

Sao Tome and Principe

Intellectual Property Code (approved by Decree-Law No. 23/2016)

(<https://wipolex.wipo.int/en/text/497471>)

ARTICLE 2

SCOPE AND APPLICATION OF INDUSTRIAL PROPERTY

2. The present decree shall apply to all entities, both natural or legal persons, São Toméans or foreigners, nationals of member countries of the international or regional organizations to which São Tomé and Príncipe belongs, with no conditions as to domicile or place of business, save for the specific provisions relating to jurisdiction and legal process.

3. Nationals of a country who have an actual, and not fictitious, domicile or industrial and commercial establishment in one of the member countries of the said international or regional organizations shall be regarded as nationals of member countries of the International or Regional Organizations to which São Tomé and Príncipe is a party.

4. With regard to any other foreigners, the provisions of the conventions between São Tomé and Príncipe and the respective countries shall be observed and, in the absence of such conventions, the system of reciprocity shall apply.

SUB-SECTION III

INTERNATIONAL PATENT

ARTICLE 100

SCOPE

1. For the purposes of this Code, an international application is an application submitted in accordance with the Agreements in respect of international patents to which São Tomé and Príncipe has acceded.

2. The provisions of the treaties referred to in the previous paragraph and the provisions relating to regional patents shall apply mutatis mutandis to international applications for which the SENAPIQ-STP acts as the receiving authority or the appointed or elected authority.

3. The provisions of this Code shall apply to all that does not conflict with the agreements on regional patents to which São Tomé and Príncipe has acceded.

4. Patents which derive from the Patent Cooperation Treaty (PCT) to which S.Tomé and Príncipe is a party are considered to be international patents.

SUBSECTION II

REGIONAL AND INTERNATIONAL REGISTRATION

ARTICLE 186

RIGHT TO REGISTRATION

1. The applicant or the owner of a trade mark registration of Saotomean nationality, domiciled or with a place of business in São Tomé and Príncipe, may ensure the protection of his mark in the member states that have acceded or will accede to international agreements or protocols relating to the registration of marks applicable to São Tomé and Príncipe.

a) Regional trademarks are specified in the Banjul Protocol of the Organization of African Regional Intellectual Property Organization (ARIPO) to which S. Tomé and Príncipe is a party.

b) International trademarks are those with registrations within the framework of the Madrid Protocol for the international registration of marks of the World Intellectual Property Organization (WIPO).