

JuriSTEP

INTELLECTUAL PROPERTY LAW

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PREAMBLE

Whereas it is necessary to provide Sao Tome and Principe with a legal framework to protect the intellectual property;

Considering the conditions for implementing new techniques in Sao Tome and Principe and adapting the existing techniques to the country needs, and the access to foreign techniques, it is necessary:

- I) A legal and administrative framework that encourages the inventive spirit of the Santomeans, promotes the investments in every sectors that use inventions, and that allow the evaluation, the selection and the acquisition in reasonable conditions, and to absorb of the foreign techniques, as well as its adaptation to the needs of Sao Tome and Principe;
- II) A competent Administration that enforces an effective policy in the domain of intellectual property and that it is endowed with necessary financial resources for the enforcement of such policy provided by an approved system of duties;
- III) International and intergovernmental cooperation, especially in the areas of investigation, of the examination and of the documentation;

Whereas the protection of inventions is a very important element of that legal and administrative framework, as it encourages the invention spirit, stimulates the investigation and investment, and makes possible the creation of industry and the development of the agriculture;

Whereas the need to encourage and to stimulate the national innovation and benefit the national inventive activity;

Whereas the need to promote Sao Tome and Principe in the international trade, facilitating the commercial relationships and protecting the consumer against any confusion regarding products, services or companies;

Considering that, to promote the national and international trade against confusion and fraud, it is convenient to protect and regulate efficiently the trade marks, the tradenames, the indications of source and of origin, and to efficiently punish the unfair competition;

Recognizing the need to stimulate and to protect Santomenean craft industries;

Recognizing also the need to encourage the development of the profession of agent of intellectual property;

Considering beyond any doubt that the rights granted to protect the inventions should have as compensation above all the obligation of appropriate exploration of the inventions patented in Sao Tome and Principe and the use of the trade marks and of the tradenames in a way to

not lead the consumer's into confusion or mistake;

Considering that the National Service of Intellectual Property is not only incumbent to process the applications for protection of inventions, but also to supply information of existent techniques based upon the documents of patents published;

CHAPTER I

GENERAL PROVISIONS

Article 1

Concept and Scope

1. Intellectual Property has a social function of guaranteeing the fair competition through the attribution of rights under the scope of this Law, and through the repression of unfair competition.
2. Intellectual Property encompasses industry and commerce, fishing, agricultural, forestry, livestock farming, and extractive industries, as well as all the natural or manufactured products and services.
3. This Law applies to individual and legal persons, Santomeans or nationals of the countries member of the International Union for the Protection of Industrial Property, hereinafter Union, under the Convention of Paris, of 20 March 1883 and its amendments, regardless of domicile or establishment, without prejudice of special provisions regarding competence and procedure.
4. Nationals of countries outside the Union who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union shall be treated in the same manner as nationals of the countries of the Union.
5. To any others foreigners it shall be applicable the conventions between Sao Tome and Principe and the respective countries and, in the absence of those, the regimen of reciprocity.

CHAPTER II

PATENTS

Article 2

Definitions

1. For the purposes of this Law 'Patent' shall mean a title granted for protect an invention.

2. a) For the purposes of this Law 'Invention' shall mean the idea of an inventor allowing to find a solution of a specific technical problem;
- b) An Invention can be a product or a process, or be related to a product or a process.
3. Are excluded from the scope of protection of Patent, even being inventions in the sense of paragraph 2:
 - a) The discoveries, the scientific theories and the mathematical methods;
 - b) The plans, principles or methods in the domain of economic activities, in the exercise of activities purely intellectual or in matter of game;
 - c) The methods of surgery, of human or animal therapy, as well as diagnosis methods. This provision does not apply to the products used in these methods.

Article 3

Inventions that can be Patented

1. An invention can be patented, if it is new, involves an inventive activity, and it is likely to have an industrial application.
 - a) An invention is new if there is anteriority in the state of the technique;
 - b) The state of the technique encompasses everything that has been disclosed in any part of the world, by a publication, or in Sao Tome and Principe by oral disclosure, by an use or any other way, before the date of deposit or, if applicable, before the date of priority of the application claiming the invention;
 - c) To the effects of sub-paragraph b), a disclosure is not considered if it occurs during the 12 months preceding the date of the deposit or, if applicable, to the date of priority of the deposit or the date of priority of the request and it results directly or indirectly of actions of the applicant or by its legal predecessor, or of an abuse of third parties relating the applicant.
3. An invention is considered to involve an inventive activity, if for a person with average knowledge in the field the invention does not result in an evident manner of the state of the pertinent technique regarding the application claiming a patent.
4. An invention is considered to be susceptible of industrial application, if its object can be produced or used in any kind of industry. The word "industry" shall be understood in the broadest sense including notably workmanship, agriculture, fishing and services.

5. The inventions contrary to the good customs or to public order shall not be patented.

Article 4

Right of Patent

1. The right of patent belongs to the inventor.
2. If several persons have jointly worked in an invention, the right of Patent belongs to all of them jointly.
3. If several persons have come to the same Invention independently from one another, the right of patent belongs to who has presented the application, which date of priority validly claimed is older, as long as the application is not abandoned or rejected.
4. The right of patent can be assigned or transferred *mortis causa*.
5. If the invention was made by an employee under a labour contract, the right of patent for that invention belongs to the employer, except if the contract provides otherwise.
6. The inventor is mentioned as such in the patent, except a special statement addressed to the Director of the Administration of Intellectual Property indicates that the inventor does not wish to be mentioned. Any promise or any commitment executed by the inventor with anyone to make such statement does not have legal effect.

Article 5

Application for patent

1. The application for a patent is deposited before the National Service for Intellectual Property and shall include a request, a description, one or several claims, one or several drawings (when applicable) and a summary. The deposit of the application is subject to fee.
2. a) The application shall include the request for the patent granting, the name of the depositor, the name of the inventor and, if applicable the name of the proxy, and the other mandatory information regarding the depositor, to the inventor and, if applicable to the proxy, as well as the title of the invention.
b) If the depositor is not the inventor, the application shall be attached with a statement justifying the right of the depositor.
3. The description should disclose the invention in a complete and sufficiently clear allowing it to be evaluated and that a person with average knowledge in the field can perform it, and must notably mention a way of perform that the depositor knows.
4. a) The content of the claim, or claims, determines the wideness of the protection. The description and the designs can be used for interpret

the claims.

- b) The claims should be clear and concise. They should base themselves entirely in the description.
5. The designs should be supplied when they are necessary for the comprehension of the Invention.
6. The summary is used exclusively for technical information purposes. It is not taken under consideration for determining the wideness of the protection.
7. The applicant may withdraw the application until the moment it is verified that the application fulfils the necessary conditions for the patent to be granted.

Article 6

Verification of the patent's application

1. The National Service for Intellectual Property verifies that the application for patent satisfies the requirements of Article 4 and of the Internal Regulation of Execution approved by decree of the Government.
2. The Director of Industry grants, as date of deposit, the date of reception of the application, if in that moment the application contains:
 - a) An express or implicit indication according to which the granting of a patent is requested;
 - b) A part that at first sight appears to be a description of an invention.
3. If the Director of Industry realizes that, in the moment of reception of the application, the conditions of paragraph 2 are not fulfilled, he shall invite the applicant to make the necessary amendments and grants, as date of deposit, the date of reception of the correction required; however, if the applicant does not make the amendments, the application is deemed as not having been presented.
4. When the application makes reference to drawings that are not included in it, the Director of Industry shall invite the applicant to supply the drawings. If the applicant supplies the drawings, the Director of Industry shall grant, as date of deposit, the date of reception of the drawings. Otherwise, the Director of Industry shall grant, as date of deposit, the date of reception of the application and shall consider any reference to those drawings as non-existent.
5. The Internal Regulation of Execution may provide that the National Service for Intellectual Property may use the search and verification's reports. After reception of those reports, the National Service decides to grant or not the patent according to the following provision.

6. When the National Service for Intellectual Property understands that the conditions of paragraphs 2 and 3, and if applicable of paragraph 4, are fulfilled it shall grant the patent, and proceeds with the following actions:
 - a) Publish a mention of the granting of the Patent;
 - b) Send to the depositor a certificate of the granting of the patent and a copy of the patent itself;
 - c) Register the patent;
 - d) Make available to the public copies of the patent subject to a fee.

Article 7

Rights granted by the patent

1. The Director of Industry grants the patent when verifies that the conditions required in the respective regulation as well as the conditions pre-established by this Law, which are mandatory, are fulfilled.
2. The Director of Industry upon request of the patent's owner shall make amendments in the drawings of the Patent intended to limit the protection granted, as long as those amendments do not determine that the disclosure of the patent is different from the disclosure of the initial application based on which the patent was granted.
3. The exploration of the invention patented in Sao Tome and Principe by any person beyond the owner of the Patent is subject to the owners' consent.
4. For the purposes of this Law, 'exploration' of an invention patented shall mean any of the following actions:
 - a) When the patent has been granted for a product:
 - I. Manufacture, import, offering for sale, sell and use the product;
 - II. Retain the product with the purpose of put it for sale, sell or use it;
 - b) When the Patent has been granted for a process:
 - I. Using the process;
 - II. Practice the actions mentioned in the sub-paragraph (a) of this number in connection to a product resulting directly of that process.
5. The owner of the patent, additionally to any other rights or possibility of appeal or action, subject to paragraph 4, has the right to initiate judicial action against anyone who violates his patent rights by any

action, without his consent, or by any action likely to violate such rights.

6. When the public interest, specifically the national security, nutrition, health or the development of other crucial sectors vital for national economy requires, the Ministry with authority in this area may decide, even without the agreement of the patent's owner, that a third person in service of the State assigned by the Minister may explore the invention, subject to compensation to the patent's owner.
7. The decision of the Minister may be subject to appeal before the Supreme Court of Justice, which decision is final.

Article 8

Duration and annual fees

1. Without prejudice of sub-paragraph (b) of the following number, the patent lapses 20 years from the date of deposit.
2.
 - a) When the invention patented is not sufficiently explored in a industrial manner in Sao Tome and Principe, the owner of the Patent may be forced to accept the granting of mandatory licensees to whom has interest in it;
 - b) For the purposes of this Article, the invention is considered to be exploited in an industrially manner if, on a case-by-case basis, the product patented is manufactured or the process patented is used.
3. In order to maintain the patent in force, an annual fee shall be paid upfront to the National Service for Intellectual Property, after the first year to the deposit of the application of the Patent; a six-month's extension for the annual fee may be granted subject to a surcharge.
4. The rights deriving from the patent do not include:
 - a) Acts regarding objects placed on the market in Sao Tome and Principe by the owner of the patent or with his consent;
 - b) The use of the objects on board of foreign aircrafts, terrestrial vehicles or ships that temporarily or accidentally enter in the air space, in the territory or in the territorial waters of Sao Tome and Principe;
 - c) Acts regarding an Invention patented for scientific research purposes;
 - d) Acts performed by any person that, in good faith, in the date of the deposit or, when the property is claimed on the date of priority of the application based on which the patent was granted, and in the territory of Sao Tome and Principe, were using the invention or making real and serious preparations to use it, as long as these actions are not different in nature or purpose from the previous

use.

5. The right of the user that sub-paragraph (d) refers to can only be transferred or vacant to a company that have made use or preparations to use the patent.

Article 9

Annulment

1. Any person with interest can present to a Court a claim of annulment of the patent.
2. The Court declares the patent void if the plaintiff offers evidence that the requirements of Articles 2, 3 and 5, and paragraphs number 3, 4 and 5 were not fulfilled, or if the owner of the Patent is not the inventor or its legitimate successor¹.
3. The final decision of the Court is notified to the National Service for Intellectual Property that registers it and publishes it as soon as possible.
4. Any patent annulled or any claim or part of claim annulled is considered void with effect from the date of the grating of the patent.

CHAPTER III

DESIGNS AND INDUSTRIAL MODELS

Article 10

Definition industrial designs

1. Under this Law, any assembly of lines, colours or any forms of three dimensions, associated or not to lines and colours, shall be considered an industrial design, since that assembly or that form provide for a special aspect to an industrial or craft product and can be used as a model for manufacturing an industrial or craft product.
2. The protection provided by this Law does not include the elements of an industrial design that are used only for obtaining a technical effect.

Article 11

Conditions of registry of industrial designs

¹ Translation note: the wording corresponds to the official Portuguese version. A systematic reading of the provision allows us to conclude that paragraphs 3, 4, and 5 refer to Article 5.

1. An industrial design can be registered if it is new.
2. An industrial design is new if it has not been disclosed, in any place of the world by a publication, or in Sao Tome and Principe by oral disclosure, in use or any other way before the date of the deposit or, if applicable, from the date of priority of the registry application. The Article 3, paragraph 2, sub-paragraph (c) shall be applicable in the same terms of this Article with the necessary adaptations.
3. The industrial designs against the good customs or to public order shall not be registered.

Article 12

Application

1. The application for registry of an industrial design shall be deposited in the National Service for Intellectual Property and shall contain the application, a copy of the object incorporating the industrial design and to indication of the kind of products for which the industrial design should be used.
2. If the applicant is no the creator, the application shall be accompanied of a statement that justifying the right of the applicant to the registry of the industrial design.
3. Article 6 shall be applicable in the same terms of this paragraph with the necessary adaptations.
4. While the application is pending, the applicant can withdraw it at any moment.

Article 13

Registry Verification

1. The National Service for Intellectual Property verifies if the application satisfies the requirements of Article 11 and of the regulation of execution.
2. When the National Service for Intellectual Property understands that the conditions mentioned in paragraph 1 are fulfilled, registers the industrial design, publishes a mention of the registry and sends to the depositor a certification of the registry.
3. The Director of Industry grants, as date of deposit, the date of reception of the application as long as the deposit fee has been paid and the application includes the name of the applicant and a copy of the object incorporating the industrial design.
4. When the Director of Industry verifies that the conditions of paragraph 2 they are fulfilled he registers the industrial design, publishes a

mention of the registry and delivers to the depositor a certified of the registry. Otherwise the Director of Industry rejects the application.

Article 14

Rights granted by the registry and term

1. After the industrial design has been registered in Sao Tome and Principe its exploration requires the consent of the registered owner.
2. To the effects of this Law "exploration" of a registered industrial design shall mean the manufacture, sale or importing of objects that incorporate the industrial design.
3. The owner of the registry of an industrial design, additionally to the possibility of proceed judicially against who explores the industrial design registered in his favour without his consent, has the right of proceed judicially against who violates such industrial design by practicing any action foreseen in paragraph 2 without his consent.
4. The term of validity of a registry of an industrial design is five years from the date of the deposit of the registry application. The registry can be renewed for two consecutive periods of five years each, subject to payment of a fee. An extension of six months is granted subject to payment of a surcharge.
5. Article 8, paragraph 4 shall be applicable in the terms of this Article with the necessary adaptations.

Article 15

Annulment

1. Anyone interested may request the Court to declare the registry of an industrial design void.
2. The Court declares the registry void if the plaintiff offers evidence that the requirement of Articles 12 and 13 were not fulfilled or if the owner of the industrial design is not its creator neither its successor.
3. Any industrial design declared void is considered to have no effect from the date of its registry.
4. The final decision of the Court is notified to the Director of Industry, who registers and publishes it as soon as possible.

CHAPTER IV

MARKS, COLLECTIVE MARKS, TRADENAMES E UNFAIR COMPETITION

Article 16

Definitions

Under this Law:

1. 'Mark' shall mean any visible sign of graphic representation distinguishing the products or the service of a company from those of other companies.
2. 'Collective mark' shall mean any visible sign of graphic representation named as such allowing distinguishing the origin or any other one common characteristic, notably the quality of products or of services of companies that use this sign under the control of the association owing it.
3. 'Tradename' shall mean the name or designation that identifies and distinguishes a company.

Article 17

Acquisition of the exclusive right of a mark and registry requirements

1. The exclusive right to a mark granted under this Law is acquired by its registry.
2. A mark shall not be valid registered if:
 - a) It does not allow distinguishing between the products or services of a company from those of other companies;
 - b) It is contrary to the good costumes;
 - c) It is likely of induce the public or the commercial operators in error, specially concerning the geographical origin, the nature or the characteristics of the products or services in question;
 - d) It reproduces, imitates or has between elements the weapons, flags or others signs, the name, the abbreviation or the acronym or a sign or official function of supervising and guarantee of a State or of an intergovernmental organization created by an international convention, except if the competent authority of that State or of that organization authorizes so;
 - e) It is identical or similar to a mark or tradename notoriously known in Sao Tome and Principe of identical or similar products of another company causing confusion, or if it is a translation of that mark or of that tradename;
 - f) It is identical to a mark owned to other title owner that has already been registered or which deposit's date is previous and holds priority for products or services very similar, or it is similar to a mark in such way that can be misleading or cause confusion.

Article 18

Registry Application

1. The application for the registry of a mark is deposited before the Director of Industry and is comprised of an application, a reproduction of the mark and a list of the products or services for which the registry of the mark is request, listed according to the pertinent classes of the international classification. The deposit of the application is subject to payment of a fee.
2. a) The application may contain a statement claiming the conditions provided by the Convention of Paris, the priority of a previous national or regional deposit executed by the applicant or by its lawful predecessor. In this case, the Director of Industry may require that the applicant supply a copy of the previous application certified by the administrative authority that has received such application in a certain term;

b) The statement provided in the previous sub-paragraph has the effects established by the Convention of Paris. If the Director of Industry verifies that the requirements of this subparagraph and those established by the pertinent regulation are not fulfilled, the statement is deemed as void.
3. While the application is pending, the applicant may withdraw it at any moment.
4. The Director of Industry shall verify if the application fulfils the requirements of paragraph 1 of Article 18 and those established by the pertinent regulation.

Article 19

Rights granted by the registry, term and renewal

1. After the registry any of the mark by third persons for any products or services, for which it was registered, it is subject to the owner's consent.
2. The owner of registry of a mark, additionally to any other rights, appeals or actions to its disposal, has the right to initiate judicial action against anyone who violates his patent rights by any action, without his consent, or by any action likely to violate such rights. That right includes the use of an equal or similar sign to the mark registered and the use regarding equal or similar products and services to those for which the mark was registered, when that can result in confusion of the public.
3. The rights granted by the registry of a mark do not include the acts

concerning products placed on the market in Sao Tome and Principe by the owner of the registry or with the his consent.

4. The registry of a mark is effective for ten years counting from the date of deposit of the registry application.
5. a) Upon request, the registry of a mark can be renewed for consecutive periods of ten years each, provide the registry owner pays a renewal fee.
b) An extension of term of six months shall be granted for the payment of the renewal fee after expiration, subject to a surcharge.

Article 20

Annulment

1. Any person can submit to the National Service for Intellectual Property an application for the annulment of registry of a mark.
2. The National Service for Intellectual Property annuls the registry if the application offers evidence that any of the exclusions of Article 17 is applicable or that he is the owner of a mark benefiting of a date of deposit or of priority and that the mark, which annulment of registry he is requesting, is an infringement of a prior mark, according to Article 19, paragraph 1.
3. The National Service for Intellectual Property annuls the registry if verifies there is a violation of the Article 16, paragraph 1.
4. The annulment of the registry of a mark is considered to be effective on the date of the registry and shall be published as soon as possible.
5. Any person interested may request to the Director of Industry the annulment of a mark, for a product or service for which it has been registered, due to the fact that the mark, after its registry and up to a month before the application has not been used by the owner of the registry, neither by any person who has acquired the right to use the mark, during a not-interrupted period of five years. However, the mark is not annulled if it is proved that special circumstances made its use impossible and that there was no intention not to use it or to abandon it concerning the products or services in question.

Article 21

Collective marks

1. Without prejudice of paragraph 2, Articles 17, 18, paragraph 1 and 20 are applicable to collective marks.
2. a) In the registry application, the collective mark shall be identified as such and a copy of the regulation of use of the mark shall be joint to

the application;

b) The owner of the collective mark shall notify the National Service for Intellectual Property of any change in the internal regulation of use mentioned in sub-paragraph a) of the paragraph 2 of this Article.

3. Additionally to the cases provided in Article 20, paragraph 1, the Director of Industry shall annul the registry of a collective mark if the applicant of the annulment makes evidence that only the owner of the registry of the mark uses it or authorizes its use in violation of the regulation referred in paragraph 2, sub-paragraph a), or that he uses it or authorizes its use in a way that may deceive commercial agents or the public about the origin or any another common characteristic of the products or services in question.

Article 22

Tradenames

1. A name or designation that by its nature or by the use that can be made of it, is contrary to public order or to the good mores or that is likely to mislead the commercial agents or the public about the nature of the company using that name, cannot be used as tradename.
2. Any further use of the tradename by a third person, be it as tradename, mark or collective mark, as well as any use of a similar tradename or of a similar mark likely to mislead the public, is considered to be illicit.
3. Notwithstanding any legal provision that imposes the obligation of registry of tradenames, these are protected against any unlawful action of any third party even before the registry or without him.

Article 23

Actions of unfair competition

1. Any act contrary to the honest customs in the industry or in the commerce is deemed to be illicit.
2. Notably the following acts shall be deemed as actions of unfair competition:
 - a) Any acts likely to lead to confusion with establishment, products or activities industrial or commercial of a competitor;
 - b) Any false statements, in the exercise of the commerce, likely to harm the reputation of the establishment, of the products or the industrial or commercial activity of a competitor;
 - c) Any statements, which use may mislead the public about the nature of the products, the manufacturing process, its

characteristics, its adjustment to the use it is destined, or its quantity.

CHAPTER V

INDICATIONS OF SOURCE OR DENOMINATION OF ORIGIN

Article 24

Definitions

Under this law:

1. 'Indication of source' shall mean an expression or sign used to show the product or service is from a certain country, region or of a determined place.
2. 'Denomination of origin' shall mean a geographical denomination of a country, of a region or a determined place aiming to distinguish the origin of a product and its characteristics that are exclusive or essentially to the geographical place, comprising natural or human factors or simultaneously natural and human.

Article 25

Unlawful use of an indication of source

The use, direct or indirect, of a false or misleading indication of source of products or services or of the identity of its producer, manufacturer or supplier, is deemed to be illicit.

Article 26

Unlawful use of a denomination of origin

The use, direct or indirect, of a false or misleading denomination of origin or the imitation of a denomination of origin, even if the true origin of the product is indicated or if the denomination is used in translation or accompanied of words 'kind', 'type', 'imitation", or similar expressions, is deemed to be illicit.

CHAPTER VI

GENERAL PROVISIONS

Article 27

Ownership changes and licence agreement

1. a) Any change of property of a Patent, of a certificate of a utility model, of a certificate of registry of a industrial model, or of a certificate of registry of a mark or of a collective mark, as well as any change of property of an application for any of those titles, shall be made in writing and be included in the registry upon request to the Director of Industry. Any such change is not effective against third parties before its inscription in the registry;
b) Any change of property concerning the registry of a collective mark or to an application for registry of a collective mark shall be previously approved by the supervising minister;
c) Any change of property of a tradename shall follow the transference of the company or of the part of the company identified by the name, and shall be made in written;
d) However, a change of property of registry of a mark or a collective mark is not valid if it is likely to mislead or to create confusion, notably regarding the nature, the origin, the manufacturing process, the characteristics or its adjustment to the use that is destined, of products or services for which the mark or the collective mark shall be used;
e) A copy of each agreement of licence concerning a registered patent, industrial model or mark, or concerning an application for any of those titles shall be submitted to the Director of Industry, who shall not disclose its content, but inscribes and publishes a mention of it. A licence agreement is not effective against third parties before the inscription is done.
2. a) Any licence agreement concerning the registry of a mark or the application for registry shall provide for the effective control of the licensor over the quality of the products or services for which the mark will be used. If the agreement does not provide for such quality control or in the event this control is not effective, the licence agreement shall not be valid and the exclusive right provided in Article 19, paragraph 1 and 2 cannot be exercised;
b) The registry of a collective mark or the application for a registry of such mark cannot be subject to a licence agreement.

Article 28

Agent

1. When a depositor has domicile or his main place of activity outside Sao Tome and Principe, he shall be represented by a resident agent in Sao Tome and Principe.

Agents recognized by the Department of Industry are excused from the presentation of the respective power of attorney, except in case of

doubt.

2. To perform the functions of agent the following requirements are essential:
 - a) Be a Santomean citizen santomense over 18 and not being inhibited of his civil and political rights;
 - b) Not to be inhibited of exercising the profession by final decision of the Court;
 - c) Have office in Sao Tome and Principe;
 - d) Have a graduation in engineering, law, or economy;
 - e) Have been approved in the examination tests to which they will be submitted before the National Service of Intellectual property.
3. The modalities of application of the exams and other questions concerning to the recognition of agents, shall be further elaborated in the Internal Regulation of Execution.

Article 29

Fees, registries and Official Gazette

1. a) By The several acts provided by this law are subject to the fees set by Decree of the Government;
 - b) All fees shall be paid in cash, check or mail check with the applications requesting the acts on the fees table, and shall be deemed as income of the National Service of Intellectual Property;
 - c) The foreigners' applicants and title-owners shall pay the fees in exchange, which amount is calculated using the official exchange rate.
2. The National Service of Intellectual Property shall make the publications provided by this Law in a special section of the Official Gazette, which will have that exclusive purpose.
3. Any person can consult the registries and obtain certificates, under the conditions set out by Regulation.
4. The National Service of Intellectual Property keeps separate registries for patents, industrial models, marks and tradenames. The collective marks are registered in a special section of the marks' registry. All and every inscriptions provided by this Law shall be inserted in said registries.

Article 30

Correction of Errors

1. Without prejudice of the provisions of the Regulation, the National

Service of Intellectual Property may invite the depositor to correct any error of translation or of transcription, any material error or by negligence found in any application or document deposited in the mentioned National Service or in any inscription carried out according to the provisions of this Law or regulation.

2. If the Director of Industry considers that the circumstances justify and if that is requested in written, he may, under conditions determined by him, extend the term granted to perform an action under the provisions of this Law and regulation. For that purpose he shall notify the interested parties. The term's extension may be granted even if the regular term has expired.

Article 31

Discretionary powers

Before exercising any of the discretionary powers granted by this Law the Director of Industry shall give the parties in a procedure the possibility of expressing their views.

Article 32

Competence of the Courts

1. The Courts are competent for any judicial action concerning infringements to any of the rights of exclusive in the Articles 7, paragraph 1, 14 paragraph 1, 18 and 19 paragraph 1, as well as for any other judicial action relating to this Law.
2. Any decision issued by the National Service of Intellectual Property under this Law can be appealed before Court.

Article 33

Infringements, illegal actions and felony

Any act mentioned in Articles 14 and 19 performed in Sao Tome and Principe by any person other than the owner of the protection without his consent is deemed to be infringement.

Article 34

Applicability of International Treaties

The provisions of any international treaty concerning Patents, industrial models, collective marks and indications of source or appellations of origin, of which Sao Tome and Principe is a party, are applicable and, in case of divergence with the provisions of this Law they supersede the

national provisions.

Article 35

Internal Regulation of Execution

The Government shall approve, by decree, an Internal Regulation of Execution, settling the regime of enforcement of this Law.

Article 36

Effectiveness

This Law shall become effective immediately, under the legal conditions.

National Assembly, Sao Tome, on the 4, September 2001.

The President of the National Assembly, *Dionísio Tomé Dias*.

Enacted on 12, September 2001.

For publication.

The President of the Republic, *Fradique Bandeira Melo de Menezes*.