

NATIONAL ASSEMBLY

**Law No. 8/VII/2007
of March 26**

By the power invested in it by the People, the National Assembly decrees, under the terms of Article 174 (c) of the Constitution, the following:

Article 1

Subject

The Government shall be granted delegated legislative powers to establish the legal regime applicable to the promotion and protection of industrial property rights, as well as the respective regulations strengthening sanctions and the respective fees for the various services provided within the scope of industrial property.

Article 2

Scope

The legislation to be approved pursuant to the present delegated legislative powers shall extend to cover the following:

- (a) the definition of the objectives of the legislation and regulation of the various aspects linked to the protection of industrial property, guaranteeing the security, independence and inviolability of the industrial property of the various economic agents with regard to third parties;
- (b) the total and effective separation of the functions of the body responsible for issues relating to industrial property;
- (c) the definition of the industrial property regime and the establishment of the principles and rules governing that regime;
- (d) the definition of the scope of consideration of the industrial property regime;
- (e) the definition of the personal scope of application, under the terms of the Paris Convention of March 20, 1883, and its revised versions, or of the World Trade Organization, henceforth WTO, without reference to requirements of domicile or establishment, with the exception of special provisions on competence and procedure;
- (f) the definition of the function of industrial property;
- (g) the guarantee of industrial property rights;
- (h) the definition and establishment of the effects conferred by industrial property;

- (i) the establishment of the temporary protection regime;
- (j) the establishment of mechanisms for the proof of industrial property rights;
- (k) the establishment of mechanisms for the restoration of industrial property rights;
- (l) the establishment of the principles governing the setting of fees for the various services provided within the scope of industrial property;
- (m) the definition of industrial property violations and the laying down of the respective punitive measures, which shall not, under any circumstances, exceed three years' imprisonment and a corresponding fine;
- (n) the definition of administrative infringements and the laying down of the corresponding sanctions;
- (o) provision for compulsory penalty payments, to be imposed by the competent body in cases of the violation of the law and non-compliance with rulings issued by the competent administrative authority in the exercise of the powers bestowed upon it by law;
- (p) the adoption of approaches or measures aimed at enterprises or industrial property holders;
- (q) the establishment of the maximum amounts of the fines to be applied by the competent authority, as a result of an administrative procedure for non-compliance with the obligations arising from the legal regime governing industrial property;
- (r) the concentration of the management, regulation, monitoring, representation and inspection of all aspects of industrial property within one single body;
- (s) the rights and responsibilities relating to the provision and management of industrial property rights may give rise to the establishment of fees for services, which shall be determined based on the application of a table previously approved by the competent authorities.

Article 3

Duration

The present delegated legislative power shall have a duration of 150 days.

Article 4

Entry into force

The present Law shall enter into force on the day following that of its publication.

Approved on March 2, 2007.

The President of the National Assembly, *Aristides Raimundo Lima*.

Promulgated on March 12, 2007.

Let it be published.

The President of the Republic, PEDRO VERONA RODRIGUES PIRES.

Signed on March 13, 2007.

The President of the National Assembly, *Aristides Raimundo Lima*.