

DRAFTING NOTE

INTELLECTUAL PROPERTY ACT 2026

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed Assembly Act. It identifies the legislative need, the relationship with earlier Eritrean law, the principal matters retained, the modernization choices made and the place of the draft within the emerging constitutional statute book. The instrument remains a consultation draft and should be finalized only after legal, institutional, fiscal and public review.

2. Legislative need and prior law

The inherited commercial and civil rules do not form a complete modern statute for trademarks, patents, designs, copyright, geographical indications, trade secrets and digital use.

3. What the draft retains

The draft retains protection for genuine creation, invention, distinctive signs, confidential business information and civil remedies against infringement.

4. What the draft updates and modernizes

It creates unified registration and opposition procedures, electronic filing, transparent examination, limitations and exceptions for education and public interest, technology and software rules, border coordination, proportionate remedies and space for future treaty implementation by law.

5. Constitutional, code and treaty fit

The draft is framed under the Constitution of Eritrea 1997 and must be read with the Civil Code, Penal Code, Civil Procedure Code and Criminal Procedure Code of Eritrea 2015 where those Codes govern. It is also coordinated with the other institutional, financial, commercial, land, labour, administrative and sectoral drafts in this collection. References to international or regional standards guide compatibility and implementation; they do not bypass the Treaty-Making Act or convert an unincorporated instrument into domestic law.

6. Scope and organization

The principal divisions address preliminary and constitutional provisions; administration, registration and public service; copyright; related rights and collective management; patents; utility models and industrial designs; marks and geographical indications; plant varieties; traditional knowledge, cultural expressions and genetic resources; ownership, transactions and financing; and the concluding enforcement, transitional and final provisions.

7. Transition, implementation and consultation

The draft preserves lawful accrued rights, completed transactions, pending proceedings and institutional continuity where appropriate, while preventing temporary savings from preserving unconstitutional coercion or indefinite executive discretion. Before enactment or issuance, authentic predecessor instruments and amendments should be verified, cross-references and fiscal capacity confirmed, implementing regulations and digital systems prepared, and affected institutions, professions, communities and the public given a practical opportunity to comment.

CONSULTATION DRAFT — NOT ENACTED LAW

ACT NO. ____ OF 2026

INTELLECTUAL PROPERTY ACT 2026

(ASSEMBLY ACT)

AN ACT TO ESTABLISH A UNIFIED, MODERN AND CONSTITUTIONALLY BALANCED SYSTEM FOR COPYRIGHT AND RELATED RIGHTS, PATENTS, UTILITY MODELS, INDUSTRIAL DESIGNS, MARKS, GEOGRAPHICAL INDICATIONS, PLANT VARIETIES, TRADITIONAL KNOWLEDGE, TRADITIONAL CULTURAL EXPRESSIONS AND GENETIC RESOURCES; REGULATE THEIR ADMINISTRATION, TRANSFER, DIGITAL USE AND ENFORCEMENT; PROMOTE CREATIVITY, INNOVATION, EDUCATION, PUBLIC HEALTH, COMPETITION, TECHNOLOGY TRANSFER AND CULTURAL PARTICIPATION; REPLACE THE LITERARY AND ARTISTIC OWNERSHIP PROVISIONS OF THE CIVIL CODE OF ERITREA 2015; AND PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Articles 8, 9(3), 19, 21(4) and 23 of the Constitution of Eritrea require economic and technological development, protect expression and culture, encourage creativity and innovation and secure property subject to the public interest and law;

WHEREAS intellectual-property protection must reward Eritrean creators and innovators while preserving education, research, public health, competition, cultural participation, food security, access to knowledge and the lawful use of technology;

WHEREAS the Civil Code of Eritrea 2015 protects literary and artistic ownership and related rights, and a unified Act is needed to modernize and replace those provisions without disturbing the general law of property, obligations, contracts or civil remedies;

WHEREAS Eritrea's intellectual-property system should support digital administration, transparent examination, local enterprise, diaspora participation, traditional communities and international cooperation consistent with the Constitution and lawfully binding obligations given domestic legal effect;

NOW, THEREFORE, the National Assembly of Eritrea, acting under Articles 8, 9, 19, 21, 23 and 32 of the Constitution, enacts as follows:

CHAPTER I

PRELIMINARY AND CONSTITUTIONAL PROVISIONS

Article 1 — Short title and application

1. This Act may be cited as the “Intellectual Property Act 2026” and applies throughout Eritrea.
2. It binds the State and every natural or legal person, subject to an express constitutional immunity or public-interest exception.

3. It applies to protected subject matter, applications, registrations, licences, conduct and enforcement occurring after commencement and to continuing rights as provided in Chapter XIV.
4. No right arises merely from this Act in subject matter excluded from protection or whose protection has lawfully expired.

Article 2 — Objects

1. to encourage creativity, invention, investment, technology transfer and the dissemination of knowledge for Eritrea's development;
2. to secure clear, proportionate and time-limited rights while preserving competition, expression, culture, education, research, health and food security;
3. to provide accessible registration, reliable public information, fair administration and effective judicial remedies; and
4. to recognize Eritrean communities, traditional knowledge, cultural expressions, genetic resources and equitable benefit sharing without freezing culture or customary life.

Article 3 — Constitutional balance

1. Every power and right under this Act shall be interpreted consistently with human dignity, equality, expression, culture, property, livelihood, due process and the public interest.
2. Protection shall be no broader or longer than this Act provides and shall not create control over an idea, fact, method, language, culture or resource placed outside exclusive ownership.
3. A limitation on a protected right shall be clear, lawful, necessary and proportionate to a legitimate purpose.
4. The State shall administer this Act impartially and shall not use intellectual-property law to suppress criticism, research, competition or lawful cultural participation.

Article 4 — Relationship with the Civil Code

1. The Civil Code of Eritrea 2015 governs capacity, ownership, succession, obligations, contracts, non-contractual liability, damages and remedies except as specifically modified by this Act.
2. Articles 1157 to 1188 of the Civil Code of Eritrea 2015 are repealed and replaced by Chapters III and IV of this Act.
3. A contract concerning intellectual property remains subject to mandatory safeguards in this Act and to the general law of contract.
4. A remedy under this Act is additional to a compatible remedy under the Civil Code but double recovery for the same harm is prohibited.

Article 5 — Relationship with commercial and employment law

1. The Commercial Code of Eritrea 2026 governs trade names, unfair competition, commercial enterprise, secured transactions and commercial contracts except where this Act specifically governs a registered right.

2. The Labour Code of Eritrea 2026 and Civil Service Administration Act govern employment status, duties and remedies, while this Act determines ownership of intellectual property created in employment.
3. Trade-secret protection under the Commercial Code and this Act shall be interpreted consistently, and the more specific provision governs the matter before the court.
4. This Act does not prohibit worker mobility, use of general skill and experience, lawful disclosure or competition after employment.

Article 6 — International application

1. Protection shall extend to Eritrean nationals and residents and to subject matter first created, fixed, used, disclosed, filed or published in Eritrea as this Act provides.
2. Foreign persons and subject matter shall receive protection required by an international obligation lawfully binding on Eritrea and given domestic legal effect.
3. The President may, by regulation authorized by this Act, extend reciprocal protection to another country after a published legal and public-interest assessment.
4. International classification, search or administrative cooperation does not create domestic rights beyond this Act or replace constitutional lawmaking and review.

Article 7 — General definitions

1. “Court” means a court of competent jurisdiction under the Courts Act and applicable procedural law;
2. “electronic” includes a reliable digital, computational or machine-readable form capable of being retained and reproduced;
3. “Office” means the Eritrean Intellectual Property Office established by Article 9; and
4. “right holder” includes an owner, exclusive licensee or other person authorized by this Act to enforce a protected right.

Article 8 — Further definitions

1. “commercial scale” means conduct whose volume, value, organization, purpose or effect materially exceeds ordinary private activity;
2. “licence” means authorization to exercise one or more rights while ownership remains with the licensor;
3. “publication” means making copies or digital access lawfully available to the public with the right holder's consent in a quantity or manner reasonably meeting public demand; and
4. “traditional community” means a village, pastoral, coastal, linguistic, religious, occupational or other Eritrean community maintaining shared knowledge, practice or cultural expression across generations.

CHAPTER II

ADMINISTRATION, REGISTRATION AND PUBLIC SERVICE

Article 9 — Eritrean Intellectual Property Office

1. The Eritrean Intellectual Property Office is established as a professional public office within the ministry assigned responsibility by Government Ministries Organization Regulations.
2. The Office shall administer applications, registers, examinations, public information, education, cooperation and other functions assigned by this Act.
3. The Office shall exercise technical decisions independently, impartially and according to published law and shall not receive direction on an individual application.
4. Its services shall be accessible throughout Eritrea through digital systems, regional assistance points and practical non-digital channels.

Article 10 — Registrar and examiners

1. The Civil Service Administration Commission shall appoint a qualified Registrar through a transparent merit process for a renewable term of five years.
2. The Registrar shall manage the Office, authenticate registers, issue procedural directions and allocate decisions to qualified examiners.
3. An examiner shall disclose and avoid a financial, family, professional or other conflict affecting impartiality.
4. The Registrar may not direct an examiner to grant or refuse a particular right contrary to the evidence and law.

Article 11 — Functions of the Office

1. receive, examine, publish, register, renew, amend and record intellectual-property rights under this Act;
2. maintain accurate searchable registers, classification systems, public files and reliable evidence of status;
3. support creators, inventors, enterprises, universities, communities and the public through information, training and lawful assistance; and
4. advise Government and the National Assembly on innovation, culture, competition, access, technology and international cooperation without exercising legislative power.

Article 12 — Service standards

1. The Office shall publish service standards stating forms, fees, evidence, ordinary processing times, review routes and responsible units.
2. An applicant shall receive a dated acknowledgement, secure tracking number and prompt notice of a deficiency or decision.
3. The Office shall request information once where reasonably practicable and shall not demand a document already held by government without lawful necessity.

4. Unreasonable delay, inaccessible procedure or unexplained refusal is subject to complaint, administrative review and judicial review.

Article 13 — Electronic filing and identity

1. An application, notice, fee, signature, licence, assignment, priority document and decision may be created, filed, served and retained electronically.
2. A reliable electronic signature or identity method shall not be refused solely because it is electronic.
3. The Office shall provide assisted filing and a non-digital alternative for a person reasonably unable to use electronic service.
4. A system outage shall extend a filing deadline reasonably and shall be recorded and publicly notified.

Article 14 — Registers and public access

1. The Office shall maintain separate registers for patents, utility models, industrial designs, marks, geographical indications and plant varieties.
2. Each register shall show ownership, filing and priority dates, status, duration, recorded interests, final decisions and information prescribed by law.
3. A public register shall be searchable without charge, while certified extracts and specialized services may carry a reasonable published fee.
4. Personal, security-sensitive, confidential commercial and legally privileged information shall be protected without concealing the existence or legal status of a right.

Article 15 — Applications and representation

1. A natural or legal person may apply personally or through an authorized representative.
2. A foreign applicant without a place of business in Eritrea may be required to appoint an address for service or qualified local representative.
3. A representative shall identify authority, act honestly and maintain reliable contact information.
4. A procedural defect in representation shall be curable within a reasonable period unless fraud or irremediable prejudice is shown.

Article 16 — Fees and access

1. Fees shall be prescribed by regulation, published in advance and limited to reasonable administration and policy needs.
2. Reduced fees, deferral or waiver may be provided for individuals, small enterprises, public research institutions, persons with disabilities and traditional communities.
3. A fee shall not discriminate by ethnicity, religion, gender, region, political opinion or other prohibited ground.
4. Revenue shall be accounted for under public-finance law and shall not create an examiner's personal incentive to grant or refuse a right.

Article 17 — Publication and opposition

1. An application shall be published at the stage prescribed for its subject, except protected matter lawfully kept confidential before publication.
2. A person may submit relevant observations or opposition within the prescribed period and shall identify evidence and legal grounds.
3. The applicant shall receive the material case and a fair opportunity to answer.
4. The Office shall decide on the record by written reasons and shall protect confidential information through narrow measures.

Article 18 — Correction and restoration

1. The Office may correct a clerical, transcription, translation or obvious administrative error after notice where rights may be affected.
2. A missed procedural period may be restored where the person exercised reasonable care or exceptional circumstances prevented compliance.
3. Restoration shall protect a good-faith third party who materially relied on the apparent lapse before restoration was published.
4. Correction shall not enlarge the substantive disclosure, subject matter or scope beyond what the original filing lawfully supports.

Article 19 — Administrative review

1. A person materially affected by an Office decision may request reconsideration by an examiner not responsible for the initial decision.
2. The request shall state grounds and be filed within sixty days after service, subject to reasonable extension for sufficient cause.
3. The reviewer may affirm, vary, set aside or remit the decision and shall give written reasons.
4. Internal review does not exclude constitutional judicial review, and exhaustion is governed by the General Administrative Procedure Act 2026.

Article 20 — Evidence and record

1. The Office may receive documents, expert material, samples, demonstrations, reliable electronic evidence and sworn or affirmed statements.
2. A technical rule of evidence shall not defeat relevant reliable information, but an adverse decision shall not rest on undisclosed material.
3. The official file shall identify submissions, communications, searches, examinations, decisions and persons materially participating.
4. A record shall be preserved for the life of the right and the further period prescribed by archives and evidence law.

CHAPTER III COPYRIGHT

Article 21 — Works protected

1. Copyright protects an original literary, artistic, musical, dramatic, audiovisual, architectural, photographic or other expressive work fixed in a form permitting perception, reproduction or communication.
2. Protection includes computer programs, original databases, maps, plans, drawings, lectures, broadcasts embodied as works and original selection or arrangement of material.
3. Originality requires the author's own intellectual creation and not novelty, merit, expense, purpose or registration.
4. Protection arises automatically upon fixation and is independent of ownership of the physical or digital object containing the work.

Article 22 — Subject matter not protected

1. Copyright does not protect an idea, procedure, method of operation, system, principle, discovery, fact, data, language, mathematical concept or functionality as such.
2. An official legislative, administrative or judicial text, official translation, public form or official notice may be freely reproduced accurately.
3. A short phrase, ordinary symbol, name, title or common expression is not protected unless its original expressive character is independently sufficient.
4. A work whose creation or dissemination is unlawful is not thereby denied copyright, but enforcement shall not compel or reward unlawful conduct.

Article 23 — Author and human creation

1. The author is the natural person who makes the original creative choices embodied in a work.
2. A person using a tool, including artificial intelligence, is an author only of expression resulting from that person's sufficiently original creative contribution.
3. A machine, automated system, animal, public office or legal person is not an author, although a legal person may own economic rights under this Act.
4. The person named as author in the ordinary manner is presumed to be the author until contrary evidence is established.

Article 24 — Joint and collective works

1. A joint work is created by two or more authors whose intended contributions form an inseparable or interdependent whole.
2. Joint authors own equal undivided shares unless their contributions, agreement or law establishes another fair proportion.
3. A co-author may enforce the right and grant a nonexclusive licence subject to accounting and without materially prejudicing exploitation by the others.

4. A collective work may be owned by the person directing and publishing it where individual contributions remain distinct and the agreement so provides.

Article 25 — Economic rights

1. The copyright owner has the exclusive right to reproduce the work in any material or electronic form.
2. The owner has the exclusive right to distribute, rent where economically material, adapt, translate and make the work available to the public.
3. The owner has the exclusive right to perform, display, broadcast, stream or otherwise communicate the work to the public.
4. Each right is divisible and subject to the limitations, licences, exhaustion and public-interest provisions of this Act.

Article 26 — Moral rights

1. An author has the right to claim authorship and to require reasonable identification where customary and practicable.
2. An author may object to a distortion, mutilation or false attribution seriously prejudicial to honour, reputation or dignity as author.
3. Moral rights are independent of economic rights, are not assignable and may be waived only specifically in writing for identified uses without permitting deception.
4. After death, moral rights may be enforced by the person designated by the author or the author's successors for the remaining copyright term.

Article 27 — First ownership

1. The author is the first owner of copyright except as this Act expressly provides.
2. Copyright in a work created by an employee in the course and scope of employment vests initially in the employee unless a written agreement transfers economic rights or a specific law provides otherwise.
3. The employer receives a nonexclusive royalty-free licence reasonably necessary for the purpose for which the work was commissioned or created in employment.
4. A broader transfer shall be express, proportionate and subject to fair remuneration where the exploitation materially exceeds the employment purpose.

Article 28 — Commissioned and public works

1. A commissioner does not acquire copyright merely by paying for a work but receives the licence reasonably necessary for the disclosed purpose.
2. A work created by a public employee in official duties is owned by the State to the extent prescribed by employment terms and public law.
3. An official public work financed substantially by public funds shall be made accessible under a published licence where security, privacy, cultural and commercial interests permit.

4. The State shall not assert copyright to prevent accurate reproduction of law, public forms, official decisions or information required to be public.

Article 29 — Assignment and licence

1. An assignment or exclusive licence shall be in writing and identify the right, work, uses, territory, duration and remuneration or method of determining it.
2. A transfer is construed narrowly to uses reasonably contemplated when made, and an unknown future mode is included only by clear language and fair consideration.
3. A nonexclusive licence may be oral or inferred from conduct where its scope can be proved reliably.
4. A transferee shall account transparently where payment depends on use, revenue, audience or another variable measure.

Article 30 — Reversion and adjustment

1. An author or successor may terminate an exclusive grant after twenty-five years by notice given within the period prescribed by regulation.
2. Termination does not affect an authorized derivative work already made, but further uses remain subject to the reverted right.
3. A court may adjust grossly disproportionate future remuneration where unforeseen success creates manifest unfairness and the author lacked meaningful bargaining power.
4. This Article does not apply to a negotiated collective agreement providing comparable protection or to a work made under genuinely independent enterprise terms.

Article 31 — Duration

1. Copyright in a work by an identified author lasts for the author's life and fifty years after the end of the year of death.
2. Copyright in a joint work lasts until fifty years after the end of the year in which the last surviving author dies.
3. An anonymous, pseudonymous, collective or audiovisual work lasts fifty years after the end of the year of first lawful publication, or fifty years after creation if not published within that period.
4. A work of applied art lasts twenty-five years after the end of the year of creation, without limiting separate design protection.

Article 32 — Public domain

1. A work enters the public domain when protection expires, the owner dedicates it irrevocably to the public or this Act excludes protection.
2. Public-domain material may be used freely, subject to moral rights, cultural safeguards, privacy, contract and laws unrelated to copyright.
3. No person may obtain copyright in a faithful digitization, scan, transcription or restoration lacking new original expression.

4. The Office and public institutions shall identify and facilitate access to public-domain Eritrean works where reasonably practicable.

Article 33 — Fair use

1. Fair use of a work for criticism, comment, reporting, teaching, scholarship, research, parody, review, access or another legitimate purpose does not infringe copyright.
2. Fairness shall consider purpose and character, nature of the work, amount and substantiality used, and effect on the actual or reasonably foreseeable lawful market.
3. Transformative, noncommercial, educational and public-interest uses weigh toward fairness but do not determine it conclusively.
4. Source and authorship shall be acknowledged where reasonable, and a contractual term may not prohibit a non-waivable fair use prescribed by this Act.

Article 34 — Quotation, reporting and public affairs

1. A work lawfully available to the public may be quoted to the extent justified by criticism, explanation, scholarship, teaching, reporting or public debate.
2. Current events may be reported using incidental or reasonably necessary portions of a work with attribution where practicable.
3. A public speech, hearing, political address or official ceremony may be recorded and communicated for reporting and public information.
4. The author retains the exclusive right to publish an authorized collection of speeches or articles except where the collection itself is an official public record.

Article 35 — Education and research

1. A teacher, learner or institution may use reasonable portions of works for in-person or secure remote instruction without commercial substitution for ordinary acquisition.
2. A work may be reproduced in limited copies for examination, classroom illustration, scientific verification or preservation of research evidence.
3. Text and data analysis of lawfully accessed works is permitted for research and innovation where copies are secured and not used to provide expressive substitutes to the public.
4. The Minister may establish equitable remuneration for systematic educational copying that materially replaces a licensed market while protecting free basic access.

Article 36 — Libraries, archives and museums

1. A nonprofit library, archive or museum may reproduce a work for preservation, format migration, cataloguing, security or replacement of a lost or unusable copy.
2. It may provide limited on-site or secure remote access for private study and research subject to safeguards against systematic substitution.
3. An orphan work may be used after a documented diligent search, with attribution and reasonable compensation if a right holder later appears.
4. Contract or technological protection shall not prevent a lawful preservation duty or access expressly secured by this Article.

Article 37 — Persons with disabilities

1. A person or authorized entity may make, import, export or supply an accessible-format copy for a beneficiary unable to access the ordinary format because of disability.
2. The activity shall be nonprofit or limited to reasonable cost and shall use a lawfully accessed copy.
3. A technological measure or contract shall not prevent the exercise of this Article.
4. Personal information concerning disability and use shall be protected and shall not be used for unrelated surveillance or discrimination.

Article 38 — Private and incidental use

1. A natural person may make a limited copy of a lawfully accessed work for private study, personal preservation, device shifting or backup without commercial distribution.
2. Temporary or incidental technological copies integral to lawful transmission, caching, browsing or operation do not infringe copyright.
3. This Article does not authorize circumvention to obtain unauthorized access or systematic copying that substitutes for purchase or licence.
4. A levy shall not be imposed on general devices or media except by an Assembly Act supported by evidence, proportionality and transparent distribution.

Article 39 — Software interoperability and repair

1. A lawful user may observe, study or test a computer program to determine ideas, principles, security or interoperability.
2. Necessary reproduction or translation of code is permitted to achieve interoperability, diagnosis, repair, accessibility or security where information is not reasonably available.
3. Information obtained shall not be used to make a substantially infringing substitute or to disclose protected code beyond necessity.
4. A contract contrary to this Article is unenforceable to the extent it prevents lawful competition, repair, research or security.

Article 40 — Exhaustion and resale

1. The right to control distribution of a particular lawful copy is exhausted after its first authorized sale or other permanent transfer in Eritrea.
2. The lawful owner may resell, lend, give, repair or dispose of that copy without authorization.
3. Exhaustion does not authorize reproduction, public communication or circumvention of access controls.
4. The application of exhaustion to foreign-market copies shall be prescribed by Assembly Act or regulation expressly authorized after a competition and access assessment.

Article 41 — Technological measures

1. A person shall not knowingly circumvent an effective technological measure principally controlling unauthorized exercise of a copyright right for commercial infringement.
2. Circumvention is permitted for lawful access, interoperability, security research, privacy, accessibility, preservation, repair, evidence and exercise of an exception under this Act.
3. A right holder shall provide a practical means to exercise a non-waivable exception where a measure prevents it.
4. A device or service with substantial lawful uses is not prohibited merely because it can be used for circumvention or infringement.

Article 42 — Rights-management information

1. A person shall not knowingly remove or falsify electronic rights-management information to facilitate material infringement.
2. A person shall not commercially distribute a copy knowing that protected information was unlawfully removed or falsified.
3. Correction, privacy protection, security, research, preservation and lawful government action are permitted where they do not conceal infringement.
4. Relief shall require proof of knowledge and material connection to infringement and shall remain proportionate.

CHAPTER IV RELATED RIGHTS AND COLLECTIVE MANAGEMENT

Article 43 — Protected related rights

1. A performer has rights in an unfixed performance and its authorized fixation, reproduction, distribution, rental and communication to the public.
2. A phonogram producer has rights in reproduction, distribution, rental and making available of the phonogram.
3. A broadcasting organization has rights in fixation, reproduction and simultaneous or deferred retransmission of its broadcast.
4. Related rights do not diminish copyright in the performed, recorded or broadcast work.

Article 44 — Performer moral and economic interests

1. A performer has the right to be identified where customary and to object to a seriously prejudicial distortion of the performance.
2. An audiovisual performer shall receive written terms identifying uses and fair remuneration before a broad transfer is inferred.
3. A performer may enforce unauthorized fixation, reproduction or communication independently of the producer.
4. A group may appoint a representative for ordinary authorization without waiving an individual performer's non-transferable rights.

Article 45 — Equitable remuneration

1. A performer and phonogram producer are entitled to equitable remuneration for commercial broadcasting or public communication of a published phonogram.
2. They share remuneration equally unless a collective agreement establishes another fair allocation.
3. A small, incidental or nonprofit use may be exempted or charged at a reduced tariff by regulation after consultation.
4. A dispute concerning tariff or allocation may be determined by the Court on evidence of use, market conditions, access and proportionality.

Article 46 — Duration of related rights

1. A performer's economic rights last fifty years after the end of the year of performance or authorized fixation.
2. A phonogram producer's rights last fifty years after the end of the year of first lawful publication or, if unpublished, fixation.
3. A broadcasting organization's rights last twenty years after the end of the year of broadcast.
4. The exceptions, limitations, exhaustion and enforcement safeguards applicable to copyright apply appropriately to related rights.

Article 47 — Collective-management organization

1. A collective-management organization shall be a member-controlled nonprofit legal person licensed by the Office to manage identified rights collectively.
2. Licensing shall require representative membership, competent governance, transparent distribution, low administrative cost and safeguards against conflicts.
3. No organization receives a monopoly merely from registration, and creators may manage rights individually unless collective administration is expressly required by law.
4. The Office shall publish the organization's repertoire, tariffs, governance, audited accounts and licence status.

Article 48 — Member governance

1. Members shall elect the governing body through fair procedures and approve distribution, deductions, investment and conflict policies.
2. Creators and performers shall receive meaningful representation and may inspect records concerning their works, uses and payments.
3. An organization shall separate rights revenue from operating funds and shall not distribute by political, ethnic, religious or personal favoritism.
4. A member may withdraw rights on reasonable notice subject to existing lawful licences and settlement of accounts.

Article 49 — Tariffs, licensing and distribution

1. A tariff shall be published, objectively justified, nondiscriminatory and reasonably related to the economic value and actual manner of use.
2. A user shall receive an efficient licence offer and may challenge an unreasonable tariff without being presumed an infringer while paying an undisputed amount.
3. Revenue shall be distributed accurately and promptly using verified use data or a transparent representative method where exact data is impracticable.
4. Unidentified and undistributed revenue shall be handled under a published policy and shall not become private benefit for officers.

Article 50 — Supervision and remedy

1. A collective-management organization shall file annual audited financial and distribution reports with the Office.
2. The Office may inspect records, require correction, appoint an independent audit or suspend a licence after notice and fair hearing.
3. A member or user may complain to the Office and seek judicial review or civil remedy.
4. Dissolution or licence loss shall protect existing licences, segregated rights revenue, member records and orderly transfer of administration.

CHAPTER V PATENTS

Article 51 — Patentable invention

1. A patent may be granted for an invention in any field of technology that is new, involves an inventive step and is industrially applicable.
2. An invention may be a product or process and shall be assessed as a whole on its claimed technical contribution.
3. Industrial applicability means that the invention can be made or used in an identified practical activity.
4. Patent protection requires enabling disclosure and is not a reward for an unexplained result, objective or speculation.

Article 52 — Excluded subject matter

1. A discovery, scientific theory, mathematical method, aesthetic creation, rule for mental activity, business method or presentation of information is not patentable as such.
2. A computer program is not patentable as such, but a claimed invention producing a further concrete technical effect may be considered without pre-empting an abstract idea or information process.
3. A plant or animal variety, essentially biological process, natural organism, human body, gene sequence or biological material merely discovered in nature is not patentable.
4. A medical method of diagnosis, therapy or surgery practised on a person or animal is not patentable, without excluding a new medicine, device or laboratory process.

Article 53 — Public-order and ethical exclusions

1. An invention whose commercial exploitation must be prevented to protect public order, health, safety, human dignity or the environment is not patentable.
2. Exclusion shall not rest merely on the fact that exploitation is regulated or prohibited by another law.
3. Human cloning, germline modification for reproductive use, commercial use of human embryos and a process causing unjustified animal suffering are excluded.
4. A refusal shall identify the concrete harm and shall be narrowly reasoned rather than based on political, religious or moral disapproval of lawful research.

Article 54 — Novelty

1. An invention is new if it is not part of the prior art before the filing or valid priority date.
2. Prior art includes information made available anywhere to the public by writing, use, sale, oral disclosure, digital access or another reliable means.
3. An earlier unpublished Eritrean patent application forms prior art for novelty from its filing date if later published.
4. A confidential disclosure under an enforceable duty does not become prior art until made publicly available.

Article 55 — Grace period

1. A disclosure by the inventor, successor or a person obtaining the information from either does not destroy novelty if made within twelve months before filing.
2. A disclosure resulting from evident abuse, theft or breach of confidence receives the same grace period.
3. The applicant shall disclose the circumstances and evidence with the application or promptly after becoming aware.
4. The grace period does not establish priority against an independent earlier applicant and should not be relied upon where foreign protection may be sought.

Article 56 — Inventive step

1. An invention involves an inventive step if it would not have been obvious to a person skilled in the relevant art at the filing or priority date.
2. The assessment shall identify the prior art, technical problem, claimed solution and reasons supporting or opposing obviousness.
3. Mere aggregation, routine optimization, substitution or automation without an unexpected or non-obvious technical contribution is insufficient.
4. Commercial success, long-felt need or copying may support but does not replace technical analysis.

Article 57 — Right to apply and inventorship

1. The inventor or the inventor's successor in title has the right to apply for a patent.
2. The inventor is the natural person who conceived the claimed inventive concept; an artificial-intelligence system is not an inventor.
3. Joint inventors share the right according to their inventive contributions unless they agree otherwise.
4. A person wrongfully deprived of the right may seek transfer, correction, compensation and other appropriate relief.

Article 58 — Employee inventions

1. An invention made in performance of a specifically assigned inventive duty belongs to the employer subject to the inventor's right to be named and fairly rewarded.
2. An invention made outside assigned duties belongs to the employee unless it substantially used confidential information, specialized facilities or resources beyond ordinary employment support.
3. The employee shall disclose a potentially employer-owned invention, and the employer shall claim it within four months or the right reverts to the employee.
4. A court may award additional equitable remuneration where the invention provides exceptional benefit disproportionate to the employee's compensation.

Article 59 — Patent application

1. An application shall contain a request, description, one or more claims, drawings where necessary, an abstract and information identifying the applicant and inventor.
2. The description shall disclose the invention clearly and completely enough for a skilled person to perform it without undue experimentation.
3. The claims shall define the matter for which protection is sought and shall be clear, concise and supported by the description.
4. The abstract serves technical information and does not determine the scope of protection.

Article 60 — Unity and amendment

1. An application shall relate to one invention or a group linked by a single general inventive concept.
2. A lack of unity may be cured through a divisional application retaining the original filing date for supported subject matter.
3. An amendment shall not add subject matter extending beyond the application as filed.
4. After grant, a claim may be limited or corrected but shall not be broadened or used to capture intervening conduct unfairly.

Article 61 — Priority

1. An applicant who filed an earlier application for the same invention may claim its date as priority within twelve months.

2. The claim shall identify the earlier filing and provide reliable evidence within the prescribed period.
3. Multiple and partial priorities may be claimed for separately supported subject matter.
4. Priority receives effect where required by a domestically applicable international obligation or reciprocal arrangement authorized under Article 6.

Article 62 — Publication and provisional rights

1. A patent application shall be published promptly after eighteen months from filing or priority unless withdrawn or lawfully subject to national-security review.
2. Publication shall include the description, claims, drawings, applicant, inventor and search information, subject to protected personal data.
3. After publication, the applicant may obtain reasonable compensation for commercial use falling within a claim later granted substantially unchanged.
4. No injunction or other exclusionary relief is available until grant.

Article 63 — Search and substantive examination

1. The Office shall conduct or obtain a search of relevant prior art and a substantive examination of patentability and disclosure.
2. The examiner shall communicate objections with supporting law and evidence and allow reasonable amendment and response.
3. A grant shall state reasons sufficient to show how the statutory conditions were satisfied where a material opposition or examination issue arose.
4. The Office may use international searches and examination work as evidence but remains responsible for independent domestic decision.

Article 64 — Third-party observations and opposition

1. A person may submit prior art or reasoned observations before grant without becoming a party unless formal opposition is filed.
2. A formal opposition may allege lack of patentability, insufficient disclosure, added subject matter, wrongful entitlement or prohibited subject matter.
3. The parties shall receive the material record, opportunity to respond and a reasoned decision by an impartial panel.
4. An opposition shall not be used merely to delay a small applicant, public-interest invention or lawful market entry.

Article 65 — Grant, term and maintenance

1. A patent satisfying this Act shall be granted, entered in the register and published with the final specification.
2. The term is twenty years from the filing date subject to annual maintenance fees.
3. A maintenance fee may be paid within a six-month grace period with a reasonable surcharge and may be restored for sufficient cause.

4. No term extension is available except by an Assembly Act addressing a defined regulatory delay and preserving public health and competition.

Article 66 — Rights conferred

1. A patent owner may prevent an unauthorized person from commercially making, using, offering, selling or importing a patented product.
2. For a process patent, the owner may prevent use of the process and commercial dealing in a product obtained directly by it.
3. The scope is determined by the claims interpreted in light of the description, drawings, prosecution record and reasonable certainty for the public.
4. An equivalent may be included only where it performs substantially the same technical function in substantially the same way and was not surrendered or obvious over prior art.

Article 67 — Patent exceptions

1. A patent does not prevent private noncommercial use, genuine experiment, teaching, research, validation or use reasonably related to regulatory approval.
2. A pharmacy may prepare medicine for an individual prescription where the activity is not systematic commercial manufacture.
3. Use on a foreign vessel, aircraft or vehicle temporarily in Eritrea is permitted for its operational needs.
4. A person may repair a patented product lawfully acquired unless the activity effectively reconstructs the patented product after exhaustion.

Article 68 — Exhaustion and prior use

1. Patent rights in a particular product are exhausted after its authorized sale in Eritrea.
2. Parallel importation of an authentic product may be authorized by regulation after a public assessment of access, price, safety, contract and domestic innovation.
3. A person who in good faith used or made effective serious preparations to use the invention in Eritrea before filing or priority may continue within the established scale.
4. A prior-use right transfers only with the enterprise or part in which the use occurred.

Article 69 — Compulsory licence

1. The Court may grant a nonexclusive compulsory licence for public health, food security, national emergency, public noncommercial use, failure to meet reasonable demand, anti-competitive conduct or an important dependent invention.
2. Except in emergency, public noncommercial use or remedy for anti-competitive conduct, the applicant shall first seek a voluntary licence on reasonable terms for a reasonable period.
3. The licence shall be limited in scope and duration, principally serve Eritrea's needs, provide adequate remuneration and remain subject to review.
4. The owner shall receive notice and hearing except where immediate provisional action is strictly necessary, in which case prompt review follows.

Article 70 — Government use

1. The Government may authorize use of a patent for a defined public purpose under an Assembly Act, lawful procurement or emergency power consistent with the Constitution and this Article.
2. The authorization shall identify necessity, user, scope, duration, safeguards, accounting and adequate remuneration.
3. Government use shall not become a disguised transfer of ownership or preferential private monopoly.
4. The owner may obtain prompt judicial review of authority, scope and remuneration without automatically suspending urgently necessary public use.

Article 71 — Invalidity and surrender

1. The Court may invalidate a patent wholly or partly for a ground on which grant should have been refused or for wrongful entitlement.
2. A claim may be preserved in limited valid form if the amendment is supported, clear and does not broaden protection.
3. Invalidity ordinarily has effect from grant, subject to final judgments, performed contracts and equitable protection of good-faith reliance.
4. The owner may surrender a patent after notice to recorded licensees and security holders, without extinguishing accrued obligations unfairly.

CHAPTER VI UTILITY MODELS AND INDUSTRIAL DESIGNS

Article 72 — Utility-model protection

1. A new and industrially applicable technical product or device involving a practical inventive contribution may be registered as a utility model.
2. A process, chemical or pharmaceutical substance, biological material and subject excluded from patentability may not receive utility-model protection.
3. The application shall disclose the utility model clearly and define the claimed technical features.
4. Protection is granted after formal and novelty examination and remains subject to invalidity for failure of any requirement.

Article 73 — Utility-model rights and term

1. The owner may prevent unauthorized commercial making, use, sale, offer or import of the registered utility model.
2. The term is eight years from filing and is not renewable.
3. Patent exceptions, exhaustion, prior use, compulsory licensing, government use and remedies apply appropriately.

4. Before final injunctive relief, the Court may require a substantive search or proof establishing validity with reasonable confidence.

Article 74 — Conversion

1. A patent application may be converted into a utility-model application before final refusal or grant if the subject qualifies.
2. A utility-model application may be converted into a patent application before registration if all patent requirements can be examined.
3. A valid conversion retains the original filing and priority dates for supported subject matter.
4. The same invention may not receive overlapping patent and utility-model protection for the same period.

Article 75 — Industrial design

1. An industrial design is the appearance of the whole or part of a product resulting from lines, contours, colours, shape, texture, materials, ornamentation or graphical interface.
2. A design is registrable if new and possessing individual character to an informed user.
3. A feature dictated solely by technical function or exact mechanical connection is not protected, except a modular-system feature permitting multiple assembly.
4. A design contrary to public order under the narrow standard of Article 53 is not registrable.

Article 76 — Design application and disclosure

1. An application shall include clear representations, identification of the product, applicant and designer, and any priority claim.
2. Multiple designs may be included where they belong to the same classification, but each remains independently examinable and enforceable.
3. Publication may be deferred for up to twelve months from filing to preserve commercial launch.
4. Amendment shall not alter the overall visual identity or add material not fairly shown at filing.

Article 77 — Design authorship and ownership

1. The designer is the natural person who makes the creative design choices and has the right to be named.
2. Ownership of an employee or commissioned design is determined by Articles 27 and 28 with appropriate modification.
3. Joint designers share ownership according to contribution or agreement.
4. A person deprived of entitlement may seek correction or transfer without prejudicing a good-faith licensee unreasonably.

Article 78 — Design rights and scope

1. The owner may prevent unauthorized commercial making, offering, marketing, importing, exporting or stocking of a product embodying the design.
2. Protection extends to a design producing the same overall impression on an informed user, considering designer freedom.
3. The scope shall not cover commonplace, functional or earlier features and shall preserve interoperability and repair competition.
4. Copyright may coexist only to the extent independent copyright requirements are satisfied.

Article 79 — Design exceptions and repair

1. Private noncommercial use, experiment, teaching, quotation and incidental inclusion do not infringe design rights.
2. A component design may be used to repair a complex product and restore its original appearance after a reasonable initial market period prescribed by regulation.
3. The repair supplier shall identify origin accurately and shall not imply sponsorship by the design owner.
4. Design rights are exhausted in a particular product after authorized sale in Eritrea.

Article 80 — Design term and renewal

1. A registered design is protected for five years from filing.
2. It may be renewed for four further five-year periods upon payment of prescribed fees.
3. A six-month grace period and restoration for sufficient cause apply to renewal.
4. Expiration does not affect accrued claims but places the design in the public domain.

Article 81 — Design invalidity

1. The Office on review or the Court may invalidate a design lacking novelty, individual character, entitlement or another statutory condition.
2. Invalidity may be limited to part of a design if the remaining representation is independently valid and its identity is retained.
3. A functional or public-domain feature shall be disclaimed rather than used to enlarge protection.
4. The procedure shall give the owner notice, evidence, opportunity to amend lawfully and a reasoned decision.

CHAPTER VII MARKS AND GEOGRAPHICAL INDICATIONS

Article 82 — Signs capable of registration

1. A sign capable of distinguishing the goods or services of one undertaking from those of another may be registered as a mark.

2. A word, personal name, device, letter, numeral, colour arrangement, shape, sound or other sign may qualify if represented clearly and precisely in the register.
3. A nontraditional sign shall be registered only where the representation and practical boundaries of protection are intelligible to the public.
4. A service mark, collective mark and certification mark receive protection subject to their special requirements.

Article 83 — Absolute grounds for refusal

1. A sign shall be refused if devoid of distinctive character, customary, generic or exclusively descriptive of relevant goods or services.
2. A sign shall be refused if deceptive, unlawful, contrary to public order under Article 53 or consisting of a protected State or international emblem without authorization.
3. A shape or feature resulting from the nature of goods, necessary to obtain a technical result or giving substantial non-reputational value shall be refused.
4. Distinctiveness acquired through substantial honest use in Eritrea may overcome a refusal based on descriptiveness or initial lack of distinctiveness.

Article 84 — Relative grounds for refusal

1. A sign shall be refused where its use is likely to confuse with an earlier mark or protected commercial identifier for related goods or services.
2. An identical sign shall be refused for identical goods or services covered by an earlier mark.
3. A sign taking unfair advantage of or harming the distinctive character or reputation of a well-known earlier mark may be refused even for unrelated goods.
4. Consent may resolve a relative ground unless confusion, deception, consumer harm or an invalid market division remains likely.

Article 85 — Bad-faith application

1. An application made dishonestly to appropriate another person's sign, block market entry, exploit a confidential relationship or interfere with legitimate community use shall be refused.
2. Knowledge of another's use, relationship between the parties, origin of the sign and applicant's commercial explanation are relevant.
3. A distributor or agent shall not register the principal's mark without authorization.
4. Bad faith may be raised at any time and may support transfer, cancellation, costs and other proportionate relief.

Article 86 — Application and classification

1. An application shall identify the applicant, represent the sign and list goods or services clearly under the prescribed classification.
2. Broad class headings shall not automatically cover every good or service in the class.

3. An applicant claiming colour, sound, shape, collective or certification features shall state them expressly.
4. The application may be divided without adding goods, services or sign elements beyond the original filing.

Article 87 — Examination, publication and opposition

1. The Office shall examine absolute grounds, earlier rights reasonably revealed by the register and compliance with application requirements.
2. An accepted application shall be published for opposition by an earlier right holder or person affected by an absolute ground.
3. The parties may seek a reasonable cooling-off period for lawful settlement without indefinite delay.
4. The Office shall decide by reasoned decision and may limit goods or services where a narrower registration cures the ground fairly.

Article 88 — Rights conferred by a mark

1. The owner may prevent unauthorized use in trade of an identical sign for identical registered goods or services.
2. The owner may prevent use of an identical or similar sign where relevant consumers are likely to be confused as to origin, affiliation or sponsorship.
3. A mark with reputation may prevent unjustified use causing unfair advantage or material dilution beyond related goods.
4. Protection extends to labels, packaging, advertising, domain identifiers, keyword use and digital presentation only where the use functions commercially as a sign.

Article 89 — Limits on mark rights

1. A person may use a personal name or address honestly, descriptive indications, necessary product characteristics and a sign to identify the owner's goods or services.
2. Comparative advertising, commentary, parody, news reporting, artistic expression and noncommercial reference are permitted where not misleading.
3. A reseller, repairer or compatible-product supplier may use the mark as reasonably necessary to identify authentic goods, purpose or compatibility.
4. A mark may not be enforced to suppress truthful information, lawful competition or use predating the owner's right in a limited local area.

Article 90 — Use requirement

1. A mark shall be used genuinely in Eritrea for registered goods or services within three years after registration.
2. Use in a form not altering distinctive character, on exported goods or by an authorized licensee qualifies.
3. Non-use is excused by an external obstacle beyond the owner's reasonable control but not by an intention merely to reserve the sign.

4. After the period, an owner asserting the mark shall prove use where challenged, and unused goods or services may be cancelled.

Article 91 — Term and renewal of mark

1. A mark is registered for ten years from filing.
2. Registration may be renewed indefinitely for further ten-year periods upon fee and compliance with the register requirements.
3. A renewal shall not expand the sign or list of goods and services.
4. A six-month grace period and restoration for sufficient cause apply subject to protection of good-faith intervening reliance.

Article 92 — Genericide, deception and cancellation

1. A registration may be cancelled where the mark becomes the common name for relevant goods or services because of the owner's acts or failure to act reasonably.
2. It may be cancelled where use by the owner or with consent becomes materially deceptive as to nature, quality or origin.
3. A valid registration may be limited to preserve goods or services for which distinctiveness and honest use remain.
4. Cancellation requires notice, evidence, opportunity to correct where curable and a reasoned decision.

Article 93 — Collective and certification marks

1. A collective mark distinguishes goods or services of members of an association under filed rules of use.
2. A certification mark certifies origin, material, method, quality, accuracy or another characteristic and shall be controlled independently of trade in certified goods.
3. Rules shall provide objective eligibility, fair access, monitoring, sanctions and appeal and shall not create an unreasonable market barrier.
4. Material amendment, assignment or cancellation requires Office approval protecting users, consumers and legitimate expectations.

Article 94 — Well-known marks

1. A mark well known to the relevant public in Eritrea is protected against confusing or exploitative use whether or not registered.
2. Knowledge shall be assessed from use, promotion, recognition, duration, geographic reach, sales and reliable market evidence without requiring fame among the general population.
3. Foreign reputation without meaningful connection to Eritrean consumers is relevant but not conclusive.
4. Protection shall not displace an honest earlier local user or create control over ordinary language beyond reputational harm.

Article 95 — Domain names and online identifiers

1. Bad-faith registration or use of a domain name or account identifier confusingly corresponding to another's protected mark, name or identity may be restrained or transferred.
2. Bad faith includes ransom demand, impersonation, diversion for deception and a pattern of blocking legitimate owners.
3. Legitimate criticism, fan activity, descriptive use, personal name and prior bona fide use shall be protected.
4. A rapid administrative process may be established by regulation, but either party retains access to court and constitutional safeguards.

Article 96 — Geographical indication

1. A geographical indication identifies goods as originating in a territory, region or locality where a quality, reputation or other characteristic is essentially attributable to that origin.
2. Agricultural, food, handicraft, natural and other qualifying goods may be protected.
3. Protection belongs collectively to qualifying producers and is not private ownership of the geographic name by one enterprise.
4. A traditional or transliterated name may qualify where consumers associate it reliably with the origin.

Article 97 — Application for geographical indication

1. A representative producer group, lawful community body or competent public authority may apply.
2. The application shall define the area, product, attributable qualities or reputation, production specification, control method and legitimate users.
3. Affected villages, pastoral communities, producers and local governments shall be consulted and their material views recorded.
4. The Office shall publish the application and receive opposition concerning qualification, boundaries, prior rights, generic character or unfair exclusion.

Article 98 — Protection and coexistence

1. A registered geographical indication may prevent commercial use for nonqualifying goods that misleads consumers or exploits its reputation.
2. Protection includes use with expressions such as style, type or imitation where deception or unfair appropriation remains likely.
3. An earlier good-faith mark may coexist, be limited or in exceptional cases prevail after balancing priority, confusion, community interest and investment.
4. An ordinary geographic description and a term genuinely generic in Eritrea remain available, subject to accurate origin information.

Article 99 — Governance and control

1. Every qualifying producer complying with the specification may use the geographical indication without discriminatory membership barriers.
2. The producer group shall maintain transparent controls, records, complaints and periodic review with proportionate cost.
3. A specification may evolve through a published process that preserves the essential origin-linked character and community participation.
4. The Office may suspend or cancel protection where the link no longer exists or governance persistently excludes lawful producers unfairly.

CHAPTER VIII PLANT VARIETIES

Article 100 — Plant-variety protection

1. A breeder may obtain a plant-variety right for a variety that is new, distinct, uniform and stable and has an acceptable denomination.
2. Protection shall support agricultural innovation without restricting farmers' customary practices, food security, biodiversity or access to genetic resources beyond this Chapter.
3. A discovery of a wild or traditional variety without substantial breeding contribution does not confer a breeder's right.
4. This Chapter shall be administered with the ministry responsible for agriculture and the institutions responsible for biodiversity and genetic resources.

Article 101 — Breeder and entitlement

1. The breeder is the natural person who bred or discovered and developed the variety or that person's lawful successor.
2. An employer's entitlement and employee's recognition and fair reward follow Article 58 with appropriate modification.
3. Joint breeders share according to contribution or agreement.
4. A community source, farmer contribution or genetic-resource provider shall be disclosed and receive benefit sharing where Chapter IX requires it.

Article 102 — Novelty, distinctness, uniformity and stability

1. A variety is new if propagating or harvested material has not been sold or disposed of with consent earlier than one year in Eritrea or the prescribed reasonable foreign period.
2. It is distinct if clearly distinguishable from any variety whose existence is a matter of common knowledge at filing.
3. It is uniform if sufficiently consistent in relevant characteristics, allowing variation expected from its propagation.
4. It is stable if relevant characteristics remain unchanged after repeated propagation or the prescribed cycle.

Article 103 — Application, testing and denomination

1. The application shall identify the breeder, origin, breeding history, characteristics, denomination and required disclosure concerning genetic resources and traditional knowledge.
2. Technical examination may use growing tests, reliable foreign test results, accredited institutions and community evidence.
3. The denomination shall enable identification and shall not mislead, conflict with an earlier right or impede free use after expiry.
4. The application shall be published for observations and opposition on entitlement, qualification, denomination and benefit sharing.

Article 104 — Scope of breeder's right

1. The owner may authorize commercial production, reproduction, conditioning, sale, export, import and stocking of propagating material of the protected variety.
2. Protection may extend to harvested material obtained through unauthorized use where the owner lacked reasonable opportunity to act earlier.
3. An essentially derived variety may require authorization from the initial variety owner while retaining its breeder's separate authorship.
4. Protection shall not extend to characteristics dictated solely by nature or to genetic information as such.

Article 105 — Farmers', research and food-security exceptions

1. A farmer may save, use, exchange and sell non-branded farm-saved seed within customary local and small-scale practice, subject to reasonable safeguards for the protected commercial seed market.
2. Use for private noncommercial purposes, experiment and breeding another variety is permitted.
3. Authorization is required to commercialize an essentially derived variety or a variety requiring repeated use of the protected variety.
4. The Government may authorize proportionate use to address food emergency, unreasonable scarcity, anti-competitive conduct or failure of supply with equitable remuneration.

Article 106 — Term, maintenance and exhaustion

1. A plant-variety right lasts twenty years from grant and twenty-five years for a tree or vine.
2. The owner shall maintain propagating material, provide samples and pay reasonable annual fees.
3. Rights are exhausted in material sold with authorization except further propagation or export enabling propagation where the variety is not protected.
4. The right may be cancelled for failure of stability, maintenance, information or fee obligations after notice and opportunity to cure.

Article 107 — Community and biodiversity safeguards

1. Registration shall not extinguish customary access to land, seed, grazing, water, wild species or community knowledge under other law.
2. A protected variety shall not be used to prohibit conservation, emergency seed sharing or lawful public gene-bank activity.
3. The Office shall publish nonconfidential variety information and preserve deposited material for research, verification and biodiversity policy.
4. This Chapter shall be reviewed periodically with farmers, pastoralists, breeders, researchers, women, local communities and food-security institutions.

CHAPTER IX TRADITIONAL KNOWLEDGE, CULTURAL EXPRESSIONS AND GENETIC RESOURCES

Article 108 — Principles of community protection

1. Traditional knowledge and cultural expressions shall be respected as living community interests rather than treated automatically as State or private property.
2. Protection shall recognize custodianship, customary law, dignity, identity, cultural evolution, intercommunity sharing and individual creative freedom.
3. No public body or applicant may claim exclusive ownership merely by documenting, digitizing, translating or registering existing community material.
4. A safeguard shall not freeze a community's way of life, compel isolation or prevent voluntary adaptation to education, settlement, technology and markets.

Article 109 — Protected traditional knowledge

1. Traditional knowledge is protected where a community maintains, develops and transmits practical, ecological, agricultural, medicinal, maritime, pastoral, artistic or technical knowledge collectively.
2. Protection may prevent unauthorized commercial acquisition, secret patenting, false attribution and use contrary to agreed conditions or customary confidentiality.
3. Ordinary independent knowledge, public-domain information and honest research remain available subject to attribution and benefit sharing where applicable.
4. Protection does not confer control over facts, natural phenomena, language or a practice broadly shared beyond an identifiable custodial relationship.

Article 110 — Traditional cultural expressions

1. A community may protect a distinctive traditional expression, symbol, performance, design, narrative, music or ceremony against deceptive attribution, degrading misuse and unauthorized commercial exploitation.
2. Customary, educational, journalistic, scholarly, transformative and intercommunity use remains lawful when respectful and not falsely claiming official community endorsement.

3. An individual community member may create and use new expression consistently with personal rights and legitimate community safeguards.
4. A sacred or confidential expression may receive narrower access protection where the community identifies it and the limitation is compatible with constitutional rights.

Article 111 — Community authority and consent

1. The relevant village, pastoral, coastal or other community shall identify a representative process that is inclusive, transparent and consistent with constitutional equality.
2. Prior informed consent is required for material commercial use of confidential knowledge, sacred expression or a genetic resource obtained from community custody.
3. Consent shall disclose purpose, users, duration, risks, intellectual-property claims, data use, withdrawal conditions and benefit sharing.
4. A dispute over representation shall be mediated or decided without allowing a self-appointed leader, company or official to appropriate community authority.

Article 112 — Disclosure in applications

1. An applicant shall disclose the country, community and lawful source of genetic resources or traditional knowledge materially used in a claimed invention, variety or commercial product.
2. The applicant shall provide evidence of prior informed consent and mutually agreed benefit-sharing terms where required by law.
3. A mistaken disclosure may be corrected, but deliberate concealment may support refusal, suspension, transfer, equitable relief or administrative sanction authorized by law.
4. Disclosure does not by itself determine patentability or transfer ownership of a resource or knowledge.

Article 113 — Access to genetic resources

1. Access to an Eritrean genetic resource for research or commercial development requires authorization under environmental, land, community and sector law.
2. Noncommercial research may use a simplified procedure with ethical, biosafety, data, sample-transfer and later-commercialization conditions.
3. Emergency public-health and conservation access may be authorized narrowly with records, safeguards and fair later benefit sharing.
4. A permit shall not authorize access to land, personal data, sacred sites or community knowledge beyond the lawful consent obtained.

Article 114 — Benefit sharing

1. Benefits shall be fair, equitable and proportionate to contribution, use, risk, value and community priorities.
2. They may include payment, royalties, research participation, training, local production, technology transfer, infrastructure, conservation and accessible results.

3. Community benefits shall be managed transparently through accountable arrangements and shall not be captured by officials or unrepresentative intermediaries.
4. A public report shall identify agreements and nonconfidential outcomes while protecting legitimate secrets, biodiversity and community privacy.

Article 115 — Registers and defensive protection

1. The Office may maintain confidential and public voluntary registers to document traditional knowledge, cultural expressions, custodians and agreed access conditions.
2. Registration is not required for protection and does not transfer ownership to the State or the registrar.
3. Confidential material shall not be disclosed as searchable prior art in a manner defeating the purpose of protection.
4. The Office shall use documented material defensively to prevent wrongful private claims and shall assist communities to challenge them.

CHAPTER X OWNERSHIP, TRANSACTIONS AND FINANCING

Article 116 — Nature of registered rights

1. A registered intellectual-property right is incorporeal movable property, subject to this Act and the Civil and Commercial Codes.
2. Ownership may be transferred, inherited, licensed, charged and enforced separately for defined subject matter, territory, use or period where divisibility is practical.
3. A transaction shall not enlarge the statutory scope or duration of protection.
4. A public-interest limitation, compulsory licence, prior-use right and non-waivable author or community protection binds successors.

Article 117 — Assignment and recordation

1. An assignment of a registered right or application shall be in writing and signed reliably by the transferor.
2. The parties shall apply to record the assignment with evidence sufficient to identify the right, parties, effective date and scope.
3. An unrecorded assignment is valid between the parties but does not prevail against a later good-faith transferee or secured creditor first recorded without notice.
4. The Office shall refuse a recordation that is facially fraudulent, impossible, contrary to a final order or beyond the transferred right.

Article 118 — Licensing

1. A licence may be exclusive, sole or nonexclusive and shall identify subject matter, authorized acts, duration, territory, quality duties and remuneration where material.

2. An exclusive licensee may enforce within the licence after notifying the owner, while a nonexclusive licensee may enforce only with authority or where necessary to prevent irremediable harm.
3. A licence shall not impose unlawful price fixing, market division, technology suppression, tying or restriction beyond legitimate protection of the licensed right.
4. A court may sever an unlawful restraint and preserve the lawful licence where consistent with the parties' principal purpose and public interest.

Article 119 — Security rights

1. A transferable economic right or application may secure an obligation under the Commercial Code of Eritrea 2026.
2. Perfection, priority, enforcement and proceeds are governed by the Commercial Code, with notice also recorded in the relevant intellectual-property register.
3. A secured creditor takes no greater right than the debtor and remains bound by existing recorded licences, public-interest limitations and moral rights.
4. Enforcement shall preserve source materials, confidential information, community interests and continuity needed to exploit the right lawfully.

Article 120 — Insolvency and public-interest continuity

1. Intellectual property in insolvency is administered under insolvency law and valid licences shall not be terminated solely because of insolvency except as that law permits.
2. A licensee that has substantially invested may elect to retain contractual use while continuing material obligations, subject to court supervision.
3. Publicly funded research data, essential software, seed material and health technology shall not be destroyed or concealed during liquidation.
4. A sale shall disclose recorded interests and shall not evade a compulsory licence, benefit-sharing duty or final remedial order.

Article 121 — Research and technology-transfer agreements

1. A publicly funded research agreement shall identify ownership, publication, confidentiality, data, access, local capacity, commercialization and public-interest licensing.
2. A university or public research institution shall permit researcher recognition and a fair share of net commercialization revenue.
3. Exclusive licensing shall be justified by actual development needs and limited to scope and period reasonably necessary.
4. Government retains a right to use and to authorize use for urgent public needs where the contractor fails to make a publicly funded invention reasonably available.

Article 122 — Competition and abuse of rights

1. Exercise of an intellectual-property right remains subject to competition law, unfair-competition law and constitutional limits.

2. Abuse may include sham enforcement, fraudulent registration, coercive aggregation, refusal indispensable to competition without justification or licence restraints extending beyond the right.
3. A court may deny, limit or condition relief and may order licensing or corrective measures proportionate to the abuse.
4. A finding of infringement is not alone proof of abuse, and vigorous lawful licensing or refusal to license is not unlawful without additional circumstances.

CHAPTER XI

DIGITAL TECHNOLOGY AND ARTIFICIAL INTELLIGENCE

Article 123 — Digital equivalence

1. A legally required writing, signature, copy, publication, deposit, notice or record may be satisfied electronically where reliability, retention and accessibility are preserved.
2. The Office shall use open interoperable standards and shall avoid dependence on a single private vendor where reasonably practicable.
3. A machine-readable public register shall preserve authentic legal status and version history.
4. Technology shall expand service without excluding persons lacking devices, connectivity, literacy, language access or disability accommodation.

Article 124 — Automated assistance in the Office

1. The Office may use automated tools for search, classification, translation, formal review, duplicate detection and workflow support.
2. A qualified human examiner remains responsible for a grant, refusal, cancellation, compulsory licence or other materially adverse decision.
3. The Office shall assess accuracy, bias, security, provenance, explainability, vendor dependence and error remedies before high-impact deployment.
4. An applicant may obtain meaningful information about material automated assistance and may challenge an error before a human reviewer.

Article 125 — AI-assisted works and inventions

1. Use of artificial intelligence does not disqualify a work or invention where the claimed human authorship or inventorship satisfies this Act.
2. The applicant shall identify material machine generation or assistance where necessary to assess authorship, inventorship, enablement, provenance or lawful source.
3. Prompting, selection, arrangement, editing, experimentation and validation shall be evaluated on actual human contribution rather than technological labels.
4. A person shall not claim machine-generated content or discovery as exclusively human where the representation is materially false.

Article 126 — Training and computational analysis

1. Text and data analysis of lawfully accessed material is permitted for research, security, indexing, accessibility and innovation subject to Articles 33, 35 and 38.
2. Commercial model training shall respect effective lawful reservations expressed in a reasonably machine-readable manner for material not openly licensed or otherwise excepted.
3. Copies retained for analysis shall be secured, minimized and not made available as expressive substitutes.
4. This Article does not authorize access obtained through hacking, fraud, breach of confidence or circumvention outside Article 41.

Article 127 — Digital replicas and attribution

1. A materially deceptive digital replica of a living person's voice, image or performance used commercially without consent may be restrained under this Act and the Civil Code.
2. Consent shall identify the intended use, duration, media, alteration and remuneration and may not be inferred from unrelated public exposure.
3. News, criticism, parody, scholarship, public-interest evidence and clearly disclosed fiction remain protected subject to dignity, privacy and deception law.
4. A platform or producer shall provide clear disclosure where a synthetic representation is reasonably likely to mislead its intended audience.

Article 128 — Online intermediary safeguards

1. A neutral intermediary is not liable for user content solely because it transmits, caches, hosts, indexes or locates information without actual control of infringement.
2. A hosting provider obtaining a sufficiently specific valid notice shall act expeditiously to notify the user and remove or restrict clearly infringing material provisionally.
3. The user may submit a reasoned counter-notice, after which material shall be restored unless the claimant promptly seeks a court order.
4. No general monitoring duty is imposed, and repeat-abuse measures shall include due process, proportionality, fraud controls and protection of lawful speech.

Article 129 — Digital evidence and preservation

1. A court or the Office may rely on reliable logs, metadata, timestamps, repositories, cryptographic records and source-control history without treating one technology as conclusive.
2. Authenticity, integrity, provenance, access control, explainability and opportunity to challenge shall determine evidentiary weight.
3. A preservation order shall be narrow, time-limited and protective of privacy, trade secrets and unrelated information.
4. Fabricated or manipulated digital evidence shall be addressed under evidence, civil and criminal law with full due process.

CHAPTER XII

ENFORCEMENT, BORDER MEASURES AND REMEDIES

Article 130 — Jurisdiction and procedure

1. The Courts Act, Civil Procedure Code of Eritrea 2015 and this Act govern civil proceedings concerning intellectual property.
2. A competent court may determine validity, entitlement, infringement, licence, remuneration, ownership and administrative review within its jurisdiction.
3. A specialized judicial assignment may be made under the Courts Act without creating a separate court by this Act.
4. Proceedings shall be accessible, timely and proportionate to value, complexity, public interest and the parties' capacity.

Article 131 — Standing and necessary parties

1. An owner, authorized exclusive licensee, protected performer, community representative or other person given enforcement authority by this Act has standing.
2. A licensee shall notify the owner, who may join, unless urgent relief or conflict makes prior notice impracticable.
3. A validity challenge shall be served on the registered owner and the Office.
4. A community action shall use a representative process that protects absent members, shared interests and transparent distribution of relief.

Article 132 — Evidence and burden

1. The claimant bears the burden of establishing ownership, subsistence, scope, prohibited conduct and entitlement to relief.
2. A registered right is presumed valid only to the extent prescribed, and the presumption remains rebuttable on all legal grounds.
3. For a patented process, a court may require a defendant to explain its process after the claimant shows substantial likelihood and reasonable inability to prove it otherwise.
4. A protective order shall prevent unnecessary disclosure of trade secrets, source code, security information, cultural confidence and personal data.

Article 133 — Preservation and disclosure

1. The Court may order preservation, inspection, sampling, disclosure or accounting where specific evidence is at material risk or uniquely controlled by a party.
2. An order shall identify subject, custodian, method, duration, access and protection and shall avoid disproportionate business interruption.
3. Without-notice relief requires strict necessity, security where appropriate and a prompt adversarial hearing.
4. A person harmed by an abusive or materially excessive order may obtain costs, compensation and corrective relief.

Article 134 — Interim injunction

1. An interim injunction requires a serious supported claim, likelihood of irreparable harm, balance of hardship and consistency with the public interest.
2. The Court shall consider validity, delay, access to essential goods, competition, expression, health, education, food security and adequacy of compensation.
3. The applicant may be required to provide security proportionate to foreseeable harm from a wrongful order.
4. An injunction shall be no broader or longer than necessary and shall receive prompt trial or review.

Article 135 — Final remedies

1. The Court may grant declaration, injunction, delivery, recall, removal of infringing features, reasonable disposal, corrective notice and other effective relief.
2. Destruction is exceptional and shall not be ordered where alteration, donation, recycling or other lawful disposition adequately protects the right and public interest.
3. An injunction may be refused, delayed or conditioned where disproportionate, with continuing royalty or another remedy preserving justice.
4. A remedy shall protect innocent consumers, workers, licensees, data and third parties from avoidable harm.

Article 136 — Monetary relief

1. A successful claimant may recover proven loss, defendant's attributable profit not already counted, or a reasonable royalty.
2. The Court shall consider knowledge, scale, duration, market substitution, mitigation, benefit, licensing practice and evidentiary difficulty.
3. Additional damages may be awarded for deliberate commercial infringement or fraudulent concealment, but shall remain compensatory and proportionate unless an Assembly Act expressly provides otherwise.
4. An innocent infringer may be limited to reasonable compensation from notice, subject to restitution for actual unjust enrichment.

Article 137 — Groundless threats and abuse

1. A person threatened with proceedings may seek a declaration and relief where the threat is objectively baseless, misleading or made to disrupt lawful competition.
2. A right holder may give accurate notice identifying the right, conduct, grounds and requested resolution without liability merely because the claim later fails.
3. Mass automated notices, customs requests or platform complaints shall use reasonable verification and correction safeguards.
4. The Court may award costs, compensation, public correction or security against repeated abusive enforcement.

Article 138 — Limitation periods

1. A civil infringement claim shall be filed within three years after the claimant knew or reasonably should have known the material facts and responsible person.
2. No monetary relief is available for conduct more than six years before filing except in fraud, deliberate concealment or continuing trust accounting.
3. Each distinct continuing act may create a claim, but delay remains relevant to injunction, reliance and costs.
4. A minor, person lacking capacity or claimant prevented by unlawful coercion receives the suspension provided by general civil law.

Article 139 — Customs application

1. A right holder may apply to Customs for time-limited suspension of goods reasonably suspected to be commercial counterfeit-mark or pirated-copyright goods.
2. The application shall identify the right, goods, evidence, means of distinction, period and security sufficient to protect importer and public administration.
3. Customs shall notify importer and applicant promptly and provide inspection and samples under confidentiality safeguards.
4. The suspension lapses unless proceedings begin within ten working days, subject to one reasonable extension or urgent court order.

Article 140 — Border-measure safeguards

1. Border measures shall not ordinarily apply to a traveller's noncommercial personal goods, small incidental consignments or authentic parallel goods.
2. Essential medicines, humanitarian goods, food, seed and emergency supplies shall receive accelerated review and shall not be delayed on speculative claims.
3. The applicant is liable for storage, destruction and proven harm from a wrongful or abusive suspension as the Court determines.
4. Customs may share nonconfidential risk information but shall not decide patent validity, complex copyright ownership or final civil liability.

Article 141 — Administrative and criminal boundaries

1. The Office may impose only a fee, correction, refusal, suspension or other administrative consequence expressly authorized by this Act after fair procedure.
2. This Act does not create imprisonment, criminal forfeiture, criminal search power or a criminal offence by implication.
3. Fraud, forgery, theft, unlawful system access, contempt and other criminal conduct are governed by the Penal Code and Criminal Procedure Code of Eritrea 2015.
4. A civil or administrative finding does not establish criminal guilt and shall not displace the presumption of innocence or criminal burden of proof.

CHAPTER XIII

INTERNATIONAL COOPERATION, TRANSITION AND FINAL PROVISIONS

Article 142 — International cooperation

1. The Office may cooperate with foreign, African and international intellectual-property institutions for search, training, classification, information and capacity building.
2. Cooperation shall protect constitutional authority, personal data, confidential information, security, community interests and independent domestic decision.
3. A foreign registration or decision is evidence only and has domestic legal effect solely as an Assembly Act or lawfully ratified and domestically applicable treaty provides.
4. The Treaty-Making Act governs Eritrea's consent to and domestic effect of an intellectual-property treaty.

Article 143 — Technology and innovation support

1. The Office shall support patent-information services, technology and innovation support centres, creator education, lawful open licensing and commercialization assistance.
2. Public programs shall reach women, youth, persons with disabilities, rural and pastoral communities, small enterprises, universities and diaspora innovators.
3. Assistance shall remain neutral and shall not guarantee grant, validity, investment return or private representation.
4. Nonconfidential statistics shall measure applications, grants, refusals, users, delays, licensing, public-interest use and geographic access.

Article 144 — Public registers of law and practice

1. The Office shall publish this Act, regulations, fees, forms, examination manuals, classifications, service standards and final precedential decisions freely.
2. A manual or algorithmic rule shall not add a substantive condition or bind a court or applicant beyond law.
3. A change materially affecting applicants shall be prospective, explained and preceded by reasonable consultation unless urgent law narrowly requires otherwise.
4. Historical versions shall remain accessible with dates and status to permit reliable legal research.

Article 145 — Existing copyright and related rights

1. A copyright or related right subsisting under Civil Code Articles 1157 to 1188 immediately before commencement continues under this Act for the unexpired portion of the term this Act provides.
2. A work already in the public domain does not regain protection merely because this Act provides a different rule or term.
3. A lawful licence, assignment, judgment and completed act remains effective subject to constitutional remedy and this Act's prospective safeguards.

4. An act begun before commencement is assessed under prior law, while continuing and later acts are assessed under this Act.

Article 146 — Existing industrial-property claims

1. An application or registration recognized under authenticated prior Eritrean law shall be inventoried and reviewed for conversion into the corresponding right under this Act.
2. The Office shall publish the claimed legal basis, owner, subject, dates and proposed status and shall allow opposition before final recognition.
3. No secret, unauthenticated or purely administrative record shall become conclusive ownership without lawful authority and fair verification.
4. Good-faith users shall receive reasonable transitional protection where official uncertainty materially induced reliance.

Article 147 — Institutional transition

1. The Government shall establish the Office, appoint the Registrar and transfer authenticated files, staff, equipment and records within twelve months.
2. Until operational transfer, the legally responsible ministry shall receive filings, preserve dates and perform only necessary continuity functions.
3. No record shall be destroyed, altered or excluded because it predates digital administration.
4. The Auditor General and Advocate General shall oversee transfer legality, assets, fees, contracts and record integrity within their mandates.

Article 148 — Regulations

1. The President may issue regulations for administrative implementation expressly delegated by this Act after consultation with the Office, Advocate General and affected ministries and communities.
2. Regulations may prescribe forms, fees, classifications, filing, publication, examination, evidence, registers, accessibility, reciprocal protection and transitional procedure.
3. They shall not create an offence, tax, appropriation, new exclusive right, longer term, compulsory transfer or exclusion of judicial review absent an Assembly Act.
4. A draft material regulation shall identify constitutional and statutory authority, rights, competition, access, fiscal, technological and community effects and ordinarily allow at least sixty days for comment.

Article 149 — Review of this Act

1. The Government shall commission an independent review within five years after commencement and at least every seven years thereafter.
2. The review shall examine innovation, creativity, access, competition, health, education, agriculture, traditional communities, digital technology, enforcement and administrative performance.

3. Creators, inventors, users, businesses, workers, universities, communities, consumers, courts and public institutions shall receive meaningful opportunity to participate.
4. The report and Government response shall be published and submitted to the National Assembly with any proposed amendment.

Article 150 — Repeal and savings

1. Civil Code of Eritrea 2015 Articles 1157 to 1188 are repealed on commencement of Chapters III and IV.
2. An earlier proclamation, legal notice or regulation concerning intellectual property is repealed only to the extent identified in a schedule enacted by the National Assembly or irreconcilably inconsistent with this Act.
3. A subordinate instrument may continue temporarily only if authenticated, lawfully made and consistent with this Act and shall be reviewed within eighteen months.
4. Repeal does not extinguish accrued lawful rights, liabilities, remedies, investigations or proceedings except as a stronger constitutional safeguard requires.

Article 151 — Commencement

1. This Article, Articles 1 to 8 and the provisions necessary to establish the Office commence thirty days after publication.
2. The President shall bring the remaining Chapters into force by published regulation on dates not later than eighteen months after publication.
3. Copyright and related-right provisions shall commence together with repeal of Civil Code Articles 1157 to 1188 so that no legal gap arises.
4. A commencement regulation may sequence administration but shall not alter substantive rights, extend a statutory deadline or postpone constitutional judicial protection.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA