of attorney granted to the agent by the applicant, where the application is made through an agent;
- specify the date of the first commercial exploitation of the layout-design anywhere in the world or indicate that such exploitation has not yet commenced;
- provide information establishing the right to protection; and
- be accompanied by the prescribed application fees.

The application shall be accompanied by a copy or drawing of the layout-design and where the integrated circuit has been used commercially, by a sample of the integrated circuit.

3.6.3 What qualifies for registration?

A layout design is registrable if:

- it is original, which means that it is the result of the intellectual effort of its creator and if, at the time of its creation, it is not known among the creators of layout-designs and manufacturers of integrated circuits;
- it has not yet been exploited commercially anywhere in the world for more than 2 years prior to the application for its registration; and
- it consists of a combination of elements and interconnections that are common, only if the combination, taken as a whole, is original within the meaning as prescribed by the act.

3.6.4 What cannot be registered?

Any layout design whose use would be contrary to the law, public policy or morality is not registrable.

A layout design that is not original and has been exploited commercially for more than 2 years prior to the application for its registration is also not registrable.

3.6.5 Where can I file an application?

An application on the prescribed form must be submitted to the Registrar of Seychelles Intellectual Property Office.





3.6.6 How much does it cost?

National (Seychelles Intellectual Property 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 (Seychelles Rupee). Application forms and information on fees are available at: <https://tradeportal.sc/industrial-property-act/>.

Professional fees

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

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 SCR), unless objections and other special circumstances that may increase the costs apply.

Type of Fee	Official Fees (SCR)
Application fees	2 000
Grant/Certificate of Registration	500

3.6.7 How long does registration take?

Unless substantive objections are raised or there are unusual delays, an integrated circuit layout design may take 6-9 months to complete registration.

3.6.8 What is the duration of protection?

The duration of an integrated circuit layout design registration in Seychelles 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

About traditional knowledge and handicrafts in Seychelles

Folklore, Traditional Cultural Expressions (TCEs), Expressions of Folklore and handicrafts are protected under the Copyright Act of 2014 and the Copyright Regulations of 2014.

Applications for registration of Folklore, Traditional Cultural Expressions (TCEs), Expressions of Folklore and handicrafts shall be submitted to the Registrar at the Seychelles Intellectual Property Office.

The ARIPO provides a regional framework for the registration of traditional knowledge in ARIPO Member States, including Seychelles, but the registration system has so far been significantly underutilised, with no applications recorded at present.

3.7.1 Who can register?

Applicants for the registration of Folklore, Traditional Cultural Expressions (TCEs) and Expressions of Folklore can be individuals or communities acting through duly appointed community representatives.

Individual creators (one person) of Traditional Cultural Expressions (TCEs) and Expressions of Folklore can also apply to register.

3.7.2 What qualifies for registration?

Folklore: all ancient literary, artistic or musical works created in Seychelles, passed from generation to generation and constituting a basic element of the cultural heritage of Seychelles.

It consists of know-how, skills and practices developed within a community, forming part of its cultural identity and passed through generations. Confirmation by a community representative that the subject matter for which registration is applied constitutes folklore is therefore essential.

Traditional Cultural Expressions (TCEs) and Expressions of Folklore: any forms, whether tangible or intangible, in which traditional culture and knowledge are expressed, appear or are manifested, and comprise the following forms of expressions or combinations thereof:

- verbal expressions, such as stories, epics, legends, poetry, riddles and other narratives; words, signs, names, and symbols;
- musical expressions, such as songs and instrumental music;
- expressions by action, such as dances, plays, ceremonies, rituals and other performances, whether or not reduced to a material form; or





- tangible expressions, such as productions of art, in particular, drawings, designs, paintings (including body-painting), carvings, sculptures, pottery, terracotta, mosaic, woodwork, metalware, jewelry, baskets, needlework, textiles, glassware, carpets, costumes, handicrafts, musical instruments, and architectural forms.

The above-mentioned should be:

- the products of creative intellectual activity, including individual and communal creativity;
- characteristic of a community's cultural and social identity and cultural heritage; or
- maintained, used or developed by such a community, or by individuals having the right or responsibility to do so in accordance with the customary law and practices of that community.

3.7.3 What are the registration requirements?

Derivative works: Folklore, Traditional Cultural Expressions (TCEs), Expressions of Folklore

A request for registration (Form CR1), containing the following information:

- title of work and type e.g. literature, dramatic, artistic, scientific;
- description of the work;
- the applicant's full details (individual, firm or body corporate), including full name, physical address and nationality;
- the community representative's full details, where the application is submitted on behalf of a community;
- a signed power of attorney, if the applicant is represented; notarisation is not required;
- the prescribed government (official) fees.

3.7.4 What cannot be registered?

The following shall not be protected as derivatives under Section 5 of the Act:

- any idea, procedure, system, method of operation, concept, principle, discovery or mere data, even if expressed, described, explained, illustrated or embodied in a work;
- news of the day or miscellaneous facts having the character of mere items of press information; or
- political speeches and speeches delivered in the course of legal proceedings;
- any work that is contrary to law, public order or morality.





3.7.5 Where can I file an application?

An application for registration must be submitted to the Registrar of the Seychelles Intellectual Property Office.

3.7.6 How much does it cost?

National (Seychelles Intellectual Property 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 the Copyright (Voluntary Registration) Regulations of 2015. Both local and foreign applicants may pay these fees using the local currency (Seychelles Rupee). Application forms and information on fees are available at: <https://tradeportal.sc/copy-right-act/>.

Professional fees

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

Likely overall registration costs for a Seychelles Intellectual Property Office industrial design

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

Type of Fee	Official Fees (SCR)
Application and Registration	100 per item

3.7.7 How long does registration take?

Unless there are unusual delays, an application for the registration of Folklore, Traditional Cultural Expressions (TCEs), Expressions of Folklore takes 2-6 weeks from the filing date of the application.

3.7.8 What is the duration of protection?

The duration of protection of Folklore, Traditional Cultural Expressions (TCEs), Expressions of Folklore in Seychelles appears to be aligned with the provisions of the ARIPO's Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore, that is 25 years, not renewable.





3.8 COPYRIGHT AND NEIGHBOURING RIGHTS

About copyright and neighbouring rights in Seychelles

Seychelles has a dedicated law for the protection of copyright and neighbouring rights, namely the Copyright Act of 2014.

Seychelles is also a signatory to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

3.8.1 Can I register?

Although copyright exists automatically when any original work is created in one of the categories that is protected by the Copyright Act, Seychelles also implements a voluntary registration system.

Seychelles is a member of the ARIPO which recently adopted a voluntary copyright registration system for its Member States. The Protocol was adopted on 28 August, 2021 in Kampala, Uganda.

3.8.2 What qualifies for protection?

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

- books, pamphlets, articles and other writings;
- speeches, lectures, addresses, sermons and other oral works;
- dramatic, *dramatico-musical* works, pantomimes, choreographic works and other works created for stage productions;
- musical works, with or without accompanying words;
- audiovisual works;
- works of architecture;
- works of drawing, painting, protected sculpture, engraving, lithography, tapestry and other works of fine art;
- photographic works;
- works of applied art;
- computer programs; and
- illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science.





3.8.3 What cannot be protected?

The following shall not be protected under the Seychelles Copyright Act:

- any idea, procedure, system, method of operation, concept, principle, discovery or mere data, even if expressed, described, explained, illustrated or embodied in a work;
- news of the day or miscellaneous facts having the character of mere items of press information; or
- political speeches and speeches delivered in the course of legal proceedings;
- any work that is contrary to law, public order or morality.

3.8.4 What are the requirements for legal protection?

The protectable work in the categories listed in **3.8.2** must be original.

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:

- reproduction of the work;
- translation of the work;
- adaptation, arrangement or other transformation of the work;
- distribution of the original or a copy of the work to the public;
- rental of the original or a copy of an audiovisual work, a work embodied in a phonogram or a computer program;
- public performance of the work;





- broadcasting of the work; or
- other communication to the public 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 date on which the work was made or first made available to the public by publication or by any other means, whichever date is the latest;
- **work published anonymously or under a pseudonym:** 50 years from the date on which the work was made or first made available to the public, by publication or by any other means whichever date is the latest;
- **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;
- **a published edition:** 50 years from the end of the year in which the edition was first published;
- **a work of applied art:** 25 years from the making of the work.

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

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

Links to legislation:

Industrial Property Laws - <https://tradeportal.sc/industrial-property-act/>.

Copyright Law - <https://tradeportal.sc/copy-right-act/>.

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/>.

COMESA – Common Market for Eastern and Southern Africa: <https://www.comesa.int/>.



