



November 1st & 2nd
2022

Sub-Regional Workshop on the Hague System for Stakeholders in
Botswana, Ghana, Namibia, Rwanda and Sao Tome and Principe



DESIGN REGISTRATION SYSTEM IN SAO TOME AND PRINCIPE





Outline



01 Applicable Legislation

02 Concept

03 Basic requirements

- Registration procedures
- Duration
- Design rights
- Statistics





Applicable Legislation



1. LAW N° 4/2001

Industrial Property Law

2. DECRE-LAW N°6/2004

Implementing Rules of Procedure

3. DECRE-LAW N° 23/2016

Intellectual Property Code

4. DECRE-LAW N° 2/2017

Copyright and Related Right Code

1. Paris Convention (1883) (International)

- WIPO
- Convention on industrial Property Protection
- Instruments of accession on May 12, 1998

2. Hague System (International)

- WIPO
- Geneva (1999) Act of the Hague Agreement for
- Instruments of accession on December 8, 2008

3. Locarno Agreement (International)

4. Harare System (Regional)

- ARIPO
- Harare Protocol on Patents and Industrial Designs
- Instruments of accession on August 19, 2014

5. Bern Convention (International)

- Instruments of accession on Jun 14, 2016



Concept

ornamental

- plastic form of an object **or**
- set of lines and colors

can be applied to a product

- **new** visual and
- **original** visual
- (are distinctive in character)
- result in this external configuration

can serve as a type of industrial applicability

Concept

It is the ornamental plastic form of an object. The form or visual set must be new and have industrial application (to serve as a type of manufacturing in scale). But the form must be perceived differently from those that already exist for the same object. Placed side by side cannot be confused.



No functional

- plastic form of an object **or**
- set of lines and colors



No utilitarian aspect

- **new** visual and
- **original** visual
- (are distinctive in character)
- result in this external configuration



aesthetic form

Basic requirements:

NOVELTY (ART.143)

new when it's not understood in the state of the art.

1.A design or model is considered new if, before its application for registration or priority claim, no identical design or model has been disclosed to the public in the country or abroad.

2. Designs or models shall be deemed to be identical if their features only differ in insignificant details.)

ORIGINALITY (ART.144)

original when from it result a distinctive visual configuration, in relation to the former objects.

INDUSTRIAL APPLICABILITY (ART. 10 and 142)

- the ornamental plastic form of an object or ornamental set of lines and colors

- that can be applied to a product, providing a new and original (are distinctive in character) visual

- result in this external configuration and that can serve as a type of industrial applicability



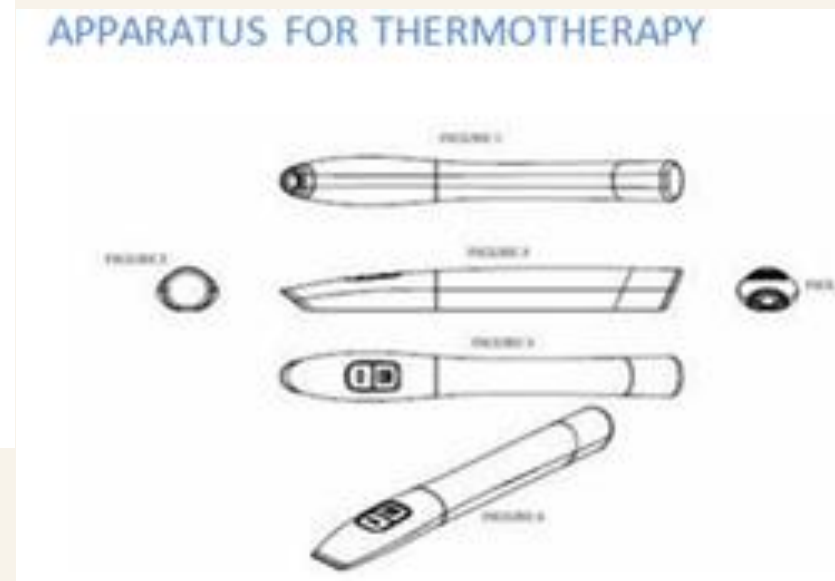
E.g



Hague
D211139 (3 Designs)
Shirt, Set of shirts, T- shirt
2019-06-14
Steffie Johanna Catharina Antonia Christiaens



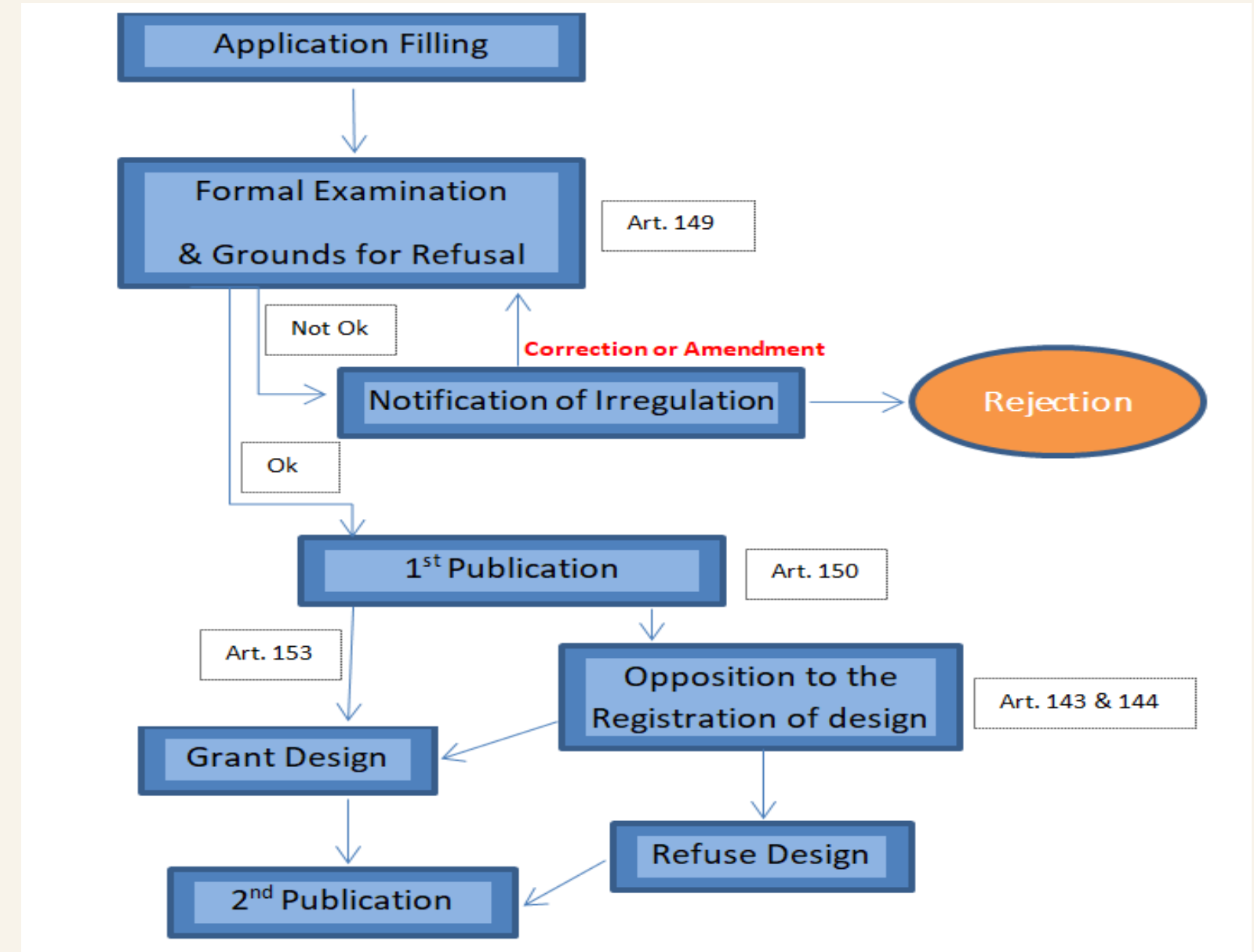
Hague
D211741(3 Designs)
Sunglasses
2020-12-11
Daniel Wellington AB





Registration Procedures:

Application filling	Requerent/ARIPO/WIPO
Formal Examination And Grounds for Refusal	<p>To check if include:</p> <ul style="list-style-type: none"> the right of priority (6 monts form the date of the first exhibition of such products....); a certification issue by the entity responsible for the exhibition showing the date of the first public disclosure and reproducing the products in which the design or model was incorporated or which it was applied; Design classification The name and country of residence of the creator The colours, if they are part of claim; <p>Obs. Fancy expressions used to designate the design , or which are included in its representations may be protected;</p> <ul style="list-style-type: none"> The graphic representations; In case of several ayes, the product itself or other fotographs taken from a more precise idea of the design or model to public in the SENAPIQ-STP IP gazette; Expressions or images that are against the law, morals, publics policy and good mores; Autorization in el case of the use of the symbols or images of the State, the autonomous region of the districots or other public or private entities, national or regional, the emblem and name of the Red Cross, or other similar bodies, as well as any signs covered by the provisions of International Conventions relating to the to the Protection of Industrial Property tha ST has adopted, unless so authorized.
Notification of Irregularidad (in the application or any grounds refusal)	The applicant shall be given notice to, in one month, correct or remedy the objections made. At the request of the applicant, this period may be extended once only and the same period.
Application Publication (Art. 150)	The application shall be published with a reproduction of the design or model and the international classification of the industrial designs and models, for the propuse of objections by any party who one considers himself to be prejudiced in the event that the registration is granted.
Granted Design Publication	
Refusal Design Publication	



DURATION

(ARTICLE 156)

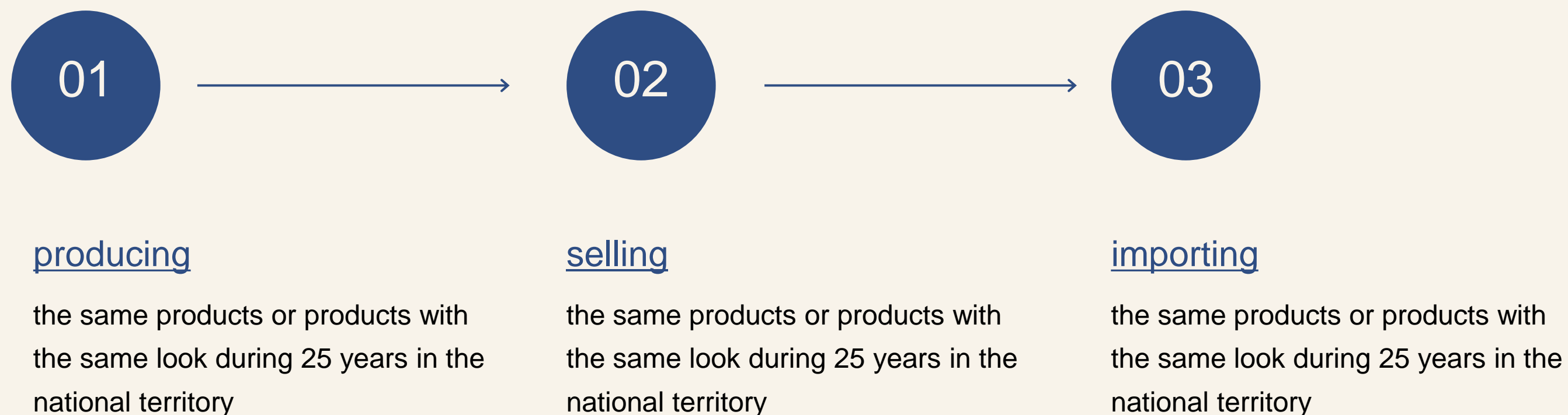
1. Registration shall endure for five years calculated from the date of the application and it may be renewed for equal periods, to a maximum of 25 years.
2. The renewals referred to in the preceding paragraph shall be requested in the last six months of the validity of the registration.





Rights over a Registered Design

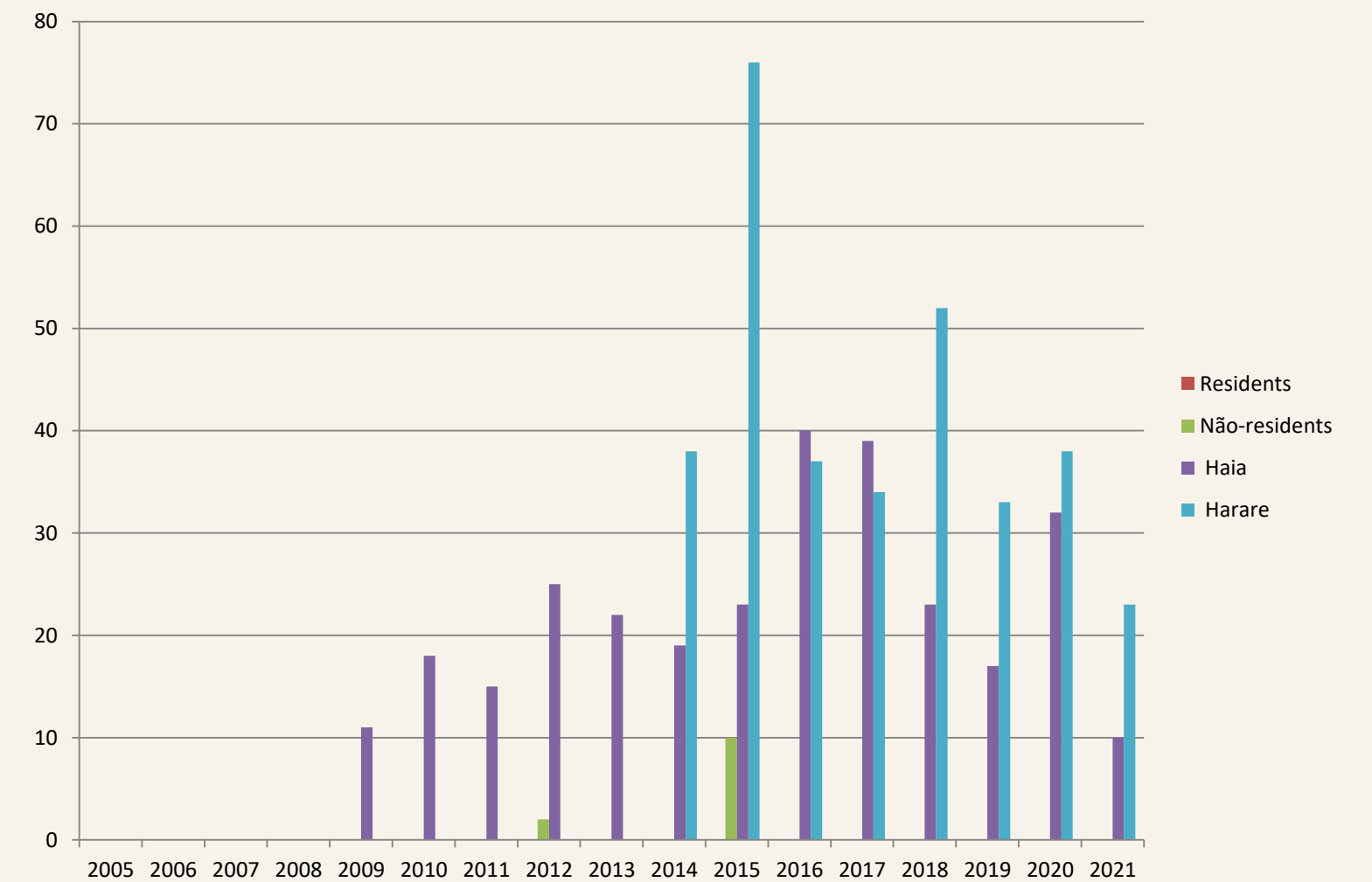
Design owners have the right to exclude others from :





Statistics:

INDUSTRIAL DESIGNS					
Year	National		International/Regional		Total
	Residents	Non-Residents	Hague	Harare	
2005	0	0	0	0	0
2006	0	0	0	0	0
2007	0	0	0	0	0
2008	0	0	0	0	0
2009	0	0	11	0	11
2010	0	0	18	0	18
2011	0	0	15	0	15
2012	0	2	25	0	27
2013	0	0	22	0	22
2014	0	0	19	38	57
2015	0	10	23	76	109
2016	0	0	40	37	77
2017	0	0	39	34	73
2018	0	0	23	52	75
2019	0	0	17	33	50
2020	0	0	32	38	70
2021	0	0	10	23	33
Total	0	12	252	270	534





Conclusion

Design systems in countries not yet so developed are a must. Requirements for design registration are less strict than requirements for patent registration/granting.

Highlight 01

National System

- Weakness (no applications from residents)
- All applications are from non-residents
- Much awareness raising work necessary
- Support from WIPO and ARIPO is most welcome

Highlight 02

Regional and International System

- Applications from both systems are balanced
- Numbers have slightly decreased in 2021

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- 11 years experience as Examiner at IPO (SENAPIQ-STP) and Industry Directorate
 - Patents (formal),
 - Trademarks
 - Designs Examiner
- National Consultant for Quality (ISO-22000)
- Master on Intellectual Property by Africa University
- Graduate by University Centre – José Antonio Echeveria “CUJAE”, Havana –Cuba
- Teacher of Chemistry at High School “Liceu Nacional” of ST



Elga Sousa Santiago





Thank You

Contact us if there are any questions.

Contact

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<http://senapi-stp.net/spip.php?rubrique1>

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[stp.net/spip.php?rubrique1](http://senapi-stp.net/spip.php?rubrique1)

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