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**SUDAN (NORTH and SOUTH)**



Despite the split between North and South Sudan that occurred on 9 July 2011, the IP framework of these countries is based on one set of national legislation, the IP laws of the Republic of Sudan. Similarly, ARIPO considers that a designation of Sudan includes both North and South Sudan.

## SECTION 1: COUNTRY OVERVIEW

### 1.1 GENERAL INFORMATION

Capital:	Khartoum
Population:	43.8 million
Currency of government (official) fees:	Sudanese Pound (SDG)
Language for filing IP applications:	Arabic (official language), English
GDP per capita:	595.468 (World Bank 2020)
Human Development Index:	0.51 (World Bank 2020)
Main exports:	Gold, livestock, oil, gum arabic and cotton.
Main imports:	Raw sugar, wheat, packaged medicaments, jewellery and rubber tyres.

### 1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

Sudan is a contracting state to the following international legal instruments:

- ARIPO (1) the Harare Protocol on Patents and Industrial Designs;
- Beijing Treaty on Audio-visual Performances;
- Berne Convention for the Protection of Literary and Artistic Works;
- Madrid Agreement for the International Registration of Trade Marks;
- Madrid Protocol for the International Registration of Trade Marks;
- Marrakesh VIP Treaty;
- Paris Convention for the Protection of Industrial Property;
- Patent Cooperation Treaty for the international protection of Patents;

- Patent Law Treaty
- WIPO (2) Convention

Sudan is not a party to the TRIPS Agreement so its laws are not TRIPS-compliant This may have an impact on the effectiveness of some IP enforcement issues.

Sudan is not a member of the Nice Agreement (3). However, its trade mark classification system is based on the Nice Classification.

### 1.3 REGIONAL AGREEMENTS

Sudan is a member of the following regional agreements:

- AfCFTA (the African Continental Free Trade Area)
- The Agreement contains a Protocol on IP rights which aims for effective protection and promotion of IP rights in Africa and may therefore have legal implications for Sudan when it comes into legal force.
- COMESA (The Common Market for Eastern and Southern Africa)
- COMESA has no regional IP agreements, protocols, or IP registration systems in place.

It has the COMESA Policy on Intellectual Property Rights. The purpose of the Policy is to promote the use of intellectual property rights by COMESA member states so that they can shift from resource-based economies to knowledge-based and innovation-driven economies.

- East African Community (EAC)

Sudan(South) is a member of the East African Community (EAC). This is a regional intergovernmental organisation with six Partner States: Burundi, Kenya, Rwanda, Sudan, Tanzania and Uganda.

EAC has no regional IP agreements, protocols or registration systems in place.

### 1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN SUDAN

Sudan is currently not a member of:

- the ARIPO legal framework for the registration of trade marks under the Banjul Protocol on Marks;
- the Hague System for the International Registration of Industrial Designs.

The following IP protection is available in Sudan:

- 1) trade marks: national and international (Madrid);
- 2) patents: national and regional (ARIPO);
- 3) utility models: national and regional (ARIPO);

- 4) industrial designs: national and regional (ARIPO)
- 5) expressions of folklore: national;
- 6) copyright and neighbouring rights: national.

## 1.5 IP REGISTRATION ROUTES

IP protection in Sudan can be secured at three levels: national, regional and international.

### National

The six types of IP mentioned above can be protected directly in Sudan by the Registrar General of Intellectual Property of the Ministry of Justice.

### Regional

Sudan is a contracting party to ARIPO's Harare Protocol on Patents and Industrial Designs. It is therefore possible to register patents, utility models and industrial designs either nationally through the Sudan IP Office, or regionally through ARIPO.

### International

Sudan is also a contracting party to the Madrid Protocol and the Patent Cooperation Treaty (PCT). It is therefore possible to register international trade marks designating Sudan through the Madrid System. More information is available at: <https://www.wipo.int/madrid/en/>.

Choosing a suitable registration route: trade marks, patents, utility models and industrial designs

A national route is suitable when trade mark protection is required in Sudan only.

A regional route through ARIPO is suitable when multi-country protection of the abovementioned IP rights is required.

An international route is advisable for trade mark protection only, when protection is required in more countries than are covered by the ARIPO regional trade mark system.

### Useful information:

#### Representation

- Foreign applicants whose principal place of business is outside Sudan must appoint a local agent. (For local applicants this is optional.) The General Intellectual Property Registrar Office accepts signed powers of attorney without any need for notarisation. However, you should check with your IP service provider in Sudan whether hard copies are necessary or scanned copies sent by email are acceptable. A list of ARIPO representatives (by country) is available at: <https://www.aripo.org/ip-agents/>.

#### Trade marks

- Currently, Sudan cannot register trade marks through the ARIPO trade mark system.

- Although Sudan is a signatory to the Madrid System, it has not amended its national legislation to give effect to the Madrid System's provisions. Therefore, it is questionable whether international registrations designating Sudan are enforceable in Sudan.

- Sudan is not a signatory to the Nice Agreement but uses the Nice Classification. Classifications based on the latest edition of Nice at the time of filing of an application are accepted.

## SECTION 2: OVERVIEW OF IP ENFORCEMENT

In Sudan, the enforcement of intellectual property rights (IPR) lies with various national organs including the Registrar General of Intellectual Property and the Federal Council, a department within the Ministry of Culture whose objective is to implement and enforce the law on copyright and related rights for literary and artistic works.

The Registrar General of Intellectual Property in Sudan recently announced a change in the prosecution of trade marks infringement in Sudan. The Appeal Committee's mandate has been terminated, meaning that all written submissions challenging official actions must now be filed as applications before the High Court. The High Court, as the Court of Appeal, now plays a crucial role in the enforcement of IP matters in Sudan.

According to section 27(2) of the Trade Marks Act, 'no person shall be entitled to recover damages for the infringement of a trade mark not registered in the Republic of Sudan'. Therefore, to successfully enforce an IPR in the authorised court of law, it may be necessary to register one's rights.

The remedies available under border control measures (customs) in Sudan include the seizure and destruction of goods. The applicant bears the cost of the customs intervention during enforcement.

## SECTION 3: TYPES OF AVAILABLE IP PROTECTION

### 3.1 TRADE MARKS

National and international trade marks can be registered in Sudan, as explained below.

#### Benefits of registering a trade mark

- A registered trade mark gives the owner exclusive rights to use it to market their products and services; it gives the owner protection against others using the same mark or a similar mark without authorisation.
- In the long run, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing it to others, franchising or obtaining finance.

### 3.1.1 Who can register a trade mark?

A natural person, a company or any other entity can apply to register a trade mark.

However, a person who does not have their place of business in Sudan needs a professional representative.

### 3.1.2 What are the registration requirements?

- A trade mark application must contain the following:
  - Request for the registration of the mark in the prescribed Form;
  - full name, nationality and physical address of the applicant;
  - the full name, Certificate of Incorporation, certificate of partnership or extract from the Commercial Register, with a verified English translation, and the company's physical address;
  - a power of attorney, including a translation into Arabic, either on the letterhead of the applicant, signed and stamped; or signed and notarised;
  - a list of the goods and/or services, based on the Nice Classification, on which the trade mark will be used;
  - 4 printouts of the trade mark;
  - a certified copy of the priority document, if applicable; and
  - the prescribed application fee;

### 3.1.3 What qualifies for registration?

Any visible sign used or proposed to be used on, in connection with or in relation to goods for the purpose of distinguishing the goods of one person from those of others. Provided it is not inadmissible, a trade mark may consist of any distinctive sign, including a word, name, pseudonym, device, brand, arbitrary or fanciful designation, heading, label, ticket, signature, letter, numeral, slogan package, emblem container or any combination thereof.

The following trade mark types are registrable: trade marks and service marks.

### 3.1.4 What cannot be registered?

The following trade marks cannot be registered:

- trade marks which consist of shape or forms imposed by the inherent nature of the goods or by their industrial function;
- a sign or indication which may serve, in the course of trade, to designate any particularity such as quality, quantity, purpose, value and place of origin;
- trade marks which have become, in the current language or in the bona fide and established trade practices of the country, a customary designation of the goods concerned;
- trade marks contrary to morality or public order and which, in particular, are calculated to deceive or confuse trade circles or the public;
- trade marks that imitate armorial bearings, flags and other emblems, initials, names

- or abbreviations of names of any state or of an intergovernmental or international organisation or any organisation created by an international convention;
- reproductions or imitations of official signs or hallmarks adopted by a State, unless authorised by the competent authority of that State;
- trade marks that are identical or similar to emblems of exclusively religious, sectarian or tribal organisations;
- trade marks that resemble or depict the portrait of a religious or tribal leader or of any sectarian significance;
- trade marks that resemble a mark already validly filed or registered by a person;
- trade marks that infringe other third-party rights or are contrary to the rules for the prevention of unfair competition.

### 3.1.5 Where can I file an application?

National (Sudan) Trade Mark registration process is as follows:

- filing of the request before the Registrar General of Intellectual Property and issuance of an application filing receipt with application filing number;
- formal and substantive examination carried out by the IP office;
- issuance of report of acceptance by the IP office;
- publication of the application in the IP Bulletin;
- 6-month period for the filing of oppositions if residents, and 8 months for non-residents, by third parties who considered themselves to be adversely affected by the trade mark registration;
- issuance of registration certificate.
- International: country designation through the International Bureau (WIPO).

### 3.1.6 How much does it cost?

#### Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Sudanese Pound). Application forms and information on fees are available through this link: <https://www.ipsudan.gov.sd/>

#### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three national IP-accredited professionals. A list is available through this link: <https://www.ipsudan.gov.sd/>

#### Likely overall registration costs

An applicant can expect the cost of registering a trade mark to be in the region of the amounts set out in the table below (in SDG), unless objections and other special circumstances that may increase the costs apply.



Description of Process/Service	Government Fee (SDG)
Application to register in one class	238
Publication	65
Registration	275

### 3.1.7 How long does registration take?

The total time from filing to registration is approximately 24 months. Trade mark applications are examined for compliance with formal and substantive requirements and are published in the official gazette after acceptance. Trade marks may be opposed within 8 months from the date of publication.

### 3.1.8 What is the duration of protection?

10 years from the filing date, renewable.

## 3.2 PATENTS

### Sudan Patent Registrations

National and regional (ARIPO) patents can be registered in Sudan in the following ways.

#### National

At the Office of the Registrar General of Intellectual Property, Ministry of Justice.

#### Regional

All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO patent application. ARIPO's designation system allows an applicant to choose one, some or all of the remaining 18 member states in a patent application. It is therefore also possible to file an ARIPO patent application in which Sudan (or any other member state) is designated to achieve national patent protection but through a regional registration system.

#### Choosing between a national or regional patent registration for Sudan

The decision about whether to register a patent in Sudan through the national or ARIPO route is usually guided by the following considerations:

- whether substantive examination is required or not: substantive examination of a patent is conducted after the patent application is filed.
- whether patent protection is required in Sudan only or in multiple jurisdictions: applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- cost-effectiveness: ARIPO's centralised regional patent registration system is usually considered to be more cost-effective than a national patent registration approach.

#### Choosing between registration routes

Most patent applications for Sudan are registered through ARIPO because it allows applicants to designate more than one country. It is more cost-effective to file a single application in ARIPO to gain patent coverage in two or more ARIPO member states.

#### Choosing a patent filing route

Sudan is a member of the PCT. Patent applications for both the Sudan IP Office and ARIPO routes for Sudan can also be filed through the PCT. However, the PCT provides a patent filing rather than a patent registration route.

### National (Sudan) Patents

#### 3.2.1 Who can register a patent?

An inventor (or successor in title) or an assignee of an invention can apply to register a patent.

#### 3.2.2 What qualifies for registration?

A patent must meet the following requirements:

- novelty which must be absolute novelty in that the invention must be a new characteristic which is not known in the body of existing knowledge in its technical field. It must not be anticipated by prior art;
- inventive step which means that, having regard to prior art, the invention is not obvious to a person skilled in the art;
- susceptible of industrial applicability in that it can be used in any kind of industry, including agriculture, and

#### 3.2.3 What cannot be registered?

Patents may not be validly obtained in respect of:

- inventions, the publication or working of which would be contrary to public order or morality, provided that the working of an invention shall not be considered as contrary to public order or morality merely because such working is prohibited by law or regulation.

#### 3.2.4 Where can I file an application?

National applications, non-Convention, Convention and PCT national phase applications must be filed at the Office of the General Registrar of Intellectual Property, Ministry of Justice.

Regional applications can be filed at the Sudan IP Office or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

### 3.2.5 How much does it cost?

#### National (Sudan IP Office) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

#### Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Sudanese pound, SDG). Application forms and information on fees are available here: <https://www.ipsudan.gov.sd/>.

#### Professional fees

- Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three national IP-accredited professionals. A list is available through this link: <https://www.ipsudan.gov.sd/>

#### Likely overall registration costs for a Sudan IP Office patent

An applicant can expect the cost of registering a patent to be in the region of the amounts set out in the table below (in SDG), unless objections and other special circumstances that may increase the costs apply.

It is advisable to check the applicable fees for the registration of a patent with the Sudan IP Office through this link: <https://www.ipsudan.gov.sd/>. Currently the fees are as follows:

Type of fee	Government fee (SDG)
National filing fee	50
Publication fee	15

### ARIPO-route patent registration fees

Fees must be paid through ARIPO and in USD if an applicant chooses to register a patent for Sudan using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

#### Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

### 3.2.6 How long does registration take?

National patent applications are only examined as to compliance with the formal requirements by the Sudan IP Office; they are not substantively examined. Therefore, they take a shorter time to register than ARIPO applications. The usual time frame is 9-15 months on average. It is therefore advisable to check applicable processing time frames before starting the registration process.

Regional-route Sudan applications are substantively examined by ARIPO and take 3-4 years on average to complete registration, assuming that there are no objections.

### 3.2.7 What is the duration of protection?

Protection lasts 20 years from the filing date, subject to the payment of annual maintenance fees.

### 3.2.8 When are renewal fees paid?

#### National patents

Renewal fees fall due annually commencing on the first anniversary of the filing date. Late payment is possible, with a corresponding surcharge, within a grace period of 6 months after the due date. Annuities

The following government (official) fees are currently applicable:

#### ARIPO-route Sudan patents

Renewal fees are payable up to the 19th year. Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

### 3.3 UTILITY MODELS

#### Sudan Utility Model Registrations

National and regional (ARIPO) utility models can be registered in Sudan in the following ways.

##### National

- at Intellectual Property Registrar Office under the Ministry of Justice

##### Regional

- for the Harare Protocol, through ARIPO.

It is also possible to file an ARIPO utility model application in which Sudan or any other country is designated to achieve national utility model protection but through a regional registration system. However, it is advisable to ensure that utility model protection is available in each state that is designated because it is doubtful that it would be possible to enforce rights in a designated state that actually does not provide utility model protection in its national laws.

Choosing between a national or regional utility model registration for Sudan

The decision about whether to register a utility model in Sudan through the national or ARIPO route is usually guided by the following considerations:

- cost: it may be more cost-effective to proceed through the national route if protection is required in Sudan only;
- whether utility model protection is required in Sudan only or in multiple jurisdictions. Sudan currently does not have a law for utility models, but the General Registrar of the Sudan IP Office has declared that they may be registered as patents.
- duration of protection. The duration of protection of a national utility model registration as a patent in Sudan is 20 years, whereas it is 10 years for an ARIPO-registered utility model. This difference may influence preference for the ARIPO registration route.

Most utility model applications for Sudan are registered through ARIPO because it allows applicants to designate more than one country in a utility model application. It is more cost effective to file a single application in ARIPO to gain utility model coverage in two or more ARIPO member states.

National utility models are treated as national Sudan patents. This means the above process and requirements for patents will apply to Sudan utility models.

#### National (Sudan IP Office) Utility Models

##### 3.3.1 Who can register?

See: Patents above

##### 3.3.2 What qualifies for registration?

See: Patents above

##### 3.3.3 What cannot be registered?

See: Patents above

##### 3.3.4 Where can I file an application?

See: Patents above

##### 3.3.5 How much does it cost?

See: Patents above

#### ARIPO-route utility model registration fees

Fees must be paid through ARIPO if an applicant chooses to register a utility model in Sudan using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

#### Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

##### 3.3.6 How long does registration take?

See: Patents above

##### 3.3.7 What is the duration of protection?

See: Patents above

##### 3.3.8 When are renewal fees paid?

#### National Utility models

See: Patents above

#### Government (official) fees

See: Patents above

#### ARIPO-route filed Sudan utility models

Renewal fees are payable up to the 10th year. Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

### 3.4. INDUSTRIAL DESIGNS

In Sudan designs are registered without being classified as either aesthetic or functional designs.

#### Sudan Industrial Design Registrations

National and regional (ARIPO) industrial designs can be registered in Sudan in the following ways:

##### National

- at the Office of the General Registrar of Intellectual Property, Ministry of Justice.

##### Regional

- for the Harare Protocol, through ARIPO.

It is possible to file an ARIPO design application in which Sudan or any other country is designated to achieve national design protection but through a regional registration system.

Choosing between a national or regional industrial design registration for Sudan

The decision about whether to register a design in Sudan through the national or ARIPO route is usually guided by the following considerations:

- whether design protection is required in Sudan only or in multiple jurisdictions: applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- cost-effectiveness: ARIPO's centralised regional design registration system is usually considered to be more cost-effective than a national design registration approach;
- time-effectiveness: Time-conscious applicants usually tend to prefer to register their designs through the ARIPO route instead of the national route.

#### Examination and novelty of designs for Sudan

Sudan does not carry out a substantive examination of design applications. Applications are examined as to compliance with formal requirements only. The examination is based on a relative statement of novelty.

Similarly, ARIPO carries out a formal examination of designs, but member states are given the opportunity to carry out a substantive examination if their national laws require it.

As there is no requirement for a substantive examination of designs under Sudan law, only a

formal examination is carried out.

National (Sudan) Industrial Designs

#### 3.4.1 Who can register?

A creator or assignee of an industrial design can apply to register a design in Sudan.

#### 3.4.2 What qualifies for registration?

Only new industrial designs enjoy legal protection in Sudan.

A registrable design is any composition of lines or colours formed to give a special appearance to any industrial or handmade product or any plastic form, whether or not it is restricted to colour, on condition that the form or composition can be used as an industrial design or a handicraft design.

Multiple design applications are possible in Sudan, provided that all the designs are embodied in a single set of articles and belong to the same class. The application may contain from 1 to 50 industrial designs if the relevant products are of the same kind or kinds or, if there are rules providing for classification, they are of the same class or classes.

#### 3.4.3 What cannot be registered?

The following cannot be registered:

- an industrial design that is not new;
- an industrial design whose purpose is solely to achieve a technical result;

industrial designs, that are against the public interest or morals.

#### 3.4.4 Where can I file an application?

National-route design applications must be filed at the Office of the General Registrar of Intellectual Property, Ministry of Justice.

Regional-route design applications can be filed at the Sudan IP Office or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO for Sudan designs can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

#### 3.4.5 How much does it cost?

##### National (Sudan) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.



### Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Sudanese pound, SDG). Application forms and information on fees are available through this link: <https://www.ipsudan.gov.sd/>.

### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

### ARIPO-route design registration fees

These fees are paid through ARIPO. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

### Note on professional fees

Professional fees vary and it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

### 3.4.6 How long does registration take?

National-route applications usually takes 24 months to complete registration. The deadline to file missing documents is 2 months from the date of notification.

Regional-route applications usually take 8 -12 months to complete registration. This includes a period of 6 months for states to examine and decide if a design will have legal effect in their territories after ARIPO has issued them with a notice of intention to register a design.

### 3.4.7 What is the duration of protection?

A Sudanese industrial design is valid for 5 years from the date of application.

Registration of an industrial design may be renewed for two successive 5-year periods after payment of the renewal fees.

ARIPO-route design registrations are valid for 10 years, with no possibility of extension.

### 3.4.8 When are renewal fees paid?

Renewal fees must be paid within 6 months from the due date. However, currently there are no prescribed fees for trade marks in Sudan in any statutory instrument. Application forms and information on fees can be found through this link: <https://www.ipsudan.gov.sd/>.

Renewal fees must be paid within the 12 months preceding the period of termination of registration.

However, 6 months are allowed after the lapse of the legal period for the payment of any additional fees, if required by the rules.

In ARIPO, renewal fees are payable within 6 months before the registration period expires. Late payment of the renewal fees is possible within a grace period of 6 months after the due date.

### ARIPO-registered design renewal fees

Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

### Professional services renewal fees

These are usually payable as a flat-rate fee per annuity payment, regardless of the number of designated states. It is advisable to compare the fees of different IP agents.

## 3.5. EXPRESSIONS OF FOLKLORE

### About folklore expressions in Sudan

Sudan does not have a definite and comprehensive legal framework for the protection of traditional knowledge.

Currently, there is no legislation or a mechanism available for the protection of rights arising out of the use and exploitation of traditional knowledge, except for folklore. The Copy Right and Neighbouring Rights Protection and Literal and Artistic Works Act, 2013 of Sudan provides for the protection of expressions of folklore.

#### 3.5.1 Who can register?

National folklore expressions is considered as State public ownership represented by the council entrusted by all methods and means with its protection.

#### 3.5.2 What qualifies for registration?

Any expression that reflects, in distinguished elements, the artistic traditional heritage that arose and continues in Sudan, including, in particular, the following expressions:

- verbal expressions, such as stories, tales, riddles and popular poems;
- musical expressions, such as popular songs accompanied by music;
- dynamic expressions, such as popular dances and plays or any artistic shapes or any other ceremonies whether in material shape or not;
- tangible expressions, including:

- I. products of popular art, particularly drawings in lines and colours, excavations,

sculpture, pottery, clay, and all products made of woods, or mosaics, metal jewellerys, handmade bags, needlework, textiles, carpets and clothes;  
 II. popular musical instruments;  
 III. architectural shapes.

### 3.5.3 What cannot be registered?

Expressions of Folklore cannot be registered if it does fall within the subject matter of what constitutes subject matter and if it cannot be established to be identifiable with a specific community or culture of Sudan;

Expressions of folklore cannot be registered is they are contrary to law, public order, or morality.

### 3.5.4 Where can I file an application?

An application for registration must be submitted to the Council for the Protection of Copyright and Related Rights.

Expressions of folklore cannot be registered if they do not fall within the subject matter of what constitutes folklore, and if it cannot be established that they are identifiable with a specific community or culture of Sudan;

## 3.6. EXPRESSIONS OF FOLKLORE

Expressions of folklore cannot be registered if they are contrary to law, public order or morality.

### 3.6.1 Where can I file an application?

An application for registration must be submitted to the Council for the Protection of Copyright and Related Rights.

### 3.6.2 How much does it cost?

#### National (Sudan) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

#### Government (official) fees

However, currently there are no prescribed fees for expressions of folklore in Sudan in any statutory instrument. More details on application forms and information on fees can be found through this link: <https://www.ipsudan.gov.sd/>.

### 3.6.3 How long does registration take?

It takes 6-9 months but processing times vary.

### 3.6.4 What is the duration of protection?

The duration of protection of expressions of folkore in Sudan is 25 years, not renewable.

## 3.7 COPYRIGHT AND NEIGHBOURING RIGHTS

Sudan has many famous traditional dance styles, including the kambala dance which is practiced by the Nuba people from the Southern Kordofan Province.

### About Copyright and Neighbouring Rights in Sudan

Sudan has a dedicated law for the protection of copyright and neighbouring rights, namely the Copy Right and Neighbouring Rights Protection and Literal and Artistic Works Act, 2013.

Sudan is also a signatory to the Berne Convention for the Protection of Literary and Artistic Works.

### 3.7.1 Can I register?

Copyright is a registrable right in Sudan. In terms of the Copyright and Neighbouring Rights Protection and Literary and Artistic Works Act, 2013.

### 3.7.2 What qualifies for protection?

Any creative work in the fields of literature, science and arts, including the following:

- written works, such as books, magazines, periodical publications, articles and similar works;
- oral work, such as lectures and sermons;
- talks or silent musical work whether accompanied by words or not;
- plays and musical plays or any other drama work;
- works performed by movements, steps, or pantomime shows;
- audiovisual works, such as cinema, or audiovisual television, accompanied by sound or silent;
- works of fine arts, whether they are sculpture, drawings, paintings, decorations or works of applied arts and works of artistic craftsmanship;
- photographic works or similar;
- works of architecture;
- computer programs;
- maps of all kinds, portraits, sketches and relief maps relating to geography or topography or science;
- the title of a work, if it is creative.

### 3.7.3 What cannot be protected?

Works that are vested in the public domain, such as:

- official documents;
- daily newspapers and different events described as journalist information;
- ideas, procedures and methods of work, mathematics bases, principles, and mere facts, and methods of creation of work.

#### 3.7.4 What are examples of acts permitted in relation to copyright works?

Permitted acts that do not infringe copyright include:

- usage for educational purposes;
- quotations from copyright works;
- transfer or copying the articles published in newspapers and periodicals about discussions held about current economic, political, religious or broadcasted works of like nature through newspaper, broadcast, wire transfer to the public;
- copying for legal proceedings;
- fair use for purposes of criticism, review or news reporting;
- photocopying in libraries;
- publishing by mass media;
- copying of computer programs in case the original is lost or ruined;
- public performance of works;
- imports for personal use.

#### 3.7.5 What acts are not permitted in relation to copyright works?

Unpermitted/restricted acts include:

- reproducing the work;
- publishing the work;
- importing the work into Sudan or exporting it from Sudan, otherwise than for personal and private use;
- causing the work to be transmitted in a cable programme service, unless the service transmits a lawful broadcast and is operated by the original broadcaster;
- making an adaptation of the work.

#### 3.7.6 What is the duration of protection?

The duration of copyright protection (is as follows):

- literary works: the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- an audiovisual work: 50 years from the end of the year in which the work was made available to the public with the consent of the owner of the copyright;
- a sound recording: 50 years from the end of the year in which the recording was first published;
- work that does not carry a pseudonym name: 50 years after putting the work at the disposal of the public;
- photographic and applied art works: 25 years from the making of the work;

- transmission unit rights: 20 years from the end of the year of the transmission.

#### 3.6.7 Can I renew copyright after its term of protection expires?

Copyright cannot be renewed in Sudan once its term has expired. The work lapses into the public domain at the end of the term of protection.

##### Links to legislation:

**ARIPO:** <https://www.aripo.org/member-states-laws/>

**WIPO:** <https://wipolex.wipo.int/en/members/profile/SD>

##### Links to institutions:

**AfCFTA** – Africa Trade House, Ambassadorial Enclave, Liberia Road, Ridge, Accra Ghana: <https://au.int/en/cfta>

**ARIPO** – African Regional Intellectual Property Organization: <https://www.aripo.org/>

**East African Community**— <https://www.eac.int/>

**Office of the General Registrar of Intellectual Property, Ministry of Justice** – <https://www.ipsudan.gov.sd/>

