



[REPUBLIC OF ANGOLA

Ministry of Industry

Law No. 3/92 of February 28

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In the modern world, the establishment of a legal and administrative industrial property protection regime is one of the essential prerequisites for the economic and social development of peoples.

With Angola's economy currently undergoing radical change, now is an opportune time to define the legislative framework applicable to industrial property, a tool capable of stimulating innovation and inventive activity at the national level, encouraging investment, and promoting the expansion of trade and the widespread dissemination of technology.

In this context, the protection of inventions and industrial designs, together with the protection and regulation of marks, awards, establishment names and emblems, as well as indications of origin and the effective suppression of unfair competition emerge as key elements of the industrial property system.

This protection must be offset by corresponding duties, however, in particular as regards the appropriate industrial exploitation of patented inventions.

In addition, the defense of industrial rights shall contribute to the development of intergovernmental cooperation, in particular in the fields of research and the examination and the analysis of documentation on patents.. Thus, pursuant to Article 51(b) of the Constitutional Law, and in exercise of the power vested in me by Article 47(q) of said Law, the People's Assembly approves and I hereby sign and order the publication of the following:



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INDUSTRIAL PROPERTY LAW

CHAPTER I General Provisions

Article 1 (Purpose and Scope)

1. This law is designed to protect industrial property, which comprises not only industry and commerce in the strict sense, but also agriculture and the extractive industries, as well as all natural and manufactured products.
2. Invention patents, utility models, industrial designs, production marks, trade marks and service marks, awards, establishment names and emblems and indications of origin, together with the suppression of unfair competition, shall be the subject of industrial property protection.

CHAPTER II Inventions

Article 2 (Patent)

1. For the purposes of this law, patent shall mean the legal title granted to protect an invention and which confers on its owner the exclusive right to exploit it.
2. Invention shall mean an inventor's idea which makes it possible in practice to solve a particular technological problem, in relation either to a product or to a process.

Article 3 (Patentable inventions)

1. An invention shall be patentable if it is new, involves an inventive step and is industrially applicable.
2. An invention that is not included in prior art shall be regarded as new.



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3. Prior art shall include everything made accessible to the public anywhere in the world, before the patent application filing or priority date, by means of an oral or written description or any other means deemed suitable for this purpose.

4. For the purposes referred to in the preceding article, disclosure to the public shall not be taken into consideration where it occurs within the six months preceding the filing date or, where applicable, the priority date of the patent application, or where it directly or indirectly arises from acts committed by the depositor or his legitimate predecessor, or from an infringement committed by a third party in relation to the depositor or his legitimate predecessor.

5. An invention shall be deemed to involve an inventive step where, to a person having ordinary skill in the art, it does not obviously result from prior art.

6. An invention shall be deemed to be industrially applicable where the subject of that invention may be used in any kind of industry, including agriculture, fishing and handicrafts.

Article 4 (Non-patentable inventions)

The following shall not be patentable:

- a) discoveries the use of which would be contrary to public policy or common decency, public health or public safety;
- b) designs that have no practical use or that cannot be industrialized by mechanical and physical or chemical means, as well as scientific principles and discoveries;
- c) financial plans or programs, credit operations and the rules of games;
- d) food and chemical-pharmaceutical products and medicines intended for human or animal consumption, the apparatus or processes employed in their manufacture being patentable, however.

Article 5 (Patent application)

1. Applications for an invention patent must be drafted in the Portuguese language and must contain the following:

- a) the name or business name of the owner of the invention;
- b) the nationality of the applicant, the inventor and, where applicable, the representative, together with any other relevant information;
- c) the title summarizing the subject of the invention;



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- d) the inventor's claims as to novelty;
- e) a copy of the patent application or other protection title that has been filed in another country and that concerns the same invention;
- f) a clear and comprehensive description of the subject of the invention such that it may be carried out by a person having ordinary skill in the art;
- g) the designs, where necessary for understanding the invention, referring to the description or the claims;
- h) a summary, essentially for the purposes of technical information.

2. The application must refer to one single invention or a group of inventions related in such a way that they constitute one single inventive concept.

3. Where the applicant is not the inventor, the application shall be accompanied by a duly authenticated power of attorney in favor of the person requesting the patent.

**Article 6
(Term of patent)**

1. An invention patent shall be valid for a period of 15 years from the date of deposit, provided the legal requirements are met.

2. Once this period has expired, the subject of the patent shall fall into the public domain.

**Article 7
(Alterations to an invention)**

1. During the period of validity of a patent, alterations may be made to an invention by its owner or his heirs. Alterations shall be formalized by simple alteration certificates, which shall confer the same rights as the original patent for the duration of said original patent.

2. Alteration applications shall be processed under the terms specified for the main patent.

**Article 8
(Transfer of an invention patent)**

1. Ownership of an invention patent may be transferred by an act *inter vivos*, by means of a deed, or by virtue of intestacy or testamentary succession.

2. An invention patent may be transferred in whole or in part and for its full term or for a shorter period, and may be used everywhere or in specified places.



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**Article 9
(Exploitation license)**

1. The holder or usufructuary of a patent may grant a license to exploit the patent by means of a contract, which shall set out the conditions for this exploitation.
2. Unless otherwise provided, the rights obtained by means of an exploitation license may not be alienated without the authorization of the holder or usufructuary of the patent.

**Article 10
(Deprivation of a patent)**

Where the public interest, in particular the interests of national security, health or the development of vital sectors of the national economy, so require it, the Council of Ministers may decide that an invention should be exploited by a State body or by a third party designated by the relevant supervisory minister, without the consent of the patent holder, in return for payment of fair compensation.

**Article 11
(Compulsory license to exploit an invention)**

1. Save in the event of proven *force majeure*, a patent holder who has not begun to exploit an invention in Angola within three years of the grant of the license, or who has interrupted the exploitation for a period of more than one year, shall be bound to cede the exploitation license to a requesting third party.
2. For reasons of public interest, a compulsory, non-exclusive license to exploit an invention that has fallen into disuse, or the effective exploitation of which does not meet market needs, may also be granted to a third party.
3. An industrialized invention that has been substituted by importation shall not be deemed to be effective exploitation, save in the event of agreements to which Angola is party.
4. Where an application for a compulsory license has been filed, the patent holder shall be notified thereof within a period of 90 days to enable him to present a challenge and to initiate administrative or legal proceedings, as appropriate, to defend his invention.
5. The beneficiary of a compulsory license must begin the effective exploitation of the invention in Angola within a period of 12 months from the grant of said license, and may not interrupt the exploitation for more than one year.



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6. The patent holder shall be entitled to demand equitable remuneration, as well as supervision of the exploitation of the invention involving, *inter alia*, the manufacture, sale and use of the subject matter of the invention.

Article 12
(Invention occurring while an employment contract is in force)

1. Inventions and improvements carried out during the period of validity of an employment contract for research in Angola, in which the inventive activity was planned or resulted from the very nature of the work performed, shall belong exclusively to the employer entity.

2. Inventions that have occurred during the period of validity of an employment contract must be patented in Angola and this circumstance, together with the name of the inventor, shall appear on the patent application.

3. Where a worker uses his own resources, equipment or other material means, he shall have exclusive ownership of the invention.

4. Where the employer entity and the worker have contributed equally to the making of an invention, said invention shall be owned jointly, with the employer enterprise having the right to exploit it and the worker having the right to the remuneration set, unless otherwise provided by the parties.

5. A joint invention patent shall be exploited by the employer within one year of its grant, failing which it shall become the exclusive property of the worker.

Article 13
(Nullity of a patent)

A patent shall be null and void where:

- a) its subject matter does not meet the conditions set out in Article 3;
- b) it is established that its subject matter was not patentable under the terms of Article 4;
- c) it has been granted contrary to the rights of third parties;
- d) it is established that the title does not correspond to its true subject matter;
- e) one of the legal formalities stipulated in this Law has been omitted during its processing.



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Article 14 (Lapse of a patent)

1. A patent shall lapse:

- a) on the expiration of the term of legal protection;
- b) where it is waived by its holder or his successors;
- c) where it has not begun to be effectively and regularly exploited in Angola within four years of being granted;
- d) where its exploitation has been interrupted for more than two years, save in the event of proven *force majeure*;
- e) where fees have not been paid, save where the patent owner requests its revalidation within six months of the date on which the fee should have been paid.

2. For the purposes of paragraph (c) of this Article, regular and effective exploitation of a patent shall mean exploitation of the patent either by its holder or by a third party through the grant of a license.

CHAPTER III Utility models and industrial designs

Article 15 (The concept of utility models)

1. Any new arrangement or form obtained in or introduced into objects such as tools, work implements or utensils that improve or increase the conditions for their use and their usefulness, shall be regarded as a utility model.

2. Protection shall be granted exclusively to the particular new form that makes it possible to increase and improve the utility and utilization of the objects for which it is intended.

Article 16 (Concept of industrial design)

1. Any three-dimensional form, whether or not it is associated with a line or colors that may be used as a type in the manufacture of an industrial or handcrafted product, shall be taken to be an industrial design.

2. Any new arrangement or set of lines or colors that may be applied, for an industrial or commercial purpose, in the ornamentation of a product by any



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manual, mechanical or chemical process, whether simple or combined, shall be deemed to be an industrial design.

Article 17
(Protected industrial designs)

Only new models or industrial designs and those which, although composed of known elements, produce original combinations that lend their respective subject matter an overall appearance that has its own characteristics, may be registered.

Article 18
(Unprotected utility models and industrial designs)

The following shall not be protected as utility models or industrial designs:

- a) those which, owing to their description and the claims made for them, have been deemed to be inventions pursuant to this legal instrument;
- b) works of sculpture, engraving, painting, architecture, photography, enameling or embroidery or any other designs of a purely artistic nature;
- c) industrial designs contrary to public policy or common decency;
- d) those in similar conditions to those provided for in Article 4.

Article 19
(Novelty of an industrial design)

1. An industrial design shall be new if it has not been disclosed by suitable means in Angola or abroad in such a way that it may be exploited by a person skilled in the art.

2. An industrial design shall not be deemed to be new if it has already been the subject of a deposit, even where the deposit is null and void or has lapsed, in Angola or abroad, or if it has been commonly used or has in any way fallen into the public domain.

Article 20
(Rights conferred by the registration of an industrial design)

1. The deposit of an industrial design shall confer the right to its exclusive use throughout Angola by means of the manufacture, sale or exploitation of the object to which the industrial design is applied.



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Article 21 (Term)

1. The term of the registration of an industrial design shall be five years from the filing date of the application for registration.
2. Registration may be renewed for two further consecutive periods of five years on payment of the prescribed fee.

Article 22 (Inalterability of an industrial design)

1. On pain of lapsing, industrial designs must remain unalterable for the term of the deposit.
2. Any alteration to the essential elements of an industrial design shall always entail a new deposit, save where the changes are the result of its expansion or reduction, or changes made to its color or material by its owner.

Article 23 (Application for a deposit)

1. The deposit of an industrial design must be applied for in a request containing the following information:
 - a) information identifying the applicant;
 - b) a sample of the object or a graphic representation of the industrial design;
 - c) the novelty and usefulness that are attributed to utility models or, in the case of industrial designs, simply the novelty;
 - d) an indication of the type or types of products for which the industrial design is to be used.
2. One application may refer only to one single deposit.

Article 24 (Acceptance of a deposit)

Where it is established that an application for a deposit satisfies the requirements laid down in this law, the depositor shall be issued with a certificate of registration.



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**Article 25
(Exploitation license)**

1. An industrial design may be exploited, in whole or in part, only through the use of a license from its owner, without prejudice to the ownership right of said owner.
2. Unless otherwise provided, the right obtained through an exploitation license cannot be alienated without the express authorization of the owner of the deposit.

**Article 26
(Ownership of an industrial design while an employment contract is in force)**

The provisions of Article 12 shall apply, *mutatis mutandis*, to industrial designs created while an employment contract is in force.

**Article 27
(Nullity of an industrial design)**

Deposit certificates for industrial designs shall be null and void in the following cases:

- a) where it is recognized that the requirements stipulated in Article 17 have not been met;
- b) where it is established that the industrial design should be deemed to be an invention;
- c) where they have been granted in violation of the rights of third parties;
- d) where some legal step was omitted in the process of granting the certificate.

**Article 28
(Lapse of an industrial design)**

The following shall cause the deposit of an industrial design to lapse:

- a) failure to exploit it for one year;
- b) the remaining reasons listed in Article 14.



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CHAPTER IV Marks

Article 29 (Right in a mark)

Classification

1. Any person who adopts a mark to distinguish the products of his economic activity shall enjoy ownership of and the exclusive right to said mark provided it has been registered in compliance with the provisions of this law.
2. For the purposes of this legal instrument, marks may be classified as industrial, commercial and service marks.

Article 30 (Rights in the use of a mark)

Collective marks

1. The following shall have the right to use marks:
 - a) manufacturers, to indicate their products;
 - b) traders, to indicate the articles or merchandise they trade in;
 - c) farmers and producers, to indicate agricultural or fisheries products or those products arising from any agricultural, animal husbandry, forestry or extractive enterprise;
 - d) craftsmen, to indicate the products of their art or craft;
 - e) entrepreneurial groups representing an economic activity;
 - f) self-employed professionals, entities or businesses, to distinguish their services or activities.
2. For the purposes of the provision contained in sub-paragraph (e), the mark here understood as collective shall be intended for use by those on whom this right is conferred by the relevant statutes or founding documents.
3. Collective mark shall be understood to mean a mark that is used by an economic group to distinguish the products manufactured or sold or the services provided by each one of the members of the group.



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Article 31 (Composition of marks)

1. A mark may be composed of a sign or a set of signs that are visual, nominative, figurative or emblematic and that make it possible to distinguish the products or services of an enterprise from other identical or similar ones.
2. The following, *inter alia*, may be regarded as manufacturing, trade or service marks: patronymics, geographical names, arbitrary or fanciful names, monograms, emblems, figures, ciphers, labels, combinations or arrangements of colors, designs, photographs, seals or, generally speaking, any material signs that are used to distinguish the products or services of any enterprise.

Article 32 (Foreign marks)

A mark requested by a person domiciled abroad may be registered as an Angolan mark pursuant to and for the purposes of this law, on the condition that its owner ensures that it is related to his actual commercial, industrial or professional activity legitimately carried out in the country of origin.

Article 33 (Applications for registration)

1. Applications for the registration of a mark must be set out in a request, drafted in the Portuguese language and indicating the following:
 - a) the name or business name of the holder of the mark, his nationality and profession, and his domicile or the place where he is established;
 - b) the products or services for which the mark is intended;
 - c) the number of the registration and of any award featuring or referred to on the mark;
 - d) the country in which the first registration of the mark was applied for and the date of this application;
 - e) in the case of a collective mark, the legal or statutory provisions establishing its regime and governing its use.
2. The request must be accompanied by the following:
 - a) a reproduction of the mark for which registration is sought;
 - b) authorization from the holder of the foreign mark represented by the applicant in Angola;
 - c) authorization from the foreign person to the applicant whose name, signature, sign or likeness features on mark.



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Article 34
(Registration of a series of marks)

The inclusion in one single registration of a series of marks from the same enterprise or establishment, whether the same as or different from one another, shall be permitted, irrespective of the indication of products, prices or quality.

Article 35
(Marks excluded from protection)

By virtue of this law, the registration of marks that do not comply with the provisions of Article 31, or marks some or all of the elements of which contain the following, shall be refused:

- a) false indications or indications liable to mislead the public as to the nature, characteristics or usefulness of the products or services using the mark;
- b) false indications concerning geographical origin, manufacture, ownership, office or establishment;
- c) symbols such as insignia, flags, arms or official signs adopted by the State, commissariats, international organizations or any other public entities, whether Angolan or foreign, without due authorization from these bodies;
- d) signatures, names or establishment names that do not belong to the person applying for the mark or which said applicant is authorized to use;
- e) reproduction or imitation, in whole or in part, of a mark previously registered by another person for the same or similar products or services, which could be misleading or could cause confusion in the marketplace;
- f) expressions or drawings contrary to common decency or that contravene the law or public policy;
- g) individual names or likenesses without due authorization from the persons to whom they relate.

Article 36
(Transfer of ownership of a mark)

1. Ownership of a registered mark may be transferred either free of charge, or for a remuneration.

2. Unless otherwise provided, the transfer of an establishment shall presuppose the assignment of ownership of the mark.

3. The transfer of ownership of a mark shall be conducted with the legal formalities required for the transfer of the goods it accompanies.



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**Article 37
(Licensing marks)**

1. The holder of a mark registration may, by an agreement in writing, grant a license to exploit some or all the products in some parts of Angola or throughout the country.
2. Any license agreement must provide for the efficient monitoring by the licensor of the quality of the licensee's products or services in relation to which the mark is used, failing which the contract shall be null and void.
3. Unless otherwise provided in the license agreement, the licensee shall enjoy all the powers attributed to the registration holder.
4. The right arising from the exploitation license cannot be alienated without the express written authorization of the registration holder, unless otherwise provided in the license agreement.
5. Collective marks cannot be, unless where specifically provided by law or by the statutes of their holder entities.

**Article 38
(Term of registrations - renewal)**

1. The registration of a mark shall be valid for a period of ten years from the date of filing of the registration application.
2. Registration may be renewed for consecutive ten-year periods on payment of the prescribed fee, or up to four months after the term.
3. Where the applicant proves that a valid reason prevented him from filing a renewal application within the legally-prescribed period, the revalidation of a mark registration may also be requested, within a period of one year from the end of its period of validity and on payment of the required fees.

**Article 39
(Lapse of a registration)**

The registration of a mark shall lapse in the following situations:

- a) on the expiration of the period of legal protection, where it has not be renewed;
- b) where the owner expressly renounces it in a duly authenticated statement, without prejudice to third parties;



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- c) for non-payment of fees;
- d) where the mark has not been used in consecutive years, with the exception of cases of duly proven *force majeure*;
- e) where the mark has been subjected to alterations that prejudice its identity;
- f) where it is established that a new registration has been granted for the purpose of the addition or substitution of products.

Article 40 (Nullity of registrations)

The registration of a mark that contravenes the provisions of this law shall be null and void.

CHAPTER V Awards

Article 41 (Ownership of awards)

1. For the purposes of this Law, awards shall mean nominative, figurative or emblematic signs granted, in Angola or abroad, to industrialists, traders and other producers and businessmen as a way of expressing a commendation or preference for their products or services.
2. Awards shall belong to those who receive them and cannot be applied to products or services different from those for which they have been conferred.

Article 42 (Effects of registration)

1. The registration of an award shall guarantee the veracity and authenticity of its holders and shall assure them of their right to ownership and exclusive use for an indefinite period.
2. Unregistered awards cannot be added to any mark, or to the name or emblem of an establishment.

Article 43 (Registration applications)

1. In addition to the name, business name, nationality, occupation and address of the applicant, award registration applications must indicate the following:



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- a) the products for which the awards have been conferred;
- b) the entities conferring the awards, and the relevant dates.

2. The application shall be accompanied by documents proving that the award has been conferred.

Article 44 (Refusal of registration)

The registration of an award shall be refused in the following cases:

- a) where it contravenes the provisions of this law;
- b) where it is proved that the award has been revoked, or does not belong to the applicant;
- c) where ownership of the award has been transferred without the transfer of the establishment or part of the establishment to which it relates.

Article 45 (Transfer of awards)

1. Ownership of industrial awards may be transferred solely for a remuneration or free of charge, with all or part of the establishment for whose products they have been conferred.

2. Such a transfer shall be conducted in compliance with the legal formalities required for the transfer of the capital goods generating the abovementioned products.

Article 46 (Nullity of registrations)

The registration of an award conferred contrary to the legal provisions shall be null and void.

Article 47 (Lapse of a registration)

The registration of an award shall lapse in the following cases:

- a) where the owner renounces it, provided there is no prejudice to third parties;
- b) where the award is cancelled or revoked by a person/entity with the right to carry out such action.



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CHAPTER VI

Establishment name and emblem

Article 48

(Concept of name and emblem)

For the purposes of this Law, establishment name shall mean the nominative sign and emblem shall mean the emblematic or figurative sign used to designate or make known the establishment in which a commercial, industrial or service activity is carried out.

Article 49

(Composition of names of establishments)

The following may be used as establishment names:

- a) fanciful or other names;
- b) the owner's pseudonym or nickname;
- c) the name of the place where the establishment has been set up, provided it is supplemented by a distinctive element.

Article 50

(Composition of establishment emblems)

The emblem of an establishment may be formed from any external figurative or emblematic sign, whether simple or combined with other elements, such as words or emblems, provided it has its own specific overall appearance.

Article 51

(Unregistrable elements)

The use of the following elements shall not be permitted in an establishment name or emblem:

- a) words in a foreign language, unless the owners of the establishment are citizens with other nationalities;
- b) characters that form part of marks and industrial designs registered by others;
- c) signs or indications the use of which has become commonplace in commercial language;
- d) anything stipulated in relation to marks that are excluded from protection.



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Article 52
(Registration and protection of names and emblems)

1. Ownership and the exclusive use of an establishment emblem throughout Angola shall be guaranteed by its registration.
2. A name and emblem may be used irrespective of registration, however, as they are protected against any illegal act committed by third parties.

Article 53
(Period of protection)

The registration of a name and emblem shall last for a period of 20 years and may subsequently be extended.

Article 54
(Inalterability of names and emblems)

During the period of validity of the exclusive right, the composition and form of the name and emblem of an establishment must remain unaltered.

Article 55
(Registration applications)

1. In addition to the information identifying the applicant, registration applications must include the following:
 - a) the name proposed for the establishment or, where appropriate, a summary description of the emblem;
 - b) data on the subsidiaries or other divisions of the establishment to which it is intended to apply the same name or emblem.
2. Applications shall be accompanied by the following:
 - a) any documents proving the ownership of the establishment and the legality of their existence;
 - b) a sample of the emblem, whether printed or otherwise, contained in the request for registration, should such a registration exist.

Article 56
(Refusal of registration)

Where any of the prohibitions contained in this law has been infringed, the registration of a name or emblem shall be refused.



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Article 57
(Transfer of a name or emblem)

Ownership of a name or emblem may be transferred free of charge, or for a remuneration solely with the establishment they identify.

Article 58
(Nullity of a registration)

The registration of a name or emblem of an establishment shall be null and void where:

- a) legal provisions have been violated, or the rights of third parties have been infringed;
- b) the name/emblem constitutes a reproduction imitating another which has previously been registered.

Article 59
(Lapse of a registration)

The registration of a name or emblem shall lapse:

- a) through failure to use it for five consecutive years;
- b) where the owner expressly renounces it in a document, provided there is no prejudice to third parties;
- c) on the closure and liquidation of the establishment in question;
- d) where the title is not renewed;
- e) where the name and emblem are subject to changes in their composition or form not provided for in this law.

Article 60
(Renewal of registration – revalidation)

1. Applications for the renewal of an establishment name or emblem must be submitted within six months after the expiration of the period of validity, together with payment of the appropriate fee.

2. On the submission of proof that valid reasons prevented the renewal of a registration within the period specified above, a request may be submitted for the revalidation of the registration within one year of the ending of its period of validity, without prejudice to third parties.



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CHAPTER VII

Indications of source

Article 61 (Concept of indication of source)

1. Indication of source shall mean the expression or sign used to indicate that a product comes from a given country, region or geographical place commonly known as a center for the extraction, production or manufacture of the goods or products in question.

2. For the purposes of this law, the use of a geographical name that has become commonplace for designating the nature, kind or type of a good or product shall not be deemed to be an indication of source.

Article 62 (Right to use)

The right to use an indication of source shall belong not only to the manufacturers and producers but also to the purchasers of products.

CHAPTER VIII

Common provisions

Article 63 (Fees)

The acts provided for in this legal document, such as the granting of patents, the deposit of industrial designs, registrations, registrations of marks, awards, and the names and emblems of establishments, together with their renewal or revalidation, shall be subject to the payment of fees.

Article 64 (Priority right)

Any application for the grant of a patent, the deposit of an industrial design or the registration of a mark may contain a statement claiming priority over a previous application.



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**Article 65
(Recording)**

1. Acts involving the transfer of ownership or the termination or exploitation of a patent, an industrial design, a mark, an award or the name or emblem of an establishment shall be recorded by the body responsible for managing and granting industrial property rights, and only thus shall they be valid in relation to third parties.
2. Recording may be requested by any of the interested parties.

**Article 66
(Cancellation by judicial act)**

1. A patent, an industrial design or the registration of a mark, an award, or the name or emblem of an establishment can be cancelled only by a judicial decision, which shall be registered with the body responsible for the management of industrial property rights.
2. Legal proceedings for cancellation may be brought by individuals with a direct interest therein or on the initiative of the Public Prosecutor's Office.

**Article 67
(Representative)**

Where the habitual residence or principal place of work of a depositor lies outside the country or locality in which the industrial property management body has its headquarters, he must be represented before said body by a representative.

**CHAPTER IX
Infringements of industrial property rights**

**Article 68
(Violation of rights conferred by a patent)**

1. A person shall be liable for prosecution where:
 - a) they manufacture, without authorization from the patent owner, the goods or products covered by the subject matter of said patent;
 - b) they use the methods or processes that are the subject matter of the patent without due authorization ;



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- c) they import, sell, export for sale or conceal, for the purpose of sale, a product manufactured in violation of an invention patent.

2. A person committing the offenses referred to in paragraph (1) shall be punished with up to six months' imprisonment and a fine of between New Kwanza (NKz) 20,000.00 and NKz 100,000.00.

Article 69
(Violation of a right safeguarded
by the deposit of an industrial design)

Any person who commits one of the following offences shall be punished with a fine of between NKz 20,000.00 and NKz 10,000.00:

- a) the exploitation, manufacture or production of deposited utility models, without a license from their owner;
- b) the importing, sale, placing on sale or concealment, for the purpose of sale, of products obtained in violation of a deposited utility model;
- c) the full or partial reproduction or the exploitation of an industrial design without authorization from its owner;
- d) the importing, sale, placing on sale or concealment, for the purpose of sale, of objects that are a copy or imitation of a protected industrial design;
- e) the fraudulent exploitation of an industrial design which has been deposited but which belongs to another person.

Article 70
(Illegal use of marks)

Any person who commits one of the following offences shall be punished with a fine of up to NKz 50,000.00, to which may be added a prison sentence of up to three months:

- a) the imitation or reproduction, in whole or in part, of a protected mark, without authorization from its owner;
- b) the use of a counterfeit or imitation mark;
- c) the fraudulent use of a collective mark in conditions other than those provided for in the relevant rules;
- d) the use of a mark with a false indication as to the source of the products and the sale or placing on sale of products designated with such a mark;
- e) the use of a mark in the conditions described for marks that are excluded from protection.



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Article 71
(Infringement of award-winning subject matter)

The following offences shall be punished with a fine of up to NKz 30,000.00:

- a) reference to an award registered in the name of another as if it were one's own;
- b) the fraudulent use of awards that have not been conferred or that never existed.

Article 72
(Infringement of rights relating to an establishment name and emblem)

The following offences shall be punished with a fine of up to NKz 50,000.00:

- a) the improper use of the name or emblem of an establishment belonging to another;
- b) the use, in the establishment, correspondence or advertising, *inter alia*, of a name or emblem that constitutes a reproduction of an existing name or emblem, whether registered or otherwise.

Article 73
(Acts of unfair competition)

1. Any competitive act contrary to honest practices in any branch of economic activity shall be deemed to be illegal, in particular:

- a) the use of fraudulent means to attract the clients of another, whether for one's own benefit or for that of others;
- b) the improper disclosure, use or appropriation of the industrial or trade secrets of another;
- c) false indications as to the source, nature or quality of products or services;
- d) the production, manufacture, importation, storage or sale of merchandise with a false indication of source;
- e) false statements or any other acts liable to discredit the establishment, products, services or reputation of competitors, or those made with the intention of benefiting from the reputation of a name, mark or establishment of another, regardless of the means employed.

2. A person who commits the acts referred to in this Article shall be punished with a fine of between NKz 20,000.00 and NKz 100,000.00, save where he is liable for a heavier penalty in application of the criminal article and Law No. 9/89 (Law on Crimes against the Economy).



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CHAPTER X Final and transitory provisions

Article 74 (The management of rights)

1. The management and defense of the rights specified in this law shall be entrusted to the body charged, under the supervision of the Ministry of Industry, with the granting, registration and protection of industrial property rights.
2. The above-mentioned body shall be bound to produce, periodically, a bulletin in which it shall publish the following:
 - a) reproductions of the marks registered;
 - b) the names of the holders of the patents granted, with a short description of the protected inventions;
 - c) a descriptive summary of the other acts provided for in this instrument.

Article 75 (Registration of marks currently in force)

Owners of marks of proven usage in Angola must apply to have it registered with the appropriate body of the Ministry of Industry within 90 days of the entry into force of this instrument.

Article 76 (Use of patented technology)

Within the same period of time the users of patented technology shall deposit a copy of the license agreement authorizing the exploitation of said technology with the above-mentioned body, even where this technology has fallen into the public domain.

Article 77 (Application of international conventions)

The provisions of international conventions relating to intellectual property and industrial property, in particular those to which Angola is a contracting party, shall take precedence should they contradict the provisions of this Law.



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**Article 78
(Resolution of doubts)**

Doubts that may arise in the application or interpretation of this legal instrument shall be resolved by the Council of Ministers.

**Article 79
(Revocation of legislation)**

Any legislation contrary to the provisions of this Law shall be revoked.

**Article 80
(Entry into force)**

This law shall enter into force 30 days after its publication in the *Diário da República*.¹

Seen and approved by the People's Assembly.

Let it be published.

Luanda, February 28, 1992.

The President of the Republic, JOSÉ EDUARDO DOS SANTOS.

¹ Translator's Note: Official Gazette.