

<b>Filing route</b>	Applications can be filed in Namibia at BIPA; or applications can be filed at ARIPO or WIPO designating Namibia
<b>Examination requirement</b>	Examination as to Form and as to Substance
<b>Publication</b>	After registration, and published in IP Bulletin at BIPA
<b>Duration of protection</b>	15 Years
<b>Renewal</b>	Subject to payment of annual renewal fees

Industrial Designs

<b>Definition of Copyright</b>	Copyright is an exclusive right granted by law to authors of literary, artistic, producers of audiovisual, films, architects, performers, broadcasters and other creators protection for their works.
<b>Works eligible for protection</b>	the original work of any of the following descriptions of works shall be eligible for copyright-literary works; musical works; artistic works; cinematograph films; sound recordings; broadcasts; programme-carrying signals; published editions; and computer programs.
<b>Filing route</b>	Applications are filed at BIPA, Namibia
<b>Duration of protection</b>	Lifetime plus 50 Years, without renewal.
<b>Enforcement</b>	Civil or Criminal proceedings before Court, and Border measures against importation and exportation of restricted goods

Copyright

### General Information on Application/ Registration / Enforcement of IP Rights:

<b>Operating days</b>	Mondays to Fridays; except on public holiday
<b>Address for Service</b>	An address for service on applications must be an address in Namibia
<b>Representation by an Industrial Property (IP) Agent</b>	Where the ordinary residence or principal place of business of an applicant is outside Namibia, applicant must be represented by an IP Agent
<b>IP Agent</b>	(a) a legal practitioner resident and practising in Namibia in accordance with the Legal Practitioners' Act, 1995 (Act No. 15 of 1995); or (b) a person registered by the Registrar as an agent in terms of Section 212 of Industrial Property Act, 2012
<b>Application Forms, Fees &amp; IP Bulletin</b>	Download on <a href="http://www.bipa.na">www.bipa.na</a> or collect at BIPA Offices
<b>Industrial Property Tribunal</b>	Hear and decide on appeal of Registrar's decisions/ application for invalidation or compulsory license/ infringement proceedings

### FOR ALL YOUR APPLICATION AND REGISTRATION NEEDS CONTACT US @

General Queries / Switchboard	061-299 4400	
Business Registration Service Department	061-299 4429 / 061-299 4440	info@bipa.na
Intellectual Property	061-299 4443 / 061-299 4442	helenas@bipa.na
Record and Archives	061-299 4424 / 061-299 4454 / 061-299 4471	filerequest@bipa.na
Media, Marketing & CSR	061-299 4450	pr@bipa.na
Office of the Chief Executive	061-299 4422	info@bipa.na / mariana@bipa.na
<b>website: <a href="http://www.bipa.na">www.bipa.na</a></b>		<b>also find us on facebook and twitter under BIPA Namibia</b>

### BANK DETAILS (Please note that payments can be done into any of the following bank accounts:)

**Business and Intellectual Property Authority**  
First National Bank Namibia  
Account Number: 62268868357  
Branch Code: 281 872 (Business Banking)  
Swift Code: FIRNNANX

**Business and Intellectual Property Authority**  
Bank Windhoek  
Account Number: 8003758105  
Branch Code: 486-372 (Capricorn Branch)

**Business and Intellectual Property Authority**  
Nedbank  
Account Number: 12991172791  
Branch Code: 461 617 (Business Centre)  
Swift Code: NEDSNaNX

**Windhoek Head Office**  
PZN Building, 3 Ruhr Street,  
Northern Industrial Area  
P O Box 185, Windhoek  
Namibia  
Tel: 061-299 4400

**Katutura Office**  
Erf No 2780, Shire street  
Wanaheda Extension 2  
Tel: 061-299 4435

**Swakopmund Office**  
Erf No 498,  
Tobias Haiyeko Street  
Swakopmund  
Tel: 064-464 178

**Client Service Office Hours**  
Monday – Friday  
09:00 am – 12:00 pm  
14:00 pm – 16:00 pm

All official correspondence are to be directed to the Office of the CEO  
All forms and fees can be downloaded from the website: [www.bipa.na](http://www.bipa.na)



**BUSINESS AND INTELLECTUAL  
PROPERTY AUTHORITY**  
*Protecting Entrepreneurship and Innovation*

## PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN NAMIBIA



### About BIPA

Business and Intellectual Property Authority (BIPA) is a public enterprise established in terms of the Business and Intellectual Property Authority Act, 2016 (Act No. 8 of 2016) with the following objects:

- Facilitate economic growth and development to raise income and promote investment and create employment;
- Enhance the efficient protection of the business and Intellectual Property (IP) in Namibia;
- Facilitate and promote the efficient and effective registration of business and industrial property in Namibia;
- Promote the conduct and use of business and IP in Namibia;
- Facilitate, streamline, simplify and harmonise the business and industrial property procedures, registrations, filings and searches to expedite economic growth and development; and
- Enhance the efficient exchange and distribution of information

BIPA exists to register, grant and protect Intellectual Property Rights (IPRs); promote the value of IP in Namibia; and advise on development of intellectual property legal frameworks.

## About Intellectual Property Rights in Namibia

Intellectual Property is a category of property which covers creations of the intellect of moral and/or commercial value. IP includes inventions, literary and artistic works, and symbols, names and images used in trade. IP rights are, therefore, enforceable rights over creations of the mind, which gives the creator exclusive rights to exploit and benefit from their creation, and prevent others from making unauthorised use of their property for a limited period, in exchange of the disclosure of the creative work.

### Types of Intellectual Property Rights protected in Namibia

- Trademarks
- Patents
- Utility Model
- Industrial Designs
- Copyright

## IP Legal Framework in Namibia

DOMAIN	NATIONAL LEGISLATION	REGIONAL INSTRUMENT	INTERNATIONAL INSTRUMENT
Industrial Property Rights (Trade Marks, Industrial Designs, Patents & Utility Models)	Industrial Property Act, 2012 (Act No 1 of 2012)	Banjul Protocol on Marks (ARIPO);  Harare Protocol on Patents and Industrial Designs (ARIPO)	Paris Convention for the Protection of Industrial Property (WIPO);  Trade Related Aspects of Intellectual Property Rights (WTO);  Madrid Agreement Concerning the International Registration of Marks (WIPO);  Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (WIPO);  Hague Agreement (Geneva Act, 1999) Concerning the International Registration of Industrial Designs (WIPO);  Patent Cooperation Treaty (WIPO)
Copyright and Related Rights	Copyright and Neighbouring Rights Protection Act, 1994 (Act No. 6 of 1994)	Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore (ARIPO)	Berne Convention (WIPO)  Trade Related Aspects of Intellectual Property Rights (WTO)

## IP Rights Administration & Protection

Definition of Mark	"Mark" means any sign capable of being represented visually, including a device, name, signature, word, letter, numeral, figurative element, shape, colour or container for goods, or any combination of such signs.
Definition of Trade Mark	Means a mark used or proposed to be used by a person in relation to products for the purpose of distinguishing the products of one, in the course of trade, from similar products of another.
Requirement for Registration	Trade mark must be distinctive (capable of distinguishing the goods or services of one from the goods or services of another). It must be inherently capable of so distinguishing or it became capable of distinguishing by reason of prior use.

Trade Marks

Filing route	Applications can be filed in Namibia at BIPA; or filed at ARIPO or WIPO designating Namibia
Publication requirements	Published in the Industrial Property Bulletin at BIPA, before registration for purposes of opposition
Opposition period	60 days from date of publication
Duration of protection	10 Years
Renewal	10 years after filing date, subject to payment of renewal fee

Trade Marks

Scope of protection	Patents are available for any inventions, whether products or processes, in all fields of technology, provided the invention is new, involves an inventive step and is industrially applicable
Definition of invention	An invention may be, or may relate to, a product or a process applicable in any field of technology
Novelty standard	An invention is new if not anticipated by prior art, except if disclosed within 6 months of filing
Filing route	Applications can be filed in Namibia at BIPA; or applications can be filed at ARIPO or WIPO designating Namibia
Examination Requirements	Examination as to Form and as to Substance
Conversion from Patent to Application for a Utility Model	Before patent is granted
Publication requirement	After grant, and published in IP Bulletin at BIPA
Duration of protection	20 years, subject to payment of annual renewal fee, from date of filing
Renewal	Subject to payment of annual renewal fee

Patents

Definition of Utility Model	Means an invention with the exclusion of a process, a microbiological process and the products of a microbiological process;
Requirements	"A utility model qualifies for a utility model certificate if it is new and is industrially applicable.
Filing route	Applications can be filed in Namibia at BIPA; or applications can be filed at ARIPO or WIPO designating Namibia
Examination Requirements	Examination as to Form and as to Substance
Conversion from Utility Model to Patent Application	Before grant of a Utility Model certificate
Publication requirement	After grant, and published in IP Bulletin at BIPA
Duration of Utility Model Certificate	7 Years, without renewal

Utility Model

Definition of Design	Means any feature or combination of features of form or shape or configuration, or any feature or combination of features of pattern or ornamentation, including any composition of lines or colours, applied to an article to give it an appearance having such features discernible by the eye, but does not include any feature serving solely to obtain a functional or technical result
Novelty standard	Not been disclosed to the public anywhere in the world, except if disclosure occurred within 12 months of filing

Industrial Designs