

DOING BUSINESS IN THE CENTRAL AFRICAN REPUBLIC



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country profile											
government structure	<ul style="list-style-type: none"> • Executive: The president is the chief of state, and the prime minister is the head of government. On 21 August 2023, the Central African Republic's ("CAR") Constitutional Court promulgated and made effective the results of the 30 July 2023 referendum. Under the new constitution, the president is directly elected for a seven-year term with no term limits. Cabinet is appointed by the president. • Legislative: CAR has a unicameral National Assembly. • Judicial: The highest court is the Constitutional Court. The subordinate courts are the Court of Cassation, the Council of State, the Court of Auditors, the Court of Conflicts and other lower courts and tribunals. • Next presidential elections: December 2025. 										
economic data	<table> <tbody> <tr> <td>• Nominal GDP (US Billions):</td> <td>3.60</td> </tr> <tr> <td>• GDP per capita (USD):</td> <td>695.82</td> </tr> <tr> <td>• Inflation rate (% change):</td> <td>5.00</td> </tr> <tr> <td>• Government revenue (% of GDP):</td> <td>27.50</td> </tr> <tr> <td>• Government gross debt (% of GDP):</td> <td>61.64</td> </tr> </tbody> </table> <p><i>*Source: IMF (July 2024 estimates)</i></p> <ul style="list-style-type: none"> • The backbone of CAR's economy is subsistence agriculture, together with forestry and mining. • The main industries include gold and diamond mining, logging, brewing, and sugar refining. • CAR's main export partners are the United Arab Emirates, Italy, Pakistan, China, and France. The main export commodities include gold, wood, diamonds, vehicle parts/accessories, and electrical machinery. • CAR's main import partners are Cameroon, the United States, China, France, and South Korea. The main import commodities include refined petroleum, engines, aircraft, prefabricated buildings, and packaged medicine. 	• Nominal GDP (US Billions):	3.60	• GDP per capita (USD):	695.82	• Inflation rate (% change):	5.00	• Government revenue (% of GDP):	27.50	• Government gross debt (% of GDP):	61.64
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risk ratings	<ul style="list-style-type: none"> • S&P Global Overall Country Risk (Q2 2024): 201/211 • Corruption Perceptions Index (2023): 156/180 										

international treaties and memberships	
international and regional organisations and customs unions	<ul style="list-style-type: none"> • African Continental Free Trade Area Agreement • African Development Bank Group • African Union • Bank of Central African States (<i>Banque des États de l'Afrique Centrale</i> ("BEAC")) • Community of Sahel-Saharan States • Central African Economic and Monetary Community (<i>Communauté Économique et Monétaire de l'Afrique Centrale</i> ("CEMAC")) • Economic Community of Central African States (ECCAS) • Group of 77 • International Monetary Fund • International Organisation of the French-speaking World (<i>Organisation Internationale de la Francophonie</i>) • Lake Chad Basin Commission • Organisation of African, Caribbean and Pacific States ("OACPS") • Organization for the Harmonization of Business Law in Africa ("OHADA") • United Nations • World Bank Group • World Customs Organization • CAR receives preferential treatment under the following agreements: http://ptadb.wto.org/Country.aspx?code=140
bilateral investment treaties	<ul style="list-style-type: none"> • CAR has bilateral investment treaties in force with Germany and Switzerland. • Treaties have been signed with Egypt, Morocco, and Rwanda, but these have not yet entered into force.
investment-related agreements / institutions	<ul style="list-style-type: none"> • African Growth and Opportunity Act • Samoa Agreement (succeeding the Cotonou Agreement and its provisional application commencing on 1 January 2024. The Agreement will enter into force upon consent by the European Parliament and ratification by all European Union member states and at least two thirds of the OACPS members) • Multilateral Investment Guarantee Agency • World Trade Organization
dispute resolution	<ul style="list-style-type: none"> • Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) • Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) • OHADA • United Nations Commission on International Trade Law (UNCITRAL) Model Laws

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intellectual property ("IP") treaties	<ul style="list-style-type: none"> A comprehensive list of IP-related treaties signed by CAR is available at: https://www.wipo.int/wipolex/en/legislation/members/profile/CF?collection=treaties See the trade marks section below for further detail.
legal regime	
applicable legal regime	<ul style="list-style-type: none"> CAR's legal system is based on civil law, which is based on the French model.
dispute resolution	<ul style="list-style-type: none"> Commercial disputes are heard at first instance by the Commercial Court, on appeal by the Civil and Commercial Division of the Court of Appeal, and in cassation by the Civil and Commercial Chamber of the Court of Cassation. Disputes may also be submitted to the OHADA arbitration procedure.
land acquisition, planning and use	<ul style="list-style-type: none"> Law No. 139/60 of 1964 remains the primary formal law governing land rights in CAR and the government regulates the acquisition of land and other property rights. The following types of tenure exist in CAR: <ul style="list-style-type: none"> private ownership: through registration of their interest as private property, an entity can obtain ownership rights to land; leaseholds (private and state land): entities can lease land from the state or private parties under formal law and customary law. Leases of land within the state's public domain are granted for fixed periods, generally not exceeding 20 years; and concessions/private ownership: entities may be granted concessions of land in the state's private domain.
competition	
<i>merger control</i>	<ul style="list-style-type: none"> Law No. 2016-06 of 30 December 2016 (the "Competition Law") governs merger control in CAR. A concentration is achieved in CAR where (i) two or more previously independent undertakings merge; or (ii) where one or more undertakings acquire, directly or indirectly whether by acquisition of shares, contract or by any other means, control of all or part of one or more undertakings. Notification of a merger with the Minister of Commerce (the "Minister") is required where the parties to the transaction (or the undertakings economically linked to the parties) have a combined market share of at least 30% in any relevant market in CAR or on a substantial part thereof. A merger which meets the jurisdictional thresholds is subject to mandatory notification and cannot be implemented before approval is obtained from the Minister and/or the National Competition Commission (the "CNC"). There are no provisions in the relevant legislation governing filing fees. The penalty for failure to notify and/or prior implementation is a fine ranging from F.CFA2-million to F.CFA200-million and/or to imprisonment ranging from two months to two years.

	<ul style="list-style-type: none"> CAR is a member of two regional competition bodies, CEMAC and OHADA. OHADA does not yet have an operational regulator and it is understood that its merger control regime is not yet functional. CEMAC does, however, have an operational merger control regime in place and merger activities in the CAR should therefore be conducted with CEMAC in mind.
<i>prohibited practices</i>	<ul style="list-style-type: none"> The Competition Law prohibits any form of concerted actions or conventions, express or tacit agreements, coalitions which as their object or effect are likely to distort or impede competition in a market. The Competition Law prohibits resale price maintenance, discriminatory practices and abuses of dominance (including refusal to sell, tying, discriminatory conditions of sale, resale price maintenance, and unjustified termination of established commercial relationships). The Competition Law also prohibits a dominant firm from abusing a state of economic dependence of a client or supplier who does not have any alternative solution. Anticompetitive agreements and abuses of a dominant position (or the attempt to commit such practices) are subject to a fine ranging from F.CFA1-million to F.CFA50-million and/or to a term of imprisonment for a period ranging from two months to two years. Restrictive trade practices (resale price maintenance and discriminatory practices) are subject to a fine ranging from F.CFA100 000 to F.CFA10-million and/or to imprisonment for a period ranging from one to six months. OHADA does not regulate prohibited practices. CEMAC regulates anti-competitive agreements and abuses of dominance in the Common Market. Activities in CAR should therefore be conducted with CEMAC in mind. In particular, in terms of CEMAC Regulations, the CEMAC Commission has exclusive jurisdiction to investigate and sanction anticompetitive agreements and abuses of dominance where trade between member states is affected.
employment	
<i>immigration</i>	<ul style="list-style-type: none"> Expatriates working in CAR must hold a valid work permit. There is no restriction on the number of foreigners that an investor may employ, however, expatriates are expected to be understudied by local staff and training programmes are to be conducted for local staff.
<i>local employment vs secondment</i>	<ul style="list-style-type: none"> In terms of CAR's employment legislation, employees seconded to CAR must be employed by a local company and have an employment contract or a letter of employment endorsed by the Labour Minister.

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<i>fixed-term contracts and temporary employment services</i>	<ul style="list-style-type: none"> Fixed-term contracts are allowed in terms of the CAR Labour Code for a maximum period of two years. Fixed-term contracts may be renewed for a period not exceeding two years.
<i>payment in local currency</i>	<ul style="list-style-type: none"> Remuneration must be paid in local currency.
<i>restraint of trade agreements</i>	<ul style="list-style-type: none"> Restraint of trade agreements are permissible in CAR. The Labour Code prohibits an employee from engaging in a professional activity that competes with his employer's businesses or that is detrimental to the proper performance of the agreed services, unless authorised by the employer. However, this restriction does not apply to the following employees: <ul style="list-style-type: none"> seasonal or occasional employees; an employee with a contract of less than six months; and an employee whose contract has expired.
foreign investment regime	
investment regime	<ul style="list-style-type: none"> The CAR Investment Charter, Law No. 2018-006 of 11 June 2018, provides a general framework for both national and foreign investments in CAR. The one-stop shop for businesses (<i>Guichet Unique de Formalité des Entreprises</i> ("GUFÉ")) has been established to improve the business and investment environment in CAR and to provide company registration services.
registration / licensing requirements	<ul style="list-style-type: none"> Companies must register with the GUFÉ in order to file an application for the formation of a company with the commercial registry. The GUFÉ facilitates the completion of the company registration formalities, which include: <ul style="list-style-type: none"> registration with the Trade and Personal Property Credit Register (<i>Registre du Commerce et du Crédit Mobilier</i> ("RCCM")); registration with the Chamber of Commerce, Industry, Mines and Craft (<i>Chambre de Commerce et d'Industrie</i>, CCIMC); and obtaining approval for the business from the Ministry of Commerce and Industry.
non-industry specific registrations / licences	<ul style="list-style-type: none"> The following general non-industry specific registration/licences may also be required:
<i>business licence</i>	<ul style="list-style-type: none"> Businesses operating in CAR must obtain a valid business licence from the relevant municipality.

<i>General Directorate of the Taxes and Domains (Direction Générale des Impôts et des Domaines ("DGID"))</i>	<ul style="list-style-type: none"> Companies must obtain a tax identification number (<i>numéro d'identification fiscale</i> ("NIF")) from the DGID.
<i>National Social Security Fund (Caisse Nationale de Sécurité Sociale, ("CNSS"))</i>	<ul style="list-style-type: none"> Every employer must register itself and its employees for social security with the CNSS.
<i>Regional Directorate of Employment</i>	<ul style="list-style-type: none"> Companies must file a declaration at the Regional Directorate of Employment following registration, notifying the authorities of the hiring of employees.
industry-specific licences	<ul style="list-style-type: none"> Industry-specific licences may also be required.
incentives	<ul style="list-style-type: none"> Incentives include: <ul style="list-style-type: none"> benefits granted to companies in specified industries approved under the Investment Charter, including an exemption from or reduction in customs duties, exemption from corporate income tax, and accelerated depreciation rates; benefits granted under the General Code of Tax Benefits (<i>Code des avantages fiscaux de droit commun</i>, GCTB), which include: <ul style="list-style-type: none"> a tax exemption for developed real estate property which may be granted for eight years, subject to conditions; a tax exemption for undeveloped real estate property which may be granted for a period ranging between three and 10 years, depending on the type of land and subject to conditions; an exemption from two thirds of the business licence duty which may be granted for three years to new industrial establishments; an income tax exemption applicable for a specified period for newly formed companies or companies engaging in new activities; a preferential tax regime available to corporate headquarters, under which the parent company is subject to a lump-sum tax

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	<p>based on gross expenses, instead of the standard corporate income tax regime; and</p> <ul style="list-style-type: none"> industry-specific incentives available under the Mining Code, Petroleum Law, and Forestry Law.
exchange control regulation	<ul style="list-style-type: none"> Under the CAR Investment Charter, non-resident individuals or legal entities may freely transfer income of any nature derived from capital investments, provided all associated tax liabilities have been settled. CAR is a member of CEMAC and subject to the CEMAC Currency Exchange Regulation No. 02/18/CEMAC/UMAC/CM of 21 December 2018. In terms of the CEMAC Regulations: <ul style="list-style-type: none"> the foreign exchange Regulations do not apply to transactions between member states of CEMAC; nor do they apply to the franc zone, except for measures relating to gold, some loans, direct investments and transactions in foreign securities; all other payments can be made freely, subject to a statement for statistical purposes and presentation of the intermediary's approved supporting documents for amounts that exceed F.CFA1-million per month and per entity; and the transfer of funds abroad exceeding F.CFA100-million requires declaration to the BEAC and to the relevant finance ministry at least 30 days before completion.
types of entities available for foreign investment	<ul style="list-style-type: none"> The forms of doing business available in CAR are mainly the following provided for by the OHADA Uniform Act on Commercial Companies and Economic Interest Groupings: <ul style="list-style-type: none"> public limited company (<i>société anonyme</i> ("SA")); simplified public limited company (<i>société par actions simplifiée</i> ("SAS")); private limited liability company (<i>société à responsabilité limitée</i> ("SARL")); general partnership (<i>société en nom collectif</i>, SNC); limited partnership (<i>société en commandite simple</i>, SCS); joint venture (<i>société en participation</i>); de facto company (<i>société de fait</i>); economic interest grouping (<i>groupement d'intérêt économique</i>, GIE); registered branch of a foreign company; and representation or liaison office.

private limited liability company	
minimum number of shareholders	<ul style="list-style-type: none"> SARL SA SAS: A minimum of one shareholder is required. In principle, local shareholders are not required, but may be required in certain specified sectors such as mining, oil and gas.
minimum share capital	<ul style="list-style-type: none"> In terms of the OHADA Uniform Act on Commercial Companies and Economic Interest Groupings and Decree No. 17-376 of 3 November 2017 determining the form of the articles of association and setting the minimum share capital of SARLs, the following minimum share capital requirements apply: <ul style="list-style-type: none"> SARL: at least F.CFA100 000, which shall be divided into equal shares whose face value may not be less than F.CFA5 000; SA: F.CFA10-million, divided into shares with a face value of not less than F.CFA10 000; and SAS: no minimum required share capital.
directors	<ul style="list-style-type: none"> SARL: must have at least one managing director (<i>gérant</i>). It is recommended that someone who is either based in or regularly travels to CAR be appointed as managing director, as it is required for such a person to hold a long-term visa. There is no requirement to appoint directors / managers in addition to the managing director. SA: must appoint a chairperson of the board who can also act as general manager of the company (<i>directeur général</i>). A board of directors with three to 12 members, including a chairperson, is to be appointed. SAS: free to determine its management structure, which should, as a minimum, consist of one chairperson. There is no requirement to appoint a board of directors.
company secretary	<ul style="list-style-type: none"> There is no requirement to appoint a company secretary in CAR.
auditor	<ul style="list-style-type: none"> SARL and SAS: must appoint a statutory auditor when two of the following three conditions are met at the end of the financial year: <ul style="list-style-type: none"> its total balance sheet exceeds F.CFA125-million; the annual turnover exceeds F.CFA250-million; or the permanent staff exceeds 50 employees. SA: appointment of an auditor is mandatory. SAS: appointment of an auditor is mandatory where an SAS effectively controls one or more companies, or where an SAS is effectively controlled by one or more companies.

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registered address	<ul style="list-style-type: none"> Every company must have a registered office in CAR which must be indicated in the Articles of Association. The address of the company's accountants or lawyers may be used as registered address for an interim period.
shelf companies	<ul style="list-style-type: none"> Shelf companies are not available in CAR.
registration process	<ul style="list-style-type: none"> Companies are registered with the RCCM, and it takes approximately three weeks to complete registration once all the required documents have been submitted.
tax	
tax system	<ul style="list-style-type: none"> CAR has a source-based tax system, in terms of which both residents and non-residents are subject to tax on income earned from a source in CAR. Foreign-sourced dividends, royalties, interest and capital gains earned by resident companies are subject to tax to the extent that they are not attributed to a foreign permanent establishment of a CAR company.
corporate residence	<ul style="list-style-type: none"> The General Tax Code does not define the concept of "residence" but lists entities that are subject to taxation in CAR, i.e., entities operating and/or incorporated in CAR.
corporate tax rate	<ul style="list-style-type: none"> Resident companies and permanent establishments of foreign companies, including companies conducting mining operations, are subject to corporate income tax at the rate of 30%. Companies carrying on agricultural activities are taxed at a reduced rate of 20% and companies engaged in petroleum operations are subject to corporate income tax at the rate of 50%, unless otherwise stipulated in the oil contracts, in which case it may not be lower than the corporate income tax rate in force on the date the contract is signed. A minimum tax is due at the higher of: <ul style="list-style-type: none"> 0.3% of the annual turnover or F.CFA300 000 for agricultural activities; or 1.85% of the annual turnover or F.CFA1 850 000 for other activities. The minimum tax does not apply to insurance companies.
capital gains tax	<ul style="list-style-type: none"> Capital gains are included in ordinary taxable income and subject to corporate income tax at the standard rate.

withholding tax ("WHT") rates	WHT rate	
	payment to	residents
		non-residents*
	branch profits	N/A
	dividends	15% (90% of dividends qualifying for the participation exemption is exempt from tax)
	interest	15%
	royalties	15% 10% (royalties paid to a company resident in a CEMAC member state)
	management, consulting and technical service fees	3% 15%
*The withholding tax rate may be reduced in terms of a relevant double tax agreement.		
double tax agreements ("DTAs")	<ul style="list-style-type: none"> DTAs are in force with CEMAC member countries (including Cameroon, Chad, Republic of the Congo, Equatorial Guinea and Gabon) and France. 	
losses	<ul style="list-style-type: none"> Losses may be carried forward for a period of three years. Deferred depreciation in loss-making years may be carried forward indefinitely. 	
transfer pricing	<ul style="list-style-type: none"> In terms of CAR's transfer pricing rules, transactions entered into between related parties must be entered into on an arm's length basis. Two companies are deemed to be related if: <ul style="list-style-type: none"> one of them directly or indirectly holds the majority share capital of the other company or it is the de facto decision-making authority; or a third person participates directly or indirectly in the management, control or capital of both companies. 	
limitations on interest deductibility	<ul style="list-style-type: none"> There are no thin capitalisation rules applicable in CAR, but financial charges are deductible subject to the following conditions: <ul style="list-style-type: none"> the charges are justified effective charges; and in the case of interest paid on shareholder loans, if the interest rate on loans does not exceed the BEAC rate plus two percentage points and the loans do not exceed, with regard to all such shareholders, half of the required free capital. 	

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employee taxes	The income tax rates applicable to resident individuals are:												
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social security contributions	<ul style="list-style-type: none"> Both employees and employers must make monthly social security contributions to the CNSS. Contributions are calculated on total wages, salaries, fringe benefits and employment-related allowances, subject to a monthly ceiling of F.CFA600 000. The employer contribution rates are: <ul style="list-style-type: none"> family allowances (including sickness and maternity leave): 12%; old age, disability and survivors: 4%; and work injury: 3%. The employee contribution rate is 3% of gross earnings, including fringe benefits, with a monthly earnings ceiling of F.CFA600 000. 												
payroll taxes	<ul style="list-style-type: none"> A social development contribution (<i>contribution de développement social</i>, CDS) levy is payable by employers at a rate of 10% of a specified percentage of between 3% and 100% of all payments and benefits in kind granted to employees. 												
stamp duty	<ul style="list-style-type: none"> Variable registration duties (<i>droits d'enregistrement</i>) are levied under the Code on Registration and Stamp Duty (<i>Code de l'Enregistrement et du Timbre</i>, CRSD). Registration duty at a rate of 6% is payable on the transfer of shares. Registration duty on the transfer of immovable property is levied at the rate of 7.5% on developed urban immovable property and 6% on undeveloped urban immovable property and developed rural immovable property. Stamp duty (<i>contribution du timbre</i>) is levied on all documents requiring legalisation and used as official documents and judicial instruments, and on documents to be used as evidence in court proceedings at rates varying between F.CFA500 and F.CFA2 000. 												
value added tax ("VAT")													
<i>taxable supplies</i>	<ul style="list-style-type: none"> VAT is levied on the supply of goods and services in CAR and on the importation of goods and services. 												

<i>VAT rate</i>	<ul style="list-style-type: none"> 19% 5% (specified basic necessities)
<i>registration threshold</i>	<ul style="list-style-type: none"> Any person who habitually or occasionally carries out economic activities in CAR and has an annual taxable turnover exceeding F.CFA30-million must register for VAT purposes. Businesses whose turnover is below the registration threshold may apply for voluntarily registration, provided any other registration requirements are met.
<i>reverse VAT on imported services</i>	<ul style="list-style-type: none"> A non-resident taxpayer must appoint an accredited solvent representative, resident in CAR, who will be jointly responsible for payment of the VAT.
trade marks	
international conventions, treaties and arrangements	<ul style="list-style-type: none"> Madrid Protocol Nice Agreement Paris Convention Trade Mark Law Treaty World Intellectual Property Organization Convention World Trade Organization / Trade-Related Aspects of Intellectual Property Rights (TRIPS) (all <i>Organisation Africaine de la Propriété Intellectuelle ("OAPI")</i> countries are members except Comoros and Equatorial Guinea) <p><i>*Note</i></p> <p>CAR is a member of OAPI. OAPI has a central registry in Cameroon which facilitates the central filing of IP rights, including trade marks. An OAPI application automatically covers all member countries, as the member states had to renounce their national IP laws to become members. It is therefore not possible to file individual national applications in any of the OAPI member states.</p> <p>OAPI member states include: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Republic of the Congo, Senegal and Togo.</p>
classification	<ul style="list-style-type: none"> The International Classification of Goods and Services (Nice Classification) applies. A single application may cover any number of classes.
categories of trade marks	<ul style="list-style-type: none"> Provision is made for: <ul style="list-style-type: none"> collective trade marks; ordinary trade marks (goods and service trade marks); and geographical indications.

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filing requirements	<ul style="list-style-type: none"> • Full particulars of the applicant; • Power of Attorney, in French or English, simply signed (per application); • electronic representation of the trade mark; and • a certified copy of the priority document (if applicable), with a varied French or English translation.
procedure	<ul style="list-style-type: none"> • An application is filed at the OAPI office in Cameroon. Applications are examined for compliance with formal requirements only. If the office finds that the formal conditions for registration have been met, the trade mark registers, and the registration is published.
oppositions	<ul style="list-style-type: none"> • Opposition may be lodged within six months following the date of advertisement of the registration. No extensions are allowed.
duration and renewal	<ul style="list-style-type: none"> • A trade mark registration is effective for an initial period of 10 years and, thereafter, renewable for further periods of 10 years.

ENS is a full-service law firm with significant experience and specialist expertise that spans all commercial areas of law, tax, forensics, and IP across Africa. For more information or assistance please contact:

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