

AN ACT TO REPEAL “AN ACT ADOPTING A NEW COPYRIGHT LAW OF THE REPUBLIC OF LIBERIA APPROVED JULY 23, 1997; AND THE INDUSTRIAL PROPERTY ACT OF LIBERIA APPROVED MARCH 20, 2003 CONSTITUTING TITLE 24 OF THE LIBERIAN CODE OF LAWS REVISED, AND TO ENACT IN THEIR STEAD A NEW TITLE 24 TO BE KNOWN AS THE LIBERIA INTELLECTUAL PROPERTY ACT, 2014.

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PREAMBLE

WHEREAS, Liberia has maintained a Patent, Copyright and Trademark Law as Title 24 of the Liberian Code of Laws Revised; and,

WHEREAS, the Copyright portion of said Title 24 was re-enacted as “An Act Adopting a New Copyright Law of the Republic of Liberia” which came into effect on July 30, 1997; and,

WHEREAS, the Patent and Trademark portions along with other related areas of said Title were developed into the Industrial Property Act of Liberia which came into effect on April 30, 2003; and,

WHEREAS, each of these Acts establish an office to regulate the specific aspect of Intellectual Property within the scope of each Act; and,

WHEREAS, under this arrangement Liberia maintains a Copyright Office separate and distinct from its Industrial Property Office; and,

WHEREAS, this arrangement has created unnecessary bureaucracies and disjointed operations in Liberia’s Intellectual Property regime; and,

REALIZING that it is necessary to combine the Copyright Office and Industrial Property Office and to make them more responsive, both organizationally and functionally, and thereby remove such unwarranted bureaucracies and disjointed operations in order to establish an integrated and efficient Intellectual Property regime for the Country; and,

ACKNOWLEDGING that rationalization of the organizational and functional structures of the Government of the Republic of Liberia promotes economic development, efficiency in utilization of resources and effectiveness in the delivery of public services;

NOW THEREFORE, it is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature assembled.

PART I

PRELIMINARY PROVISIONS

Section 1

Title/Short Title

§1.1 Title

This Act is entitled “An Act to Repeal An Act Adopting a New Copyright Law of the Republic of Liberia approved July 23, 1997; and the Industrial Property Act of Liberia Approved March 20, 2003, constituting Title 24 of the Liberian Code of Laws Revised, and to enact in their stead a New Title 24 to be known as

“Architectural work” means the design of a building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings. The work includes the overall form as well as the arrangement and composition of spaces and elements in the design, but does not include individual standard features.

“ARIPO” means the African Regional Intellectual Property Organization.

“Artistic work

“Berne Convention of 1971” refers to the Paris Act of this Convention of 24 July 1971.

“Board” means the Board of Directors.

“Broadcasting” means the transmission by wireless means for public reception of sounds or of images and sounds or of the representations thereof, including transmission by satellite; it includes transmission of encrypted signals where the means for decrypting are provided to the public by the broadcaster or with the broadcaster’s consent.

“Budapest Treaty” means the Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977, as amended.

“Business identifier” means any distinctive sign and shall include any mark, business symbol, trade name or emblem used by an enterprise to convey, in the course of industrial or commercial activities, a particular commercial identity or commercial origin with respect to an enterprise or the products produced or the services rendered by that enterprise.

“Certification mark” means a sign that is used to indicate that specified standards or characteristics, including quality, origin or method of production, have been complied with in respect of goods or services as certified by or under the control of the holder of the registration of the mark.

“Collective mark” means any mark that belongs to a collective organization such as a cooperative, an association or a federation of industries, producers or traders.

“Collective work” means a work which has been created by two or more natural persons at the initiative and under the direction of a natural person or legal entity with the understanding that it will be disclosed by the latter person or entity under his or its own name and that the identity of the contributing natural persons will not be indicated in the work.

“Communication to the public” means the transmission by any means, other than by broadcasting, of images or sounds or both of a work, a performance or a sound recording in such 2 408.91 295.1t JJJ ETT2 408

“Compulsory licenses” means licenses issued by the government allowing someone else to produce the

“Director General” means the Director General of the Liberia Intellectual Property Office.

“Distribution” means the lawful placement into public circulation of the original or a copy of a work, a fixation of a performance or a phonogram in tangible form through sale or other transfer of ownership, including importing for the purpose of such putting into circulation and public offering for sale and other transfer of ownership.

“International Register” means the official collection of data concerning international registrations of

“Perform a work” means to recite, render, play, dance or act a work, either directly or by means of device or process or, in case of a motion picture or other audiovisual work, to show its images in any sequence or to make the sounds accompanying it audible;

“Person” means an individual, partnership, corporation, trustee or legal representation having certain legal rights and responsibilities.

“Priority date” means the date of the earlier application that serves as the basis for the right of priority provided for in the Paris convention.

“Pseudonymous” means a work on the copies or sound recordings of which the author is identified under a fictitious name.

“Registers” means separate registers maintained for patents, industrial designs and marks or the accumulation of all the separate registers into a central register;

“Related rights” means rights that are in certain respects are similar to copyright. The purpose of related rights is to protect the legal interests of certain persons and legal entities who contribute to making works available to the public;

(d)

(t)

§5.5. Conduct of the business and Affairs of the Board

The conduct of the business and affairs of the Board shall be as provided in this “Act”.

§5.6. Appointment of Director General, Deputy Directors and Qualifications Requirements

- a) With the consent of the Senate, the Director General and Deputy Directors of LIPO shall be appointed by the President of Liberia, giving due consideration to gender balance.
- b) The Director General and Deputy Directors may be removed from office by the President upon recommendation of the Board for proven misconduct or non-satisfactory performance.
- c) The Director General shall possess the following minimum qualification and experience:
 - i. be at the minimum, a licensed Attorney-At-Law, who has practiced law in Liberia for at least three years, or has a bachelor’s degree relating to intellectual property, and has three years’ managerial experience in intellectual property; or
 - ii. be a licensed Counselor-At Law with at least three years managerial experience in intellectual property; or
 - iii. has a master degree in intellectual property with at least three years senior managerial experience in intellectual property.
- d) The Deputy Director for Industrial Property shall possess the following minimum qualification and experience:
 - i. a bachelor of science

§5.8. Duties of the Deputy Director for Industrial Property

- g) foster in cooperation with local and international copyright organizations;
- h) conduct hearings on copyright/related rights matters and report to the Director General
- i) perform such other functions relating to intellectual property as are incidental to the position of a director of Copyright office;

§5.10. Registrar General: Establishment of Office/Appointment

**PART III
FINANCIAL MATTERS**

**Section 6:
Financial Year, Accounts/Audits and Annual Report**

§6.1. Financial Year

The financial year of LIPO shall be the period of twelve months ending on thirtieth day of June in each year.

§6.2. Accounts and Audits

- a) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of LIPO.
- b) At the end of each financial year, the Board shall submit to the Auditor-General pursuant to the Public Finance Management Law, the accounts of LIPO together with:
 - i. a statement of the income and expenditure during that year; and
 - ii. a statement of the assets and liabilities on the last day of that year.

§6.3. Annual Report

In addition to periodic reports as may be required, the Chairman of the Board shall require the Director General to submit to the President and the Legislature, an Annual Report which shall include a detailed account of registered patents, trademarks, copyrights, and other intellectual property rights statistics of full and adequate information for decision-making income generated and such other relevant facts required to provide.

**PART IV
TRANSITIONAL PROVISIONS**

**Section 7:
Transitional Provisions**

§7.1. Transitional Provisions

Upon the effective date of this Act, the following actions shall be considered automatically taken:

- a) the incumbent Director General of the Industrial Property Office shall serve as Acting Director General of LIPO; while the Officer-In-Charge for Copyright shall serve as Deputy Director for Copyright and Industrial Property pending the appointments of a Director General and Deputy Directors as provided herein.

b)

§8.2. Most Favored Nation Treatment

- a) With regard to the protection of intellectual property rights, any advantage, favor, privilege or immunity granted by LIPO to the nationals of any other country shall be accorded immediately and unconditionally to the nationals of all other Member States. Exempted from this obligation are any advantage, favor, privilege or immunity accorded by the Liberia Intellectual Office:
 - i. deriving from international agreements on legal assistance or law enforcement of a general nature and not particularly confined to the protection of intellectual property rights;
 - ii. granted in accordance with the provisions of the Berne Convention of 1971 or the Rome Convention authorizing that the treatment accorded be a function not of national treatment but of the treatment accorded in another country;
 - iii. in respect of the rights of performers, producers of phonograms and broadcasting organizations not provided under this Act;
 - iv. deriving from international agreements related to the protection of intellectual property which entered into force prior to the entry into force of the WTO Agreement, provided that such agreements are notified to the Council for TRIPS and do not constitute an arbitrary or unjustifiable discrimination against nationals of other Members States.

PART VI

PRINCIPLES PERTAINING TO THE AVAILABILITY, SCOPE AND USE OF INTELLECTUAL PROPERTY RIGHTS

SUB-PART A

COPYRIGHT AND RELATED RIGHTS

Section 9

Copyright and Related rights

§9.1. Works Protected

- a) A literary and artistic work shall not be considered as a work protected by copyright unless it is an original intellectual creation in the literary and artistic domain.
- b) Literary and artistic works under this Act include:
 - i. books, pamphlets, articles and other writings;
 - ii. speeches, lectures, addresses, sermons and other oral works;

- iii. dramatic, dramatico-musical works, pantomimes, choreographic works and other works created for stage productions;
 - iv. musical works, with or without accompanying words;
 - v. audiovisual works;
 - vi. works of architecture;
 - vii. drawings, paintings, sculpture, engraving, lithography, tapestry and other works of fine art;
 - viii. photographic works;
 - ix. works of applied art, including handicrafts and those produced on an industrial scale;
 - x. computer programs;
 - xi. illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science;
- c) Works shall be protected when they are fixed in a medium from which they can be perceived or retrieved, irrespective of their mode or form of expression, as well as their content, quality and purpose.

§9.2. Criteria of Eligibility of Protection; Exclusive Rights

- a) The provisions of this Act concerning the protection of literary and artistic works shall apply to:
- i. works of authors who are nationals of, or have their habitual residence in the Republic of Liberia;
 - ii. works first published in the Republic of Liberia, and works first published in another country and also published in the Republic of Liberia within thirty days, irrespective of the nationality or residence of their authors;
 - iii. audiovisual works, the producer of which has his/her headquarters or habitual residence in the Republic of Liberia; and
 - iv. works of architecture erected in the Republic of Liberia and other artistic works incorporated in a building or other structure located in the Republic of Liberia.
- b) The provisions of this Act shall apply to works that are eligible for protection in the Republic of Liberia by virtue of and in accordance with any international convention or other international agreement to which the Republic of Liberia is party.

c)

§9.4. Subject Matter Not Protected

Notwithstanding the provisions of Sections 9.2 and 9.3 of this Part, no protection shall extend under this Part to:

- a) any idea, procedure, system, method of operation, mathematical concept, principle, discovery or mere data.

- b)

- c) it is an accessory to that transmission or making perceptible, that occurs during the normal operation of the equipment used and entails the automatic deletion of the copy without enabling the retrieval of the work for any other purpose than those, referred to in subsections (a) and (b) of this Section

§ 9.12. Reproduction and Other Utilization for Teaching

- a) The following acts shall be permitted without authorization of the author, or other owner of copyright:
 - i. the utilization by way of illustration for teaching purposes of a work that has lawfully been made available to the public, in publications, broadcasting or sound or visual recordings, provided that such utilization is compatible with fair practice and does not exceed the extent justified by the purpose; the utilization can also include the making available of such works in computer networks, provided that access to the works is only available to enrolled pupils or students and their teachers;
 - ii. the reprographic reproduction, for face-to-face teaching in educational institutions the activities of which do not serve direct or indirect commercial gain, of published articles, other short works or short extracts of works, to the extent justified by the purpose, provided that :
 - iii. the act of reproduction is an isolated act occurring, if repeated, on separate and unrelated occasions;
 - iv. there is no collective license available, offered by a collective management organization of which the educational institution is or should be aware, under which such reproduction can be made.
- b) The source of the work and the name of the author shall be indicated, as far as is practicable, on all copies made under subsection (a) of this Section or otherwise in reasonable connection with the work.

§ 9.13. Reproduction by Libraries and Archives

- ii. the act of reproduction is an isolated act occurring, if repeated, on separate and unrelated occasions, and
 - iii. there is no collective license available or offered by a collective administration organization of which the library or archive is or should be aware, under which such copies can be made or
- b) where the copy is made in order to preserve and, if necessary, replace a copy, or to replace a copy which has been lost, destroyed, or rendered unusable in the permanent collection of another similar library or archive, provided that it is impossible to obtain such a copy under reasonable conditions, and provided furthe

- b) No copy or adaptation of a computer program shall be used for any purpose other than those specified in subsection (a), and any such copy or adaptation shall be destroyed in the event that continued possession of the copy of the computer program ceases to be lawful. Any copies prepared in accordance with the provisions of this section may be leased, sold, or otherwise transferred along with the copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program.

§9.16. Visually and Aurally Impaired Persons

- a) It shall be permitted without the authorization of the owner of copyright to reproduce a published work for visually or aurally impaired persons or persons with print disabilities in a specialized format which enables their perception of the work, and to distribute the copies exclusively to those persons, provided that the work is not reasonably available in an identical or largely equivalent form enabling its perception by the visually, aurally impaired or print disabled person; and the reproduction and distribution are made on a non-profit basis.
- b) The copies of works made in pursuance of this section shall bear a copyright notice identifying the copyright owner and the date of the original publication and notice that any further reproduction or distribution in a format other than a specialized format is an infringement.
- c) The distribution of works made pursuant to this section is also permitted where the copies had been made abroad and the conditions mentioned above have been fulfilled.

§9.17. Ephemeral Recordings

Any broadcasting organization may make, without the authorization of the owner of copyright, for the purpose of its own broadcasts, an ephemeral recording of any work which it is authorized to broadcast. All copies of it shall be destroyed within six months of the making or within any longer term agreed to by the owner of the copyright; however, where such recording has an exceptional documentary character, copies of it may be preserved in official archives.

§9.18. Use for Public Security and for the Performance or Reporting of Proceedings

- a) A work may be used, without authorization from the copyright owner, for the purposes of public security and to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings and the discharge of related functions.
- b) Notwithstanding the provisions of the foregoing subsection, the moral rights of the author shall be upheld as far as is reasonable.

§9.19. Compulsory Licensing

- a) The Intellectual Property Office shall have the power to grant compulsory licenses in accordance with the provisions of Schedule One to this Act and may make regulations providing further for the procedure and requirements for the exercise of the provisions of the said Schedule.
- b) Any person aggrieved by a decision of the Intellectual Property Office by virtue of this section shall have a right of appeal to the Court.

§ 9.20. Duration of Copyright and Related Rights

- a) The economic and moral rights in literary, musical and artistic works, other than photographic work, shall be protected during the life of the author and for fifty years after the end of the year in which the author dies.
- b) In the case of a work of joint authorship, the economic and moral rights shall be protected during the life of the last surviving author and for fifty years after the end of the year in which that author dies.
- c) In the case of an audiovisual work, the economic and moral rights shall be protected for fifty years from the end of the calendar year in which the work is first published.

d)



§9.26. Protection of Performers, Producers of Sound Recordings and Broadcasting Organizations of Related Rights

- a) The protection of performers shall apply to performers who are nationals of the Republic of Liberia, and performers who are not nationals of the Republic of Liberia but whose performances:
- i. take place on the territory of the Republic of Liberia; or
 - ii. are incorporated in phonograms that are protected under this Act; or

- ii. the fixation of his unfixed performance;
 - iii. the direct or indirect reproduction of a fixation of his performance, in any manner or form;
 - iv. the distribution of a fixation of his performance, or of copies thereof, to the public;
 - v. the commercial rental to the public of a fixation of his performance, or copies thereof;
 - vi. the making available to the public of his fixed performance, by wire or wireless means, in such a way that members of the public may access them from a place or at a time individually chosen by them.
- b) Once the performer has authorized the incorporation of his performance in an audiovisual fixation, he shall, in the absence of contractual provisions to the contrary, be deemed to have assigned his exclusive economic rights with respect to that fixation to its producer.
 - c) The right of distribution under item (iv) of subsection (a) shall not apply to a copy of a fixation of his performance that has already been subject to a sale or other transfer of ownership in any country authorized by the performer.
 - d) Independently of the performer's economic rights, and even after the transfer of those rights, the performer shall, as regards his live aural performances or performances fixed in phonograms, have the right to claim to be identified as the performer of his performances, except where omission is dictated by the manner of the use of the performance, and to object to any distortion, mutilation or other modification of his performances that would be prejudicial to his reputation.
 - e) Modifications consistent with the normal exploitation of a performance in the course of a use authorized by the performer shall not be considered prejudicial to the performer's reputation. The provisions of Section 9.7 (b) apply to the rights granted under this subsection.
 - f) The rights under this section shall be protected until the end of the fiftieth calendar year following the year in which the performance was fixed.

§9.28. Rights of Producers of Sound Recordings

- a) A producer of a sound recording shall have the exclusive right to carry out or to authorize any of the following acts:
 - i. the direct or indirect reproduction of the sound recording, in any manner or form;
 - ii. the distribution of the original or copies of the sound recording to the public;
 - iii. the commercial rental of the original or copies of the sound recording to the public,

iv. the making available to the public of the sound recording, by wire or wireless means, in such a way that members of the public may access it from a place or at a time individually chosen by them.

b)

iii. the fixation of its broadcast;

iv.

- ii. distribute, import for distribution, broadcast or communicate to the public of works or other subject-

- d) The right to authorize acts referred to in subsection (a) of this section shall vest in the Intellectual Property Office.
- e) The Intellectual Property Office shall ensure that any benefits accruing from the commercial exploitation of traditional cultural expression are realized by the relevant community from where it originated and where the community cannot be clearly identified

- f) In the absence of an agreement between the performer and the owner of the copyright, or between their representative collecting societies, the performer or owner may refer the matter to the courts, or seek alternative disputes resolution in the form of mediation or arbitration.

SUB-PART B

INDUSTRIAL PROPERTY RIGHTS

Section 10 Trademarks

§ 10.1. Acquisition of Exclusive Right to a Mark; Registrability

- a) Any sign, or any combination of signs, capable of distinguishing, the goods or services of one undertaking from those of other undertakings shall be capable of constituting a trademark and shall be visually perceptible. The nature of the goods or services of which a trademark is to be applied shall in no case form an obstacle to registration of the trademark.
- b) A mark may consist, in particular, of words, letters, numerals, figures, pictures, combinations of colors, the shape of goods or of parts of the goods, or the packaging or other conditioning of goods.
- c) The exclusive right to use a mark, as provided in this Part, shall be acquired by registration in accordance with the provisions hereof.

§10.2. Unregistrable Trademarks

- a) A sign shall not be validly registered as a mark if:
- i. it is devoid of any distinctive character or is otherwise incapable of distinguishing the goods or services of one enterprise from those of other enterprises;
 - ii. it consists exclusively of a sign or indication that may serve in trade to designate the kind, quality, quantity, intended purpose, value, geographical origin, time of production of goods or of rendering of services, or other characteristics of goods or services in respect of which the mark is to be used;
 - iii. it consists exclusively of a sign or indication that has become customary in current language or in the established practices of the trade to designate goods or services in respect of which the mark is to be used, or that is a usual or recognized technical or scientific name of those goods or services;

iv. it consists of the shape of a product or of its container or packaging where the shape results

c) For the purposes of subsection (b)(i)

- b) The application for registration of a mark shall contain:
- i. a request for registration;
 - ii. a sufficiently clear reproduction or representation of the mark, as prescribed;
 - iii. a list of the goods or services for which registration of the mark is requested, grouped in accordance with the applicable class or classes of the International Classification Marks;
 - iv. proof of payment of the prescribed application fee; and
 - v. shall comply with other prescribed requirements.
- c) When the mark consists of a sign that is not visually perceptible, the application shall contain a graphic representation of the mark. Such representation may not consist of a written description of the sign.
- d) The application may contain a declaration claiming, in accordance with the Paris Convention, the priority of one or more earlier applications filed for the same mark in respect of corresponding

- i) The filing date of an application for registration of a mark shall be the date on which the application is received at the Office if, at the time of receipt, it contains at least the following elements:
 - i. an express or implicit indication that the registration of a mark is applied for;
 - ii. sufficient information to identify the applicant and to contact the applicant or his representative;
 - iii. a sufficiently clear reproduction of the mark or a representation of the mark, as prescribed;
 - iv. a list specifying the goods or services for which the registration is sought; proof of payment of the prescribed application fee;

- j) If the application omits one of the elements indicated in the previous paragraph, the Director General shall notify the applicant requesting that the omission be corrected. Until the omission is corrected, the application shall be regarded as not filed. The provisions of Section 10.6 (b) and (c) shall apply.

- k) The applicant may amend or correct the application at any time during the procedure. An amendment or correction shall not be accepted if it involves a change in the mark or results in an

- b) If the application does not comply with the prescribed requirements, the Director General shall notify the applicant accordingly requesting him to correct the application within two months from the date of the notification.
- c) If the required correction is not made within the specified period, the application shall be considered withdrawn.
- d) Where the Director General finds that the conditions referred to under subsection (a) through subsection (e) of this section are fulfilled he shall cause the application to be published in the prescribed manner.
- e) Any interested person may, within the prescribed period and in the prescribed manner, file with the Director General a notice of opposition to the registration of the mark specifying the grounds that the opponent deems relevant to refuse the registration of that mark.
- f) The Director General shall notify the opposition to the applicant and, within the period of three months and in the prescribed manner, the applicant may send to the Director General a reply to the opposition.
- g) If the applicant sends a reply to the opposition, the Director General shall furnish a copy thereof to the person giving notice of opposition and shall hear the parties, if either or both wish to be heard.
- h) The Director General shall examine and determine whether the mark complies with the definition in Section 10.1 and is registrable under Section 10.2. Where one or more oppositions have been filed on grounds under Section 10.2, he/she shall also examine whe

§10.8. Rights Conferred by Registration

- a) Registration of a mark shall confer on its registered holder the right to prevent any unauthorized third party from carrying out the following acts:
 - i. affixing a sign identical to the mark on goods for which the mark has been registered, on goods associated to the services for which the mark has been registered, or on the containers, wrapping or packaging of such goods;
 - ii. suppressing or distorting the mark for commercial purposes after it has been affixed as specified in subsection (a);
 - iii. manufacturing, selling, offering for sale, distributing or stocking material that bears the mark or may be used as labels, containers, wrappings, packaging, business paper or advertising;
 - iv. refilling or re-utilizing for commercial purposes containers or packaging bearing the mark;
 - v. using in the course of trade a sign that is identical or similar to the mark in respect of any goods or services, where such use may cause a risk of confusion or association with the holder of the registration, provided that where an identical sign is used for identical goods or services, a likelihood of confusion shall be presumed;
 - vi. using in the course of trade a sign that is identical or similar to the mark in respect of any goods or services where such use may cause unfair economic prejudice to the holder of the registration, or would take unfair advantage of, dilute or otherwise be detrimental to the distinctive character or advertising value of the mark, or would take unfair advantage of the reputation of the mark or its holder;
 - vii.

- iii. using the sign in advertising, publications, business papers, commercial documents or written or oral communications, irrespective of the means of communication or media used;
 - iv. using the sign for commercial purposes on the Internet or other electronic communication media or networks open to the public where such use is intended for Liberia or has a commercial effect in Liberia;
 - v. adopting or using the sign as part of a domain name or other similar identification or designation on the Internet or other electronic communication media or networks open to the public.
- c) The rights conferred by registration of a mark may not be exercised to prevent:
- i. any acts in respect of goods lawfully bearing the mark after those goods have been put on the market in Liberia or abroad by the registered holder or by a person acting with the holder's consent or having an economic tie to the holder, provided that the goods and the packaging or wrapping in direct contact with the goods have not suffered any material alteration or damage; to this effect an economic tie shall exist between two persons where one of them may exercise on the other a decisive influence with respect to the exploitation of the mark, or where a third party may exercise such an influence on both persons;
 - ii. use of the registered mark by any person for the purpose of indicating truthfully in the course of trade that the goods or services that bear the mark originate with the holder of the mark or a licensee thereof;
 - iii. use of the registered mark by any person to provide information regarding the intended purpose, use or compatibility of a product or service, in particular with respect to accessories or spare parts;
 - iv. use by a person in t

§10.9. Term of Registration; Renewal

- a) The term of registration of a mark shall be of ten years computed from the date of the registration.
- b) The registration of a mark may be renewed for further consecutive periods of ten years each, upon compliance with the prescribed requirements and payment of the prescribed renewal fee.
- c) A grace period of six months shall be allowed for renewal of the registration, on payment of the prescribed surcharge.
- d) If renewal does not take place as prescribed, the registration of the mark shall lapse.

§10.10. Invalidation; Revocation

- a)

- f) For the purpose of subsection 10.10 (b) use of a mark includes use in a form differing in elements that do not alter the distinctive character of the mark in the form in which it was registered, and use in Liberia includes affixing the mark to goods or to the packaging of goods in Liberia solely for export purposes.
- g) Where in any proceedings under this Act it is required to prove the use to which a mark has been put, including the duration, nature or scope of the use, the burden of such proof shall lie with the

e) A collective mark may not be the subject of a license contract other than for the members of the registered holder of the collective mark.

f)

§10.14. Well-known Signs

- k) The following shall not be required as a condition to recognizing a distinctive sign as being well-known:
- i. that the sign be registered or in the process of registration in Liberia or abroad;
 - ii. that the sign has been used or is being used in trade in the country or abroad;
 - iii. that the sign be well known abroad;
 - iv. that the sign be known to the general public in Liberia.
- l) When deciding an action relating to the unauthorized use of a well-known distinctive sign, the authority shall take into account the good or bad faith of the parties in the adoption and use of that sign.

§10.15. Service Marks

Subject to the provisions relating to the registration of trademarks, so far as they are applicable, service marks shall be registrable, in the same manner and with the same effect as are trademarks, and when registered they shall be entitled to the protection provided herein in the case of trademarks. Applications and procedures relative to this section shall conform as nearly as practicable to those prescribed for the registration of trade marks.

§10.16. Licensing and Assignment of Marks

- a) Any license contract concerning the registration of a mark or an application therefor, shall provide for effective control by the licensor of the quality of the goods or services of the licensee in connection with which the mark is used. If the license contract does not provide for such quality control or if such quality control is not effectively carried out, the license contract shall not be valid
- b) The registration of a collective mark or an application therefor, may not be the subject of a license contract.
- c) A registered mark or a mark for which an application to register has been filed shall be assignable with the goodwill of the business in which the mark is used, or with that part of the goodwill of the business connected with the use of any good symbolized by the mark.
- d) A compulsory licensing of trademarks shall not be permitted by a registered trademark owner, and that the owner shall have the right to assign the trademark with or without the transfer of the business to which the trademark belongs.
- e) Assignments shall be by instruments in writing duly executed.

- f) The Liberia Intellectual Property Office shall maintain a record of information on assignments in such form as may be prescribed by the Director General.

§10.17. Disclaimers

- a)

§10.21. Handling Fee

The prescribed handling fee shall be due and payable to the Director General for the certification and transmittal to the International Bureau of an international application originating in Liberia.

§10.22. Ceasing of Effect of the Basic Application or Basic Registration

In accordance with Article 6 of the Madrid Protocol stipulating that registration of a mark at the International Bureau is effected for 10 years but that upon expiration of a period of 5 years becomes independent of the basic application or registration resulting from such application or the basic registration which if they are revoked, cancelled or invalidated results in loss of the protection afforded by the

§10.26. No Grounds for Refusal - Statement of Grant of Protection

Where all procedures before the Director General have been completed and there is no ground to refuse protection to the mark, the Director General shall, as soon as possible and before the expiry of the refusal period applicable under Article 5 of the Madrid Protocol, send to the International Bureau a statement to the effect that protection is granted to the mark in Liberia.

§10.27. Final Decision Following the Notification of a Provisional Refusal

- a) Where the Director General has notified to the International Bureau a provisional refusal of protection of the mark in accordance with Section 10.24 or Section 10.25 and such provisional refusal is subsequently totally or partially withdrawn, the Director General shall send to the International Bureau either:
 - i. a statement to the effect that the provisional refusal is withdrawn and that protection of the mark is granted in Liberia for all the goods and services for which protection has been requested, or
 - ii. a statement indicating the goods and services for which protection of the mark is granted in Liberia.
- b) Where the Director General has sent to the International Bureau a notification of total provisional refusal of protection of the mark in accordance with Section 10.24 or Section 10.25 and the Director General subsequently decides to confirm such total refusal of protection, the Director General shall send to the International Bureau a statement to that effect.

§10.28. Further Decision Affecting Protection of a Mark

Where, following the sending of a statement in accordance with this Section, there is a further decision that affects the protection of a mark in Liberia, the Director General shall, to the extent that he is aware of that decision, send to the International Bureau a further statement indicating the goods and services for which the mark is protected in Liberia.

§ 10.29. Effects of an International Registration

- a) An international registration designating Liberia shall have the same effects, as from the date of the international registration, as if an application for the registration of the mark had been filed directly with the Director General under this Part.
- b) If no refusal is notified by the Director General to the International Bureau in accordance with the Madrid Protocol and the Common Regulations, or if a refusal has been so notified but has subsequently been withdrawn, or if a statement of grant of protection is sent by the Director General, the protection of the mark in Liberia shall be the same as if the mark had been registered directly by the Director General on the date of the international registration.

§10.30. Invalidation

- iii. the filing date and number of the application for registration of the mark in Liberia,
 - iv. the registration date and number of the registration in Liberia,
 - v. the priority date, if any, of the registration in Liberia, and
 - vi. information relating to other rights acquired by virtue of the registration in Liberia.
- d) Where a mark that is the subject of a national registration in Liberia Intellectual Property Office is also the subject of an international registration and both registrations stand in the name of the same person, the international registration shall be deemed to replace the national registration without prejudice to any rights acquired by virtue of the latter provided that:
- i. the protection resulting from the international registration extends to Liberia;
 - ii. all the goods and services listed in the national registration are also listed in the international registration;
 - iii. such extension takes place after the date of the national registration.

§10. 33. Transformation

- a) Where an international registration designating Liberia is cancelled at the request of the office of origin, in accordance with Article 6(4) of the Madrid Protocol, in respect of all or some of the goods and services listed in the international registration, an application constituted with regulations promulgated by the Director General may be made to the Registrar, within three months from the date on which the international registration was cancelled, by the person who was the holder of the international registration at the date of its cancellation, for registration of the same trademark, in respect of goods and services covered by the list of goods and services contained in the international registration for which protection has been requested in Liberia.
- b) Subject to subsections (c) and (e) of this section, the provisions applicable to a trademark application filed directly with the Registrar shall apply inclusive of all necessary changes made, to an application resulting from transformation.
- c) An application resulting from transformation shall be made on a pre-designed form specified by the Director General and shall, in addition, include the following:
- i. a statement that the application is made by way of transformation;
 - ii. the international registration number of the international registration which has been cancelled;

- iii. the date of the said international registration, or the date of recording of the territorial extension made subsequently to the international registration, as appropriate;
 - iv. the date on which the cancellation of the international registration was recorded; and,
 - v. where applicable, the date of any priority claimed in the international application and recorded in the International Register.
- d) An application resulting from transformation shall be subject to the payment of the prescribed transformation fee.
- e) Where a mark that is the subject of an international registration has become protected in Liberia on or before the date on which the international registration was cancelled and, provided that all the requirements relating to an application resulting from transformation have been met, that trademark shall be registered by the Registrar. The date of registration shall be the date of the cancelled international registration, or the date of recording of the territorial extension to Liberia made subsequently to the international registration, as appropriate, and that registration shall enjoy any priority enjoyed by the cancelled international registration.
- f) Where a mark that is the subject of an international registration has not yet become protected in

Section 11
Geographical Indications

§11.1. Scope of Protection

- a) Any interested person may institute proceedings in the court to prevent, in respect of geographical indications:
 - i. the use of any indication or device in the presentation of a good in the course of trade that

§11.4. Exclusion from Protection

The following shall not be protected as geographical indications:

- a) an indication that does not comply with the definition of geographical indications in Section 3 of this Act;
- b) an indication the use of which must be prevented on grounds of public order or morality;
- c) a geographical indication that is not, or that ceases to be, protected in its country of origin, or which has fallen into disuse in that country;
- d) an indication that is identical with the term customary in common language in Liberia as the common name for the relevant goods or for related services.

§11.5. Application for Registration; Right to File Application

- a) An application for the registration of a geographical indication shall be filed with the Registrar of the Industrial Property Office.
- b) The following shall have the right to file an application for registration of a geographical indication:
 - i. a grouping of producers or a legal entity that groups producers that operates in a specified geographical area and with respect to specified goods;
 - ii. any competent authority on behalf of the persons or the legal entity indicated under subsection of this section.

§11.6. Content of Application

- a) An application for the registration of a geographical indication shall specify:
 - i. the name, address and domicile of the persons or legal entity filing the application;
 - ii. the geographical indication for which registration is sought;
 - iii. the geographical area to which the geographical indication applies;
 - iv. the goods designated by the geographical indication.
- b) The application shall be accompanied by a specification describing in sufficient detail the specific characteristics of the goods for which the geographical indication is used, the area and method of production of the goods, the link between the characteristics of the goods and the area and method of production, the manner in which the specified characteristics are controlled and other prescribed particulars, and shall be subject to the payment of the prescribed fee.

- c) The application shall indicate the manner in which the continued compliance of the conditions laid down in the specification will be controlled by an independent body or authority.

§11.7. Examination; Publication; Opposition and Registration

- a) The Director General shall examine whether the application complies with the requirements of Sections 11.4 and 11.5 (b) and Section 10.6 and the regulations pertaining thereto.
- b) Where the Director General finds that the conditions referred to in subsection (a) of this section are fulfilled; he/she shall cause the application to be published in the prescribed manner.
- c) Any interested person or competent authority may, within the prescribed period and in the prescribed manner, give notice to the Director General of opposition to the registration of the geographical indication specifying the grounds of the opposition.
- d) The Director General shall publish a notice of the opposition in the Official Gazette, and, within the period of three months and in the prescribed manner, the applicant shall send to the Director General a counter-statement of the grounds on which he/she relies for his application.
- e) If the applicant sends a counter-statement, the Director General shall furnish a copy thereof to the person giving notice of opposition and, after hearing the parties, if either or both wish to be heard, and considering the merits of the case, shall decide whether the geographical indication should be registered.
- f) Where the Director General finds that the conditions referred to in subsection (a) of this section are fulfilled he/she shall register the geographical indication, publish a reference to the registration and issue to the applicant a certificate of registration. Otherwise, he shall refuse the application.

§11.8. Scope of Exclusive Rights

- a) Only producers carrying on their activity in the geographical area specified in the Register shall have the right to use a registered geographical indication, in the course of trade, with respect to the products specified in the Register.
- b) For the purposes of this section, the following acts, in particular, shall be regarded as use of a geographical indication in the course of trade:
 - i. introducing on the market, selling, offering for sale or distributing goods or services with the geographical indication or with reference to the geographical indication;
 - ii. importing, exporting, storing or transporting goods that bear the geographical indication or that refer to the geographical indication;
 - iii. using the geographical indication in advertising, publications, business papers, commercial documents or written or oral communications, irrespective of the means of communication or media used;

- b) Where a mark has been applied for or registered in good faith, or where rights to a mark have been acquired through use in good faith either:
 - i. before the date of entry into force t; or
 - ii. before the geographical indication is protected in its country of origin;
 - iii. the registrability or the validity of the registration of that mark, or the right to use that mark, shall not be affected on grounds that such mark is identical with, or similar to, a geographical indication.
- c) Nothing in this Act shall prevent continued and similar use in Liberia of a particular foreign geographical indication by any national or domiciliary of Liberia who has used that geographical indication in connection with goods or services in the territory of Liberia, in a continuous manner with regard to the same or related goods or services, either:
 - i. for at least 10 years preceding April 15, 1994; or
 - ii. in good faith at any time prior to that date.

§11.10. Invalidation, Revocation and Amendment of Registration

- a) Any interested person or any competent authority may request the Director General to order:
 - i. the invalidation of a registration of a geographical indication on the ground that the registered indication did not qualify for protection as such under this Act;
 - ii. the revocation of a registration of a geographical indication on the ground that the registered indication is used in a manner that does not correspond to the specifications of the products designated by the indication; or
 - iii. the amendment of a registration of a geographical indication where the specifications recorded in the register need to be corrected.
- b) In any proceedings under this section, the Director General shall cause a notice of the request:
 - i. to be served on the persons who filed the application for registration of the geographical indication; and
 - ii. to be given by publication in the Official Gazette to all persons having the right to use the registered geographical indication.
 - iii. the persons referred to in subsection (b) of this section and any other interested person may, within a period, which shall be specified by the Director General in the said notice, apply to join in the proceedings.

§11.11. False Indication: Seizure on Importation

Where there is direct or indirect use of a false indication of the source of the goods or the identity of the producer or manufacturer or merchant, all goods affected shall be subject to seizure upon importation into Liberia pursuant to the Customs Law.

§11.12. Infringement of Geographical Indications; Remedies

- a) A geographical indication protected under this Act shall be infringed by the performance of any act referred to in Section 11.8 (a) or any use of a geographical indication by a party who does not have the right to use the geographical indication in accordance with this Act, subject to the limitations and exceptions provided for in Section 11.8(b).
- b) On the request of any interested person or of any interested group of producers or consumers, the

- d) For the purposes of determining novelty, disclosure to the public of an industrial design shall not be taken into consideration if it occurred within twelve months preceding the filing date or, where applicable, the priority date of the application, and if it was by reason or in consequence of an abuse committed by a third party with regard to the applicant or his predecessor in title, or by reason of any act committed by the applicant or his predecessor in title, other than the filing of an application to register or otherwise obtain legal protection for the industrial design with an industrial property authority.

§12.3. Right to Registration of Industrial Design; Naming of Designer

- a) The right to registration of an industrial design shall belong to a person first register his/her designs.
- b) If two or more persons have jointly created an industrial design the right to registration shall belong to them jointly.
- c) The right to registration of an industrial design may be assigned, and may be transferred by succession.
- d) Where an industrial design is made in execution of an employment contract the purpose of which is to create one or more designs, the right to registration of the industrial design shall belong, in the absence of contractual provisions to the contrary, to the employer. If the economic gains obtained by the employer from the commercial exploitation of the industrial design rise above the reasonable expectations of gain of the employer at the time he hired the designer, the latter shall be entitled to an equitable remuneration.
- e) Any anticipated promise or undertaking by the designer to the effect that he/she will waive any remuneration he/she is entitled to under this section shall be without legal effect.
- f) The designer shall be named as such in the registration of the industrial design, unless he/she indicates to the Director General in writing that he/she wishes not to be named. Any promise or undertaking by the designer to the effect that he/she will make such a declaration shall be without legal effect.

§12.4. Application; Right of Priority

- a) An application for the registration of an industrial design shall be filed with the Registrar and shall contain:
 - i. a request for registration,
 - ii. a graphic representation of e /TT1 e of r Apphad0.T-3 (oint) -3 (l) -13 ((ti) -3 (on) -19 (for) 6

- b) Where the applicant is not the designer, the request shall include a statement justifying the applicant's right to the registration of the industrial design.
- c) The application may contain up to one hundred industrial designs provided they all refer to products that belong to the same class of the International Classification.
- d) The application may contain a request that the publication of the industrial design be deferred for a specified period not exceeding 30 months from the date of filing or, if priority is claimed, from the date of priority, of the application.
- e)

- l) Each divisional application shall retain the filing date and the right of priority of the initial application. After the division, each divisional application shall be independent. If publication of the application occurred before the division, the publication shall have effect for each divisional application.
- m) The applicant may withdraw the application entirely or in respect of one or more designs at any time during its pendency.

§12.5. Filing Date; Examination; Registration and Publication

- a) The filing date of an application for registration of an industrial design shall be the earliest date on which the application contains at least the following:
 - i. an express or implicit request for the registration of one or more industrial design;
 - ii. indications allowing the identity of the applicant to be established or allowing the applicant to be contacted;
 - iii. a representation of each industrial design for which registration is sought;
 - iv. an indication of the product or products in respect of which each design is to be used;
 - v. proof of payment of the prescribed application fee for each design.
- b) The Director General shall examine whether the application complies with the requirements of Section 12.4 and the Regulations pertaining thereto, and whether the industrial design for which registration is sought complies with the definition contained in Section 12.3 and with Section 12.1 and Section 12.2 of this Part.
- c) If the application does not comply with the prescribed requirements, the Director General shall notify the applicant accordingly requesting him to correct the application within two months from the date of the notification. Upon justified request, that period may be extended by the Director General.
- d) If the required correction is not made within the specified period, the application shall be considered withdrawn.
- e) Where the Director General finds that the conditions referred to in subsection (b) are fulfilled he/she shall cause the application to be published in the prescribed manner.
- f) Where a request has been made under Section 12.4 (d) for deferment of publication, the application shall not be published until the expiry of the period of deferment.
- g) The Director General shall publish the industrial design upon request by the applicant at any time before the expiry of the period of deferment.
- h)

§12.6. Rights Conferred by Registration; Duration; Extension

- a) The registration of an industrial design shall confer on its holder the right to prevent others from exploiting the registered industrial design in Liberia. This right shall extend to designs that so closely resemble the registered industrial design that they produce the same overall impression.
- b) Where an industrial design is registered only for a part of a product that is integral and inseparable from that product, infringement of the registered design shall be assessed taking into account the overall aspect of the product embodying the registered design, and not just that part in isolation.
- c) Nothing in this Section shall prevent a registered industrial design from enjoying any protection to which it may be entitled under the law of copyright.
- d) The rights conferred by the registration of an industrial design shall not extend to:
 - i. acts in respect of a product that embodies the industrial design after the product has been put on the market in Liberia or abroad by the registered holder or by a person acting with the holder's consent or having an economic tie to the holder; to this effect an economic tie shall exist between two persons where one of them may exercise on the other a decisive influence with respect to the exploitation of the industrial design, or where a third party may exercise such an influence on both persons;
 - ii. the use of the industrial designing the body or gear of aircraft, land vehicles or vessels that temporarily or accidentally enter the jurisdiction of Liberia, or the importation of spare parts or accessories for the purpose of repairing such aircraft, vehicles or vessels;
 - iii. acts done privately and for non-commercial purposes;
 - iv. acts done for purposes of teaching, education or scientific research in academic, educational or research institutions;
 - v. acts done only for experimental purposes relating to the industrial design;
 - vi. the reproduction of any features of the industrial design that are dictated solely by functional or technical considerations or that are necessary to fulfill a technical function or purpose;
 - vii. the reproduction of any features of the industrial design that must necessarily be reproduced in their exact form in order to permit the product in which the design is embodied to be mechanically connected to or placed in, around or against another product so that each product may perform its function;
 - viii. the reproduction of any features of an industrial design, that is embodied in a component part of a complex product, where that part is used for the purpose of repairing that product so as to restore its original appearance.

e)

Section 13

Patent and Utility Models

§13.1. Purpose

The purpose of this Section is to provide for the promotion of inventive and innovative activities, to facilitate the acquisition of technology through the grant and regulation of patents and utility models.

§13.2. Scope of Inventions, Patents; Patentability

- a) The following matters shall not be regarded as inventions for the purpose of this Part:
 - i. matter that does not comply with the definition of invention under Section 13.1 of this Act;
 - ii. discoveries, scientific theories and mathematical methods;

§13.3. Patentable Inventions

- a) An invention is patentable if it is industrially applicable, new and involves an inventive step.
- b) An invention shall be considered industrially applicable if it can be made in any kind of industry

- c) If two or more persons have made the same invention independently of each other, the person whose application has the earliest filing date or, if priority is claimed, the earliest priority date shall have the right to the patent, provided such application is not withdrawn, abandoned or rejected. To filing

- d) The description shall disclose the invention in a manner sufficiently clear and complete for all the claimed embodiments of the invention to be carried out by a person having ordinary skill in the art in Liberia, and shall, in particular, indicate at least the best mode for carrying out the invention known to the inventor at the filing date or, where priority is claimed, at the priority date of the application.
- e) In the case of inventions related to biological material that cannot be described as required under subsection (d) of this Section, the applicant shall deposit a sample thereof, not later than the date of filing of the application, with a depositary institution recognized under the Budapest Treaty. After the publication of the application, any interested party shall have access to a sample of the deposited biological material, subject to the obligation by said party to use said sample for experimental purposes only.
- f) Where the claimed invention consists of or is directly derived from biological material or from traditional knowledge obtained from a particular community, the description shall indicate the source and the origin of that material or knowledge, as known to the applicant. The application

m) Failure to disclose prior art known to the applicant that is material to the patentability of a claimed invention, or to comply with the requirements set out in subsections (f) (j) of this Section shall

- c) Where the application refers to drawings that in fact are not included in the application, the Director General shall notify the applicant inviting him to furnish the missing drawings within two months from the date of the notification. If the applicant complies with the said invitation, the filing date shall be the date of receipt of the missing drawings. Otherwise, the filing date shall be the date of receipt of the application and any reference to the said drawings shall be treated as non-existent.

- d) Upon payment of the prescribed fee, the applicant or any interested party may request the Director General, within 36 (thirty six) months counted from the date of filing, the examination of the application. An application for which such request has not been filed will be deemed abandoned. If that request is duly filed, the Director General shall cause the application to be examined for compliance with the requirements of Section 13.4, Subsections (a) and (b) of this Act and the Regulations pertaining theret

v.

- c) The Director General shall, upon request of the holder of the patent, authorize changes in the text or drawings of the patent in order to limit the extent of the protection conferred thereby. No change shall be allowed that would result in the patent containing subject matter that extends beyond the matter disclosed in the initial application or in an extension of the matter claimed in the patent.

§13.11. Rights Conferred by the Patent; Limitations and Exceptions

- a) A patent shall confer on its holder the right to prevent third parties from exploiting the patented invention in Liberia. The scope of the right conferred by the patent shall be defined by the claims.
- b) The rights under a patent may not be used to prevent:
 - i. acts in respect of a product covered by the patent after that product has been put on the market in Liberia or abroad by the holder of the patent, by a person acting with the holder's consent or having an economic tie to the holder, or by an otherwise authorized person. For the purposes of this provision, an economic tie shall exist between two persons where one of them may exercise on the other a decisive influence with respect to the exploitation of the patented invention, or where a third party may exercise such an influence on both persons;
 - ii. acts done for purposes of scientific research in academic, educational or research institutions;
 - iii. acts done for experimental purposes relating to the subject matter of the patented invention;
 - iv. acts performed by any person to make, construct, use or sell the patented invention solely for uses reasonably related to the development and submission of information required under any law of Liberia or a country other than Liberia that regulates the manufacture, construction, use or sale of any product;
 - v. acts performed by any person who in good faith, before the filing or, where priority is claimed, the priority date of the application on which the patent is granted, was using the invention or had made effective and serious preparations for such use in Liberia (the "prior user");
 - vi. acts done privately and for non-commercial purposes;

- c) The right of the prior user referred to in subsection (b)(v) of this Section may be transferred or devolve only together with the enterprise or business, or with that part of the enterprise or business, in which the use or preparations for use have been made.

§13.12. Duration; Annual Fees; Restoration

- a) Subject to subsection (b), a patent shall expire 20 years after the filing date of the patent application.
- b) In order to maintain the patent or the patent application, as the case may be, an annual fee as prescribed shall be paid in advance to the Liberia Intellectual Property Office for each year, starting one year after the filing date of the application for grant of the patent. A period of grace of six months shall be allowed for the late payment of the annual fee on payment of the prescribed surcharge. If an annual fee is not paid in accordance with ypaid tll rspatlld

- b) Each request for a compulsory license shall be considered on its individual merits. The decision shall be taken after hearing the holder of the patent if he wishes to be heard. Where the compulsory license is granted by the court, the Director General shall be notified with the decision.
- c) The exploitation of the patented invention shall be limited to the purpose and duration for which it

- j) Evidence concerning an attempt to obtain a voluntary license shall not be required in cases of national emergency or other circumstances of extreme urgency or in cases of public non-commercial use or when the license is granted to remedy a practice determined after judicial or administrative process to be anti-competitive; in such cases the holder of the patent shall be notified of the Director General's decision as soon as reasonably practicable.
- k) The exploitation of the invention under a compulsory license shall be predominantly for the supply of the market in Liberia except when the compulsory license concerns a patent claiming a pharmaceutical product or a process to obtain a pharmaceutical product, and the purpose of the license is to export the patented product or the product manufactured by the patented process to a

- e) Any invalidated patent, or claim or part of a claim, shall be regarded as null and void from the date of the grant of the patent, and shall be deemed as if it had never been granted. Any limitation shall be deemed to have existed from the applicable filing date.
- f) Any dispute over the right to the patent under Section 13.3 of this Act shall be heard by the court. An interested person may request the court to transfer the granted patent to him or to invalidate the patent. In case the interested person claims co-inventor-ship, he may request the court to have his name added as co-inventor and, where applicable, as co-holder of the corresponding patent.
- g) The final decision of the court shall be notified to the Director General who shall instruct the Registrar to record it and publish a reference thereto as prescribed.
- h) A patent may be surrendered by its holder. The surrender may be limited to one or more claims.

§13.15. International Applications Under the Patent Cooperation Treaty

Specific Meanings: for purposes of this Part, the expressions: “designate,” “designated office,” “elect,” “elected office,” “international application,” “international filing date,” “international preliminary examination”, “priority period” and “receiving office” have the same meanings as in the Patent Cooperation Treaty.

§13.16. Filing Date and Effects of International application Designating Liberia

An international application designating Liberia shall, subject to this section, be treated as an application for a patent filed under this Act having as its filing date the international filing date accorded under the Patent Cooperation Treaty.

§ 13.17. The Office as Receiving Office

The Office shall act as a receiving office in respect of an international application filed with it by a resident or national of Liberia.

§ 13.18. Filing of I

§ 13.20. The Office as Elected Office

The Office shall act as an elected office in respect of an international application in which Liberia is designated as referred to in Section 13.18 of this Section if the applicant files a demand for the purposes of international preliminary examination under Section 13.14 of the Patent Cooperation Treaty.

§ 13.21. Processing International Applications

The Office as designated office or elected office shall not commence processing of an international application designating Liberia before the expiration of the time limit referred to in Section 13.22 except if the applicant complies with the requirements of that subsection and files with the Office an express request for early commencement of such processing.

§ 13.22. Entering National Phase

The applicant shall, in respect of an international application designating Liberia and before the expiration of the time limit applicable under Article 22(1) or 39(1)(a) of the Patent Cooperation Treaty or of such later time limit as may be specified in the regulations to this Act, pay the national fee to the Office and file with the Office a translation of the international application into English if the international application was not filed in, and has not been published under the Patent Cooperation Treaty as a translation into English.

§13.23. Failure to Enter National Phase

If the applicant does not comply with the requirements of Section 13.21 of this Act within the time limit referred to in that subsection, the international application shall be considered withdrawn for purposes of this Act.

§13.24. Reinstatement of Rights After F

§ 13.25. Restoration of Right of Priority

- a) Where the international application claims the priority of an earlier application and has an international filing date which is later than the date on which the priority period expired but within the period of two months from that date, the Office shall, upon request of the applicant in

§13.29. Conversions

- a) At any time before the grant or refusal of a patent an applicant for a patent may, upon payment of the prescribed fees, convert his/her application into an application for a utility model certificate which shall be accorded the filing date of the initial application.
- b) At any time before the grant or refusal of a utility model certificate, an applicant for a utility model certificate may, upon payment of the prescribed fees, convert his application into a patent application, which shall be accorded the filing date of the initial application.
- c)

- b) If two or more persons have made the same invention independently of each other, the person whose application has the earliest filing date or, if priority is claimed, the earliest priority date shall have the right to the layout-design, provided such application is not withdrawn, abandoned or rejected. To this effect, the Director General of the Liberia Intellectual Property Office shall take into account the matter claimed in the respective application.
- c) The right to a layout design may be assigned, and may be transferred by succession.
- d) Where an invention is made under an employment contract the purpose of which is to invent, the right to the layout design shall belong, in the absence of contractual provisions to the contrary, to the employer. If the economic gains obtained by the employer from the commercial exploitation of that invention rise above the reasonable expectations of gain that the employer had from his employee's inventive output at the time he hired him, the employee shall be entitled to an equitable remuneration.
- e) Where an invention is made by an employee outside an employment contract, but in making that invention the employee used materials, data or know-how of the employer, the right to the layout design shall belong, in the absence of contractual provisions to the contrary, to the employer. The employee shall be entitled to an equitable remuneration equivalent to one third of the economic gains obtained by the employer from the commercial exploitation of the invention.
- f) Any invention claimed in a layout design application filed by a former employee within one year following the expiry of his employment, where the invention falls within the scope of the former

- ii. importing, selling or otherwise distributing for commercial purposes the protected layout-design, an integrated circuit in which the protected layout-design is incorporated or an article incorporating such an integrated circuit in so far as it continues to contain an unlawfully reproduced layout-design.

b) The rights conferred by the registration of a layout-design shall not extend to:

- i. the reproduction or use of the protected layout-design for private non-commercial purposes;
- ii. the reproduction or use of the protected layout-design for the sole purpose of academic or scientific research or teaching;

- c) The filing date of an application for registration of a layout-design shall be the earliest date on which the application contains at least the following:
 - i. an express or implicit request that registration of a layout-design is sought;
 - ii. indications allowing the identity of the applicant to be established or allowing the applicant to be contacted;
 - iii. a reproduction of the layout-design for which registration is sought.
- d) Where the application does not comply with the requirements of subsection (b), the Registrar shall notify the applicant of the defects through the Deputy Director of the Industrial Property Department and invite him/her to correct them within two months. If the defects are not corrected within the time limit, the application shall be deemed not to have been filed.
- e) With respect to compliance with subsection (c), if the Deputy Director of the Industrial Property Department finds that the application did not fulfill, at the time of receipt, the requirements, he/she shall notify the applicant through the Director General inviting him/her to file the required

§14.8. Invalidation

- a) Any interested person may request that the registration of a layout-design be invalidated on the grounds that:
 - i. the object of the registration is not a layout-design as defined in Section 3;
 - ii. the layout-design is not protectable under Section 14.1(b); or
 - iii. where the layout-design has been commercially exploited, anywhere in the world, before the filing of the application for registration of the layout-design, the said application was not filed within the time limit referred to in Section 14.1(c).
- b) Where the grounds for invalidation are established with respect only to a part of the layout-design, only the corresponding part of the registration shall be invalidated.
- c) A request for invalidation of the registration of the layout-design on the grounds specified in subsection (a) may be filed with the Liberia Intellectual Property Office or with the court. The request shall state the grounds on which it is based.
- d) Any invalidated layout-design, or claim or part of a claim, shall be regarded as null and void from the date of the grant of the lay-out design, and shall be deemed as if it had never been granted. Any limitation shall be deemed to have existed from the applicable filing date. In the event of a dispute over the right to registration of the layout-design registration, the interested person may ask the court to transfer the title to him instead of invalidating it.
- e) Any invalidated layout-design registration, or part thereof, shall be regarded as null and void from the date of the commencement of protection.
- f) The final decision of the court shall be notified to the Director General who shall instruct the Industrial Property Department to record it and publish a reference thereto in accordance with the Regulations.

PART VII ENFORCEMENT OF RIGHTS

Section 15 Enforcement of Intellectual Property Rights

§15.1. Infringement of Copyright and Related Rights

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- a) A registered mark or a well-known mark shall be infringed by the performance of any act referred to in Section 12.6 (a) and (b) in Liberia by a person other than the holder of the right in the mark

- b) On the request of the registered holder of the industrial design or of a licensee if he has requested the holder to institute court proceedings for a specific relief and the holder has refused or failed to do so within ninety days, the court may grant an injunction to prevent infringement or an imminent infringement, award damages and grant any

iii. after the alleged infringer acquired knowledge of the

§16.9.E; §7' \$F- "8)"+'/*

When a person has been found guilty of an offence under the provisions of the intellectual property law referred to in Section 15, the court shall, whenever this is considered adequate under the circumstances to create an effective deterrent to further infringement, order the seizure, forfeiture or disposal of the infringing goods and of any materials and implements the predominant use of which has been in the commission of the offence.

§16.10. Administrative Procedures

To the extent that any civil remedy can be ordered as a result of administrative procedures on the merits of a case, such procedures shall conform to principles equivalent in substance to those set forth in this Section.

Section 17

- e) Where the applicant does not initiate court proceedings leading to a decision on the merits of the case within 20 working days or 31 calendar days, whichever is longer, from the notification of the decision ordering provisional measures or within any other reasonable period determined by the court in the decision, the court shall

- iii. a sufficiently detailed description of the goods alleged to be counterfeit in order to make them readily recognizable; and,
- iv. the prescribed fee.

§18.4. G+''')''*)+##D669%8-)%)+'''*

- a) The applicant shall furnish all information necessary, a sample of the genuine goods produced by or with the conseny

§18.6. =8'0;8'*

- a) The decision by the Director General to suspend the release into free circulation of goods alleged to be counterfeit shall specify the period for which the customs authority will have to take action.
- b) The Director General shall forward his order without delay to the customs authority, and shall notify the importer

§18.10 The court may, where the conditions set out in Section 16.8 are met; order the disposal of the counterfeit goods outside

- a) The court may, where the conditions set out in Section 16.8 are met; order the disposal of the counterfeit goods outside

§18.16. Appeals

An aggrieved party may lodge an appeal against any decision taken by the Director General on or in connection with the suspension or release into free circulation of counterfeit goods. The appeal may be filed within two months from the notification

- f) Any person who, with fraudulent intent, removes or alters any notice of copyright and other areas pertaining to intellectual property rights appearing on a copy of a work or on a product in which under this Act shall be guilty of an offence and liable to a fine of not more than United States Two Thousand Dollars (US\$2,000.00) or twice the value of the defendant's profits attributable to the infringement, whichever is greater.
- g) Any person who, with fraudulent intent, places on any article a notice of copyright or words or areas relating to intellectual property rights of the same purport that such person knows to be false, or who, with fraudulent intent, publicly distributes or imports for public distribution any article bearing such notice or words that such person knows to be false, shall be guilty of an offence and liable to a fine of not more than United States Two Thousand Dollars (US\$2,000.00) or twice the value of the defendant's profits attributable to the infringement, whichever is greater.
- h) No criminal proceedings shall commence under the provisions of this section if a period of three years has elapsed following the action.
- i) "Commercial scale" as referred to in subsection (a), includes the reproduction or distribution, including by electronic means, during the period of a year, of at least 10 copies of a work in which copyright subsists under this Act, with a view to direct or indirect economic or commercial benefit.

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**COMPULSORY LICENCE FOR TRANSLATION AND
REPRODUCTION OF CERTAIN WORKS**

- a) Interpretation

In this Schedule:

"qualified person" means a citizen of Liberia or an individual domiciled in Liberia; or a body corporate incorporated under any written law in Liberia;

"research" shall not

- ii. An application under this paragraph shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the translation of the work.
- iii. Every applicant for a license under this paragraph shall along with his application; deposit with the Intellectual Property Office such fee as may be prescribed.
- iv. Where an application is made to the Intellectual Property Office under this paragraph it may, after holding such inquiry as may be prescribed, grant to the applicant a license, not being an exclusive license, to produce and publish a translation of the work in the language mentioned in the application subject to the condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work sold to the public, calculated at such rate as the Intellectual Property Office may, in the circumstances of each case, determine in the prescribed manner, except that the royalties shall be consistent with the standards normally operating in the case of licenses freely negotiated between persons in Liberia and owners of translation rights in the country of the owner of the right of translation; and that the license shall not extend to the export of copies of the translation of the work outside Liberia and every copy of such translation shall contain a notice in the language of such translation that the copy is available for distribution only in Liberia.
- v) Subparagraph (iii) of this paragraph shall not apply to the export by the Government of Liberia or any authority under the Government, copies of such translation in language other than English to any country if such copies are sent to citizens of Liberia residing outside Liberia or to any association of such citizens outside Liberia; or

produce and publish such translation, or that he was, after due diligence on his part, unable to find such owner, where the applicant

iii. Every applicant for a license under this paragraph shall, along with his application,

sending of a copy, and a reproduction of the work has not been published by the owner of the copyright in the work or any person