

Enabling Digital Prosperity for All

# STARTUP Country Guide 2023

THE REPUBLIC OF THE GAMBIA

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# **CHAPTER 1** Exploring the startup sphere

# I. The Gambian entrepreneurial ecosystem

The Gambia offers a land of tremendous opportunities on the western coast of Africa, and its entrepreneurial ecosystem, while still in its nascent stages, is characterized by significant growth potential and a myriad of investment prospects for entrepreneurs. Guided by the National Entrepreneurship Policy, which envisions a thriving entrepreneurial culture by 2026, The Gambia is poised for remarkable development. What distinguishes this nation is its strategic location, which allows convenient access to the West African market comprising over 300 million potential consumers. With a well-equipped port connecting to the Atlantic Ocean and access to a range of preferential trade partners, The Gambia serves as a gateway to a world of possibilities.

The convergence of competitive labor costs and a pool of highly skilled professionals further adds to its appeal for businesses and investors. As a matter of fact, it ranks 38 out of 141 in Ease of Finding Skilled Employees Indicator, and 36 in Skillset of Graduates Indicator. The presence of <u>Information Technology of The Gambia (ITAG)</u> and other support programs, notably the <u>Youth Empowerment Project (YEP)</u> Tech program, plays a pivotal role in shaping The Gambia's entrepreneurial environment.

These initiatives facilitate a significant shift in perspective, encouraging a focus on the Information and Communication technologies (ICT) and guiding aspiring entrepreneurs to infuse their concepts with cuttingedge technologies. Furthermore, The Gambia's liberal market economy fosters a conducive environment for investment, establishing it as an attractive landscape for entrepreneurial ventures.

As we dive into this startup business creation guide for Gambia, the dynamic opportunities across various sectors, including agriculture, technology, and tourism, will be found, providing insights to assist you in navigating this promising terrain.



# 1. Startup definition

Although there's no official startup definition in The Gambia, a startup is generally defined as an innovative venture with the potential for high growth. These startups are often technology-driven, equipped with a functional prototype, and operate with a scalable, duplicable, and customizable business model. They are established to address existing problems and focusing mainly on technology solutions and leveraging on emerging markets' opportunities.

There is a legal framework defining Micro-, Small and Medium-sized Enterprises. In The Gambia, enterprise size is officially categorized based on the number of employees and investment amount. Micro enterprises, characterized by investments below 75,000 Gambian Dalasi GMD (USD 1,140.68), usually consist of self-employed individuals. Small enterprises, employ up to five (5) workers and have investments below GMD 150,000 (USD 2,281.37). Medium-sized enterprises have more than five (5) employees and investments exceeding GMD 150,000 (USD 2,281.37).



# 2. Promising sectors in the Gambia

The Gambian economy in post covid period has shown significant growth in Gross Domestic Product (GDP) 4.4% in 2022. This growth story has been primarily driven by the remarkable performance of three (3) pivotal sectors: the **services sector**, a commanding force with a 52.3% share in the GDP (including tourism which accounts for more than 20% of GDP), the **agriculture sector** with significant strides at 22.5% share in the GDP, and the **industrial sector** carving its niche with a remarkable 17.3%. Altogether, these sectors contribute a substantial 92.11% to Gambia's GDP in 2022, painting a vibrant picture of the nation's economic prowess.

#### Agriculture

Historically reliant on subsistence food crop production, cash crops, and livestock, Gambia's agricultural sector is a significant contributor to the country's economy. Agriculture accounts for approximately 22.5% of the GDP. The crop subsector provides nearly 40% of foreign exchange earnings and about 75% of total household income. The livestock sector, although currently following traditional methods, offers potential for modernization and increased efficiency. The government's commitment to reducing imports and supporting local farmers underscores its dedication to strengthening domestic agriculture. Key subsectors with vast potential include rice production, agro-processed products, and other agricultural commodities. The government's targets for enhancing fisheries production and its exports emphasize opportunities in this vital sector. As Gambia's population continues to grow steadily, the demand for agricultural products also remains strong besides earning for foreign exchange through exports.

## हेर्ड्स Tourism

Despite recent challenges stemming from the impact of COVID-19, Gambia's tourism sector offers opportunities for compelling aspiring entrepreneurs and investors. Historically a crucial driver of economic growth, the industry provides employment for 42,000 people (18% of employment according to the World Travel & Tourism Council WTTC 2018) and contributes significantly to the nation's GDP, accounting for 20%. Recent efforts by the Gambian government to relax travel restrictions and reopen borders signal a potential rebound in tourism. This sector holds significant potential for expansion, especially with the construction of 4and 5-star hotels, and eco-tourism development. The country, situated in West Africa, boasts a range of attractions for tourists, including renowned sites such as Kotu Beach, Bijilo Forest Park, and River Gambia National Park. Tourist arrivals are expected to experience a slight growth slightly, with an average rate of 2.4% year-on-year between 2021 and 2026.

# Technology

The Gambia's tech sector has experienced a significant growth, driven by government-led policies and the introduction of the African Coast to Europe (ACE) cable system in 2012. The country benefits from robust infrastructure and mobile connectivity, with a government emphasis on Information and Communication Technology (ICT). However, this sector seems to have been missed out in the government incentives such as Special Investment certificates.

Notably, The Gambia's tech ecosystem is ripe for innovation, with a workforce where 88% are under 35, and many startups are led by young entrepreneurs. The Youth Empowerment Project (YEP) Tech program exemplifies this trend with 82% of founders under thirty-five (35). While challenges persist, Gambia's tech sector remains resilient and promising, with the World Bank's Digital Economy Diagnostic identifying opportunities for improvement. While the technology is fast developing, the future of Gambia's tech sector offers substantial potential for aspiring entrepreneurs and investors for leaping in ICT.

# 3. The Gambia's startup scene

To provide a comprehensive insight into the startup scene of the Gambia, the data below is built upon a synthesis of data sourced from reputable platforms. It provides an approximate count of the Startup Support Organizations (SSOs), i.e., incubators, accelerators, and coworking spaces, currently in operation.

#### Startup ecosystem in number

- Number of operating startups<sup>1</sup> (2021) : +20
- Number of incubators/ accelerators<sup>2</sup>: +2
- Number of coworking spaces<sup>2</sup>: 2

#### Entrepreneurship and innovation in the Gambia: Rankings (2022)\*

Indicator	Ranking
Network readiness <sup>3</sup>	6
Regulatory quality <sup>3</sup>	154
Political and operational stability (2021) <sup>4</sup>	120
Rule of law (2021) <sup>5</sup>	113
Economic freedom <sup>6</sup>	115

\*Further relevant indexes related to innovation and entrepreneurship are currently unavailable for The Gambia.



# CHAPTER 2 Beginning your entrepreneurial journey

# I. Guiding steps to launch a startup in The Gambia

# 1. Country specific legal structures

Businesses in The Gambia can consider several legal structures. The multiple legal structures cater to different needs and objectives, offering entrepreneurs a range of choices to align their ventures with their goals. The <u>Companies Department</u> plays a central role in ensuring a smooth and legitimate registration process. Businesses in The Gambia can adopt any of the following structures:

- Sole proprietorships
- Partnerships
- Companies

A company can take the form of any of the following legal specifications:

- A private limited liability company
- A company limited by shares
- A company limited by guarantee
- A public limited liability company
- A branch of a foreign company/External company

Taking a panoramic view of the Micro, Small, and Medium Enterprises (MSMEs) landscape reveals a prevalent trend: almost 89% of businesses function as **sole proprietorships**. Despite their commonality and lower regulatory requirements, this ownership model brings inherent vulnerabilities, especially concerning, risk taking, governance and succession planning. In this context, it's essential to recognize the delicate balance these businesses face between their entrepreneurial spirit and the necessity for sustainable governance models. Tackling these challenges head-on becomes pivotal to ensuring the resilience and long-term success of these vital economic entities.

In light of these considerations to common sole proprietorships, selecting an appropriate corporate legal structure is paramount for startups and MSMEs in The Gambia. From the available corporate structures, whether one opts for **a public limited liability company, a private limited liability company, a company limited by shares, or a company limited by guarantee**, each structure boasts specific advantages and considerations. When launching a startup, it is imperative to opt for a structure that guarantees limited liability for shareholders, allows for adaptable organizational frameworks, and ensures a straightforward setup process. A company, with its inherent flexibility, emerges as the preferred choice for these new entrepreneurs in their ventures. Any two (2) or more individuals have the option to establish and register a company, provided they adhere to the stipulations outlined in the Companies Act of 2013.

By making a well-informed choice aligned with these crucial factors, startups can establish a robust legal foundation. This strategic decision not only addresses the vulnerabilities of sole proprietorships but also positions these businesses for success. In essence, the selection of the right legal structure acts as a cornerstone, reinforcing the resilience and longevity of startups in The Gambia's dynamic ecosystem.

# 2. Legal steps

The registration process for various types of businesses and nonprofit organizations in The Gambia is overseen by the Companies Department, a division within the Ministry of Justice.

Once registered, the agency provides businesses and nonprofits with certificates of incorporation and business status. These formalities are handled either at the <u>Companies Department</u>'s primary office in Banjul or at their branch office in Kanifing Municipal Councils (KMCs).



# Step 1: Secure a company name

## \_S<sup>°</sup> Steps

Visit the Companies Department or appoint a legal practitioner

Conduct a manual name search

## **Ouration**

Up to one (1) day

### S Cost

Name reservation: 500 GMD (7.6 USD)

# • Step 2: Notarize company documents

The **Memorandum of Association (MoA)** serves to outline crucial details about the company, including its name, registered location, objectives, its legal status, and the authorized share capital, specifying the amount subscribed by each member. The organizational structure and operational guidelines for the company's operations, however, are provided by the **Articles of Association (AoA)**. These agreements work together to create the framework for how the organization runs and does business.

## \_S<sup>°</sup> Steps

- 1 Draft your MoA and AoA
- 2 Notarize the documents via a public notary to verify their authenticity
- 3 File the AoA and the MoA of the company at the Companies Department

# Step 3: Obtain a Tax Identification Number (TIN)

## \_S° Steps

Collect the TIN application form accessible at Gambia Revenue Authority's (GRA) Banjul headquarters or at the GRA Tax Administrative and Regional Office in the provinces. You can also download the <u>form</u> from the <u>GRA website</u>

- 2 Fill and sign the application
- 3 Attach a copy of the relevant supporting documents
- 4 Submit the form and the required documents at the closest GRA office

### Documents

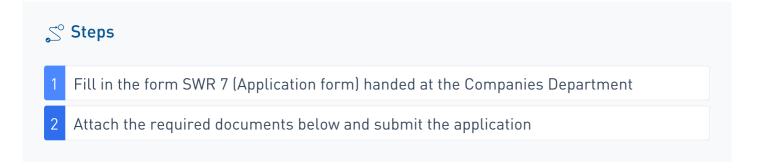
- Memorandum of Association
- <sup>-</sup> Articles of Associations
- Copies of the director's identification (e.g., passports, national ID)

## S Cost

25 GMD (0.38 USD)

# Step 4: Obtain a business registration certificate

No restriction is placed on the minimum or maximum share capital of a company during registration. The certificate of registration or its certified copy must be exhibited at the premises of the business. It must be renewed at the end of its twelve-month validity period to maintain its validity.



#### Documents

- A copy of the company's TIN Card
- AoA and MoA
- A copy of the National Identity card/Passport/driving license of shareholders, directors, and secretary. If any of the shareholders/directors is a non-resident, attach particulars of agent on their behalf in The Gambia

### ( **Duration**

Up to two (2) days

#### 🗊 Cost

Business Registration: 1,000 GMD (15.2 USD)

Incorporation fees depend on the share capital, for more information check this link

## Step 5: Obtain an operational license

To commence your operational activities, it is imperative to acquire the requisite operational license from the corresponding ministry or institution overseeing your specific sector of activity. To guide you through this application process, we outlined the relevant sectors and their respective websites for your reference.

- Energy: <u>Home Public Utilities Regulatory</u> <u>Authority (pura.gm)</u>
- ICT: <u>Ministry of Communication, Information</u> <u>& IT | Gambia.com</u>
- Fisheries: <u>Ministry of Fisheries and Water</u> <u>Resources (mofwr.gm)</u>
- Agriculture: Ministry of Agriculture Gambia

- Financial services: <u>Central Bank of Gambia</u> (cbg.gm)
- Food productions: Food Safety Quality Authority – fsqa
- For unlisted sectors: Contact <u>GIEPA</u> by email <u>infoldgiepa.gm</u>

According to the Environment Act of 1994, all projects that can have a detrimental influence on the environment must receive an environmental clearance from the <u>National Environment Agency (NEA)</u>.

# Step 6: Register as an employer with the Social Security and Housing Finance Corporation

The social security department receives a 5% deduction from each employee's monthly salary as a contribution to their social security, while the company contributes an additional 10% on the employee's behalf. Two distinct retirement savings schemes are in place: the Federated Pension Scheme and the National Provident Fund. The <u>Federated Pension Scheme</u> functions as a defined benefit plan, assuring eligible members a fixed and guaranteed benefit. This benefit encompasses a monthly pension payment and a lump sum payment for disability settlement, offering financial security to qualified retirees. In contrast, the <u>National Provident Fund</u> operates as a defined contribution plan. The retirement benefit is contingent on the total sum, including accrued interest, accumulated in these individual accounts until members attain the standard retirement age of sixty (60) years.

To learn more about the process, visit the <u>website</u> of Social Security & Housing Finance Corporation.

## **\_**S° Steps

Complete the relevant registration forms (NFP1 for Federated Pension Scheme, <u>NPF1</u> for National Provident Fund, <u>ICF1</u> for Industrial Injuries Compensation Fund)

## 🖹 Documents

- A valid business registration certificate
- A Tax Identification Number (TIN) number

## **U** Duration

Immediate

## S Cost

Free

# II. Other country-specific considerations

# 1. Filing obligations

Filing obligations may vary depending on the type and size of the business entity. The overseeing entity responsible for the collection of all taxes levied on income from employment or business activities is the <u>Domestic Taxes Department</u>, under the <u>Gambia Revenue Authority (GRA)</u>. Furthermore, it manages the registration of taxpayers and the issuance of Taxpayer Identification Numbers (TIN).

#### **Income tax return**

Considering the current ecosystem, two types of income tax return are relevant to Gambian entrepreneurs:

- Corporate: Levied on the turnovers/sales or profits of companies or partnerships.
- Business: Imposed on the income of individual businesses, calculated based on the higher of either turnover/sales tax or profit tax using the rates specified in the First Schedule.

Both payments are made quarterly, either through installments or quarterly payments. The final tax amount is settled within three (3) months after the conclusion of the tax year.

#### **Annual return**

The annual return must be submitted within three (3) months following the conclusion of the tax year.

#### Value-Added Tax (VAT) return

Businesses with annual turnover of GMD 2 million (USD 33,000) are required to register for VAT purposes. Returns are due on or before the fifteenth (15th) of the following month. Filing takes places in person at Gambia Revenue Authority.

#### Withholding Tax

The Gambia levies a withholding tax on various types of income received by non-residents from sources within the country. The withholding tax obligations are on payments of dividends, interest and contracts at the rate of 15%, 15% and 10% respectively.

#### **Capital Gains Tax**

This tax is applicable to individuals, companies, or partnerships that have sold capital assets, including land, buildings, structural improvements, plant, machinery, fixtures, equipment, shares, securities, financial assets, or interests in a company or partnership. The capital gains tax is chargeable if the gain arising from the disposal of asset exceeds GMD 24,000 (USD 363.84). The tax liability for companies is determined as the higher of 25% of the gains or 10% of the consideration received (For individuals, it is higher of ten (10) of the gain or 5% of the consideration) and must be paid within fifteen (15) days following the sale of the asset.

#### Social security contributions

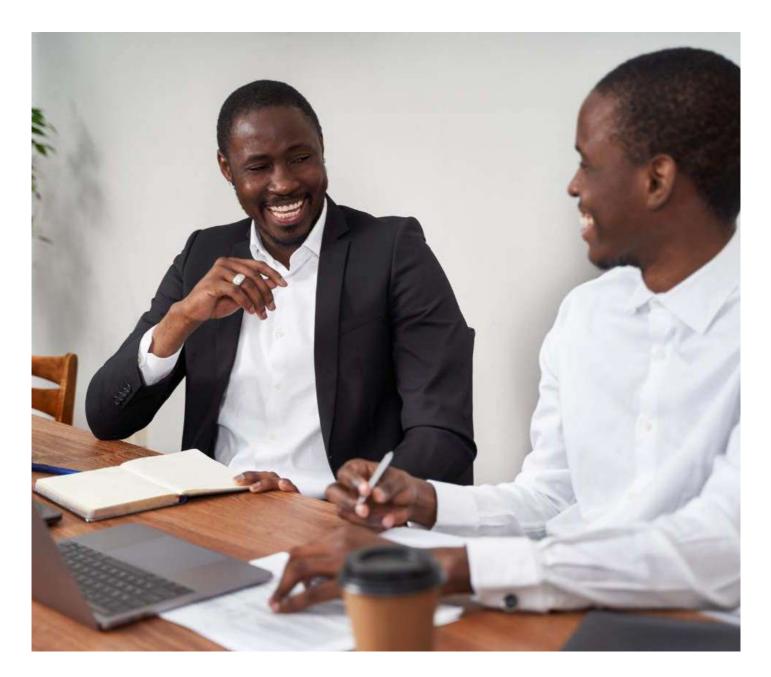
Employers in The Gambia are required to make social security contributions on behalf of their employees on a monthly basis. The <u>Social Security</u> and <u>Housing Finance Corporation (SSHFC)</u> is responsible for managing the <u>National Provident</u> <u>Fund</u>, which is a defined contribution fund in which both employers and employees make fixed contributions into individual member accounts, and benefits are based on the amounts credited to those accounts plus accrued interest up to members' attainment of the normal retirement age of sixty [60] years.

# 2. Financial reporting and auditing regulations

<u>Gambia Institute of Chartered Accountants (GICA)</u> serves as the regulatory authority for all companies, excluding commercial banks, setting the standards for financial reporting and auditing practices in The Gambia. Financial reporting and auditing regulations are governed by the <u>Financial Reporting Act</u> of 2013, which, interestingly, as against conventional international practice does not stipulate the specific accounting and auditing standards such as IFRS to be followed by financial statement preparers and auditors.

However, the Act allows the use of <u>International Financial Reporting Standards (IFRS)</u> issued by the <u>International Accounting Standards Board (IASB)</u> for the consolidated and separate financial statements of companies, except commercial banks. Many companies opt to apply these IFRS standards. Small and Medium Enterprises (SMEs) have the option to use the IFRS for SMEs.

Furthermore, under the Financial Reporting Act of 2013, the registration of practicing auditors is mandated. The Act establishes both the GICA and the <u>Financial Reporting Oversight Board (FROB)</u>, tasked with developing financial reporting, accounting, and auditing standards.



# **CHAPTER 3** Navigating startup regulations and incentives

# I. Government Incentives

# 1. Tax incentives

Under the <u>Gambia Investment and Export Promotion Agency (GIEPA)</u> Act, the the government of Gambia has introduced various incentives for eligible businesses operating within Export Processing Zones (EPZ) and meeting certain export requirements.

For EPZ license holders who export at least 80% of their products, the following incentives are available:

- A reduction in corporate or turnover tax may be granted to eligible businesses.
- A reduction in the withholding tax on dividends for eligible businesses.
- Eligible businesses may receive exemptions or reductions on value-added tax (VAT) for imported direct inputs.

• Depreciation allowances for eligible businesses.

- Eligible businesses may qualify for exemptions or reductions on import duties for imported direct inputs.
- Exemptions or reductions on excise duties for imported direct inputs for eligible businesses.
- Waivers on municipal taxes.

For EPZ license holders exporting at least 30% of their outputs, eligible businesses may benefit from the following incentives:

- 10% concession on corporate/turnover tax for a period of five (5) years.
- Financial planning services and advice.

Export incentives schemes are available for enterprises that operate either outside or within an export processing zone.

To encourage sustainable investment into priority sectors and regions of The Gambia, <u>Gambia Investment</u> <u>and Export Promotion Agency (GIEPA)</u> offers a variety of incentives for investors. These include the Export Processing Zone License (EPZL) and the Special Investment Certificate (SIC). The Special Investment Certificate include the following incentives:

- Exemption from income tax for five (5) years for priority sectors and eight (8) years for priority regions.
- Exemption from tax on dividends, withholding tax and turnover tax.
- Exemption from import duties on some raw materials used in production. Exemption from import VAT for five (5) years.
- Accelerated annual allowance at the rate of 15% for the depreciation of buildings, including structural improvements and notwithstanding the rates provided in Schedule III of the Income and VAT Act (2012).
- Exemption from import duty with respect to capital goods such as plant, machinery, equipment, and furniture etc.

To learn more about incentives, you can visit Gambia Investment & Export Promotion Agency's website.

\_S<sup>°</sup> Steps

Submit the required documents to GIEPA, in person, by visiting the GIEPA office or via email to info@giepa.gm

#### Requirements

- <sup>-</sup> The certificate applies to domestic and foreign investors who:
  - Invest a minimum of GMD 6.56 million (USD 100,000) in a priority sector, or
  - Invest GMD 16.4 million (USD 250,000) in a priority area, or
  - Employs a quota of national employees set by the regulations, or
  - Create value addition
- Priority Sectors: Agriculture, ICT, Fisheries, Tourism, Forestry, Manufacturing, Energy and Other Services
- Priority Regions: The West Coast, Lower River Region, North Bank, Central River Region, Upper River Region

#### Documents

- Completed SIC application form
- A detailed project proposal document (soft and hard copy)
- A copy of the certificate of incorporation
- Copies of the company's memorandum of association
- <sup>-</sup> A copy of the business registration certificate
- <sup>-</sup> A copy of Tax Identification Number (TIN)
- Evidence of funding for the project
- List of goods to be imported (soft and hard copy)
- <sup>-</sup> The food safety and quality assurance (if applicable)
- Environmental impact assessment (if applicable)

To learn more about incentives, you can visit Gambia Investment & Export Promotion Agency's website.

# 2. Non tax financial incentives

These initiatives are geared towards furnishing entrepreneurs and ecosystem builders with essential assistance, resources, and opportunities, all of which are pivotal in fostering their growth and bolstering their contributions to The Gambia's economic development. Main incentives are listed below.

#### Tekki-fi grant

The "Make it in The Gambia-Tekki Fii" is a program that aims to improve economic development and prospects for The Gambia's youth, including returning migrants, by promoting attractive employment and income opportunities. Moreover, the objective is to support the businesses to boost economic development with a focus on generating training, entrepreneurship, employment, and access to finance opportunities for Gambians.

#### This program provides:

- Grants up to GMD 50,000 (USD 761.9) to facilitate acquisition of equipment, materials, licenses and other business critical inputs and assets.
- Grants are disbursed either as cash or as assets, but asset disbursements will be given priority where feasible.
- No collateral, interest rate or repayment requirements.
- Grantees receive financial literacy training to improve their capacity to save, exercise financial planning and separate their private funds from the funds of the business.
- Grantees participate in annual experience sharing events to communicate results, success stories and best practices of the mini-grant scheme.

#### Tekki-Fii support areas cover the following:

- Skills development.
- Entrepreneurship & business development.
- Access to finance.
- Social cohesion.
- Sports for development.

## The Enterprise Development Fund (EDF)

The <u>Gambia Investment and Export Promotion</u> <u>Agency (GIEPA)</u> Act of 2015 established EDF to provide support for entrepreneurship development by specifically giving support to Micro, Small and Medium Enterprises (MSMEs) across Gambia.

The Enterprise Support Department is tasked with providing financial and technical support and business advisory/ development services to Micro, Small and Medium Enterprises for growth, competitiveness, and development.

## National Association of Cooperative Credit Unions of Gambia (NACCUG) Grant Schemes

These grant programs provide early-stage entrepreneurs, who have successfully finished an entrepreneurship training program, with seed funding of up to GMD 250,000 (approximately USD 5,000). This funding establishes a mutually beneficial connection between financial support and business development initiatives. By combining training and funding, entrepreneurs get the chance to implement adjustments in their businesses or expand, drawing upon the insights and guidance acquired during their training sessions.



# II. Labor and immigration regulations and facilitations

Citizens of the United Kingdom, Commonwealth countries, the Economic Community of West African States (ECOWAS), the European Union (EU), and nations with reciprocal visa abolition agreements with Gambia are exempt from visa requirements for visits not exceeding ninety (90) days, whether for leisure or business purposes. However, individuals from all other nationalities must obtain a visa, which can be acquired from Gambian embassies and consulates. The Gambian High Commission and Consular Offices are the only accredited Gambian Government agencies who are permitted to grant Gambian visas in a country other than Gambia.

# 1. Business visa

A business visa is required for people visiting general business meetings and site visits.

## **Requirements**

- <sup>-</sup> A valid passport with at least six (6) months validity
- <sup>-</sup> One visa application form, completed and signed
- <sup>-</sup> Two passport-type photographs required
- <sup>-</sup> A copy of a round-trip airline tickets or itinerary, or letter of confirmation from travel agent
- A proof of financial support
- A business letter stating the purpose and duration of the visit and the applicant's responsibility for all travel expenses
- A letter of invitation from the host company in The Gambia

# 2. Work Visa

Foreign employees and individuals intending to reside in The Gambia must apply for a residence permit, as stipulated by the Gambian government. These residence permits fall into two categories:

- **Type B Residence Permit:** This category is designated for citizens of ECOWAS and other foreign nationals engaged in skilled employment.
- **Type C Residence Permit:** Skilled workers and small traders are eligible for the Type C residence permit category.

Typically, employees will require either a Type B or Type C residence permit. These permits not only authorize residence but also serve as work permits for foreign nationals, as they are issued based on employment. Applicants are advised to contact the Gambian embassy or consulate in their country of residence to obtain an up-to-date and comprehensive list of requirements and documentation.

## \_S<sup>°</sup> Steps

Contact the Gambian embassy or consulate in your home country to begin the visa application

- 2 Obtain the latest list of visa requirements from diplomatic officials
- 3 Complete the necessary vaccinations and gather the required documents
- 4 Submit the application to the embassy

#### Requirements

- <sup>-</sup> Applicants need to be vaccinated against malaria, meningitis, and yellow fever before traveling
- Upon arrival, visit the local police department to secure an Alien's ID card (You'll need to provide your passport and a valid ID from your home country)

### Documents

- A signed, valid passport that contains at least two blank pages and is valid for at least six (6) months
- <sup>-</sup> A duly completed and signed application form
- <sup>-</sup> A recent passport photo
- A letter of responsibility from the applicant's employer in the Republic of The Gambia explaining the purpose of travel, proof of financial support for the applicant during their time in Gambia, and business references



# **III.** Data protection

The Gambia has not yet enacted a Data Protection Act. However, the country did pass the Information and Communications Act, commonly known as "the ICA," in 2009. This legislation is designed to address pertinent issues and govern the development, organization, and oversight of the nation's information and communications sector. Data protection and privacy laws pertaining to information and communications service providers are largely covered by the provisions within the ICA.

The Draft Policy Strategy aligns with international best practices. It underscores the importance of processing personal and special category data in a fair, lawful, and transparent manner. This process should be in line with legitimate purposes while striking a balance between public and private interests, all the while safeguarding individual rights and freedoms. Moreover, the strategy outlines the following key principles:

- Ensuring the fair, legal, and transparent processing of personal data.
- Utilizing only relevant and necessary data, a practice known as data minimization.
- Ensuring data accuracy and currency.
- Implementing time limits for data storage.
- Processing personal data for specific, welldefined, and authorized purposes.
- Establishing security measures and reporting procedures for data breaches.
- Demonstrating compliance with data protection regulations.

The Draft Policy Strategy also underscores the necessity of upholding the same level of data protection when transferring personal information across borders as within The Gambia. Such transfers must guarantee an adequate level of protection, which can be achieved through the laws of the recipient nation, international agreements, or approved safeguards. In specific cases, data transfers may be permissible with the explicit consent of the data subject, with the aim of safeguarding individual rights, upholding legitimate public interests, or promoting free speech within a democratic society. To learn more, read this <u>overview</u> of data protection in The Gambia.



# IV. Intellectual property

The Gambia recognizes and provides protection for intellectual property rights under its legislation and international agreements. Under these provisions, you can claim ownership over the creation of an invention, a design, a distinctive mark, or an artistic work etc. The protection of these creations gives you an exclusive or unique right of exploitation.

It gives you the right to take judicial and other measures for their protection in case of unlawful unauthorized copying and use by third parties. There are very common four (4) types of intellectual property rights: patents, trademarks, copywrite, and industrial designs. The section below covers the steps you need to know to receive protection under three (3) types based on their relevance to startups. The application process is administered by the Ministry of Industry, Trade and Supply.

The Industrial Property (IP) Office is headed by the Registrar General under the Ministry of Justice. The Office is responsible for the administration of all national applications, applications received from the Africa Regional Intellectual Property Organization (ARIPO) as well as applications received from the World Intellectual Property Organization (WIPO).

# 1. Patents

In The Gambia, patent protection law allows for the granting of patents to safeguard inventions that meet the necessary legal requirements, and it involves an application process. Anyone seeking to use a patented invention in The Gambia, apart from the patent holder, must obtain permission from the patent owner. To secure intellectual property rights, registration is mandatory and operates on a first-to-file basis. To register, individuals must submit the required forms and associated fees to the Industrial Property Office. National patents are initially protected for fifteen (15) years from the date of filing, with the possibility of a five-year extension upon request, allowing for a maximum protection period of twenty (20) years.



- 1 Submit a patent application to the Registrar General
- 2 Include a request, description, claims, and accompanying documents
- 3 After review and approval, obtain a form P6 certificate

## Requirements

- <sup>-</sup> An invention must be new for it to be granted a patent protection
- For an invention to qualify for a patent, it must not be obvious to someone with ordinary skills in the relevant field
- An invention must find applicability in various industries to be eligible for patent protection

# Documents

- Application form P1
- A drawing
- An abstract

## S Cost

- <sup>-</sup> Nationals: 5,000 GMD (76 USD)
- <sup>-</sup> International: 26,380 GMD (400 USD)



# 2. Trademarks

The registration of a trademark can be perpetually renewed and maintained, contingent upon the payment of the designated renewal fees. Registration remains valid for a duration of ten (10) years starting from the filing date. Trademark registration in The Gambia provides exclusive marketing rights, legal protection against infringement, enhances brand recognition and value, and offers international protection through agreements like ARIPO and the Madrid Protocol.

S	Steps
1	File the application at the Registrar General using Form M1
2	Pay the registration fee and show evidence of payment
3	Submit the required documents
4	Have your application stamped and dated
5	After review and approval, pay the publication fee
6	If there is no opposition, a registration certificate form M8 is issued to you

## **Requirements**

<sup>-</sup> A mark must be distinctive and must not be descriptive

- A mark cannot be registered if:

- It cannot distinguish one company's products or services from another
- It goes against public morality
- It's likely to mislead the public or trade circles regarding the origin, nature, or characteristics of the goods or services
- It's identical to or imitates national emblems, names, or official signs without proper authorization
- It's identical or confusingly similar to a well-known mark for the same or similar goods or services
- It's identical to an existing mark for the same or closely related goods or services
- It closely resembles such a mark and is likely to cause confusion or deception

#### **U** Duration

Up to twelve (12) months

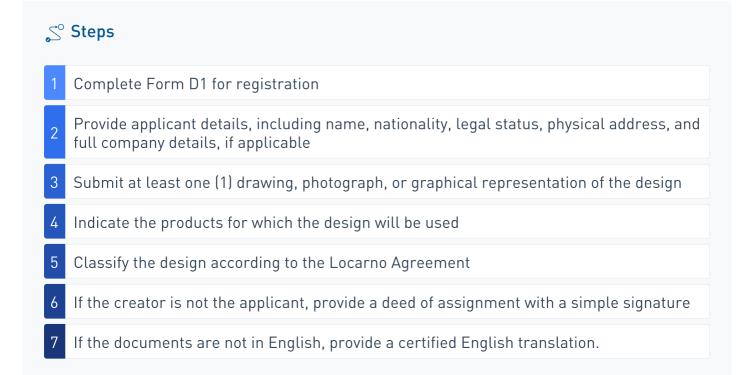
### S Cost

- Registration for nationals: 2500 GMD (36 USD)
- Registration for internationals: 13,190 GMD (200 USD)
- Publication for nationals: 1250 GMD (18 USD)
- Publication for internationals: 6,595 GMD (100 USD)

# 3. Industrials designs

Registering an industrial design provides several advantages, including safeguarding it from unauthorized usage, permitting the design's licensing or sale, and enabling legal action against those who infringe upon it. The Gambia is a signatory to ARIPO's Harare Protocol concerning Patents and Industrial Designs.

This protocol establishes a baseline of five (5) years for industrial design protection, and this protection can be extended in 5-year increments, up to a maximum of twenty-five (25) years. Hence, it can be deduced that industrial design protection in The Gambia lasts for a minimum of five (5) years, with the option of renewal for up to twenty-five (25) years. Note that it is not a requirement for the design to have an objectively noticeable aesthetic quality.



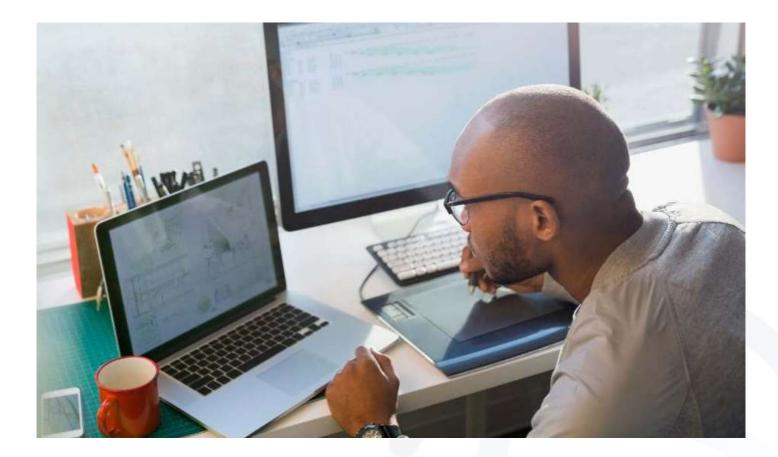
- 8 Prepare a statement of novelty (Distinctive Statement) without describing the article's use, features, advantages, or construction method
- 9 If priority is claimed, submit a certified copy of the priority document with a verified English translation (this can be filed within three (3) months from the initial filing)
- Pay the prescribed application fees
- 10 Certified copy of the priority document (if priority is claimed) with verified English translation (can be filed within three (3) months from the initial filing).

### ( **Duration**

- National-route applications: Approximately fifteen (15) to eighteen (18) months
- Regional-route applications: Approximately eight (8) to twelve (12) months

## S Cost

- <sup>-</sup> Application fees: 40 USD
- <sup>-</sup> State designation fees: 10 USD per state



# V. Key support organizations and initiatives (not exhaustive)

#### Other useful resource

Gambia Investment & Export Promotion Agency (GIEPA)

Gambia Youth Chamber of Commerce (GYCC)

Gambian Chamber of Commerce and Industry [GCCI]

Gambian IT association (ITAG)

Start-up Grind Banjul

The Global Youth Innovation Network Gambia Chapter (GYIN Gambia)

The National Centre for Arts and Cultures (NCAC)

YEP Africa

#### **Coworking spaces**

AFB Workspace

The Hub

#### Accelerators

The Disruptive Lab

#### Funding programs/institutions

African Business Angels Network (ABAN)

Gambia Angel Investors Network (GAIN)

Reliance Financial Services Company Limited (Reliance)

Supersonicz "The Micro-Finance"

The Woman Boss

**YEP Africa** 

#### **Competitions and Awards**

Entrepreneurship World Cup

National Pitching Competition

Seedstars Gambia

#### Incubators

Start-up Incubator Gambia (SIG)

The Hub

Startup Country Guide 2023 - The Republic of The Gambia

# **Reference list**

- 1. "GAMBIAN TECH TECH START UP DIRECTORY 2021 Tool | YEP." n.d. <u>https://www.yep.gm/tool/gambian-</u> <u>tech-tech-start-directory-2021</u>
- 2. "Entrepreneurship Ecosystem in Gambia Tool | YEP" n.d. <u>https://www.yep.gm/tool/entrepreneurship-</u> <u>ecosystem-gambia</u>
- 3. Countries Network Readiness Index. (n.d.). <u>https://networkreadinessindex.org/countries/</u>
- 4. Political stability by country, around the world | TheGlobalEconomy.com. (n.d.). TheGlobalEconomy.com. https://www.theglobaleconomy.com/rankings/wb\_political\_stability/
- 5. Regulatory quality by country, around the world | TheGlobalEconomy.com. (n.d.). TheGlobalEconomy.com. https://www.theglobaleconomy.com/rankings/wb\_regulatory\_quality/
- 6. Economic freedom, overall index by country, around the world | TheGlobalEconomy.com. (n.d.). TheGlobalEconomy.com. https://www.theglobaleconomy.com/rankings/economic\_freedom/



# Appendix 1: Launching your startup: key success factors

## Addressing market demand

Your startup should provide a compelling solution to a specific problem within a large and eager market. Think of it as a puzzle piece that fits perfectly into the demand landscape. Steve Blank's <u>Customer</u> <u>Development Model</u> can guide you in creating a product or service that customers cannot resist.

# **Feasibility analysis**

Conduct a thorough feasibility analysis. This process empowers you to make informed decisions, spot areas needing improvement, and allocate resources effectively. It is your tool for maximizing your chances of crafting a successful, long-lasting venture.

# راج Market insights

Dive deep into market analysis. Understand the current state of your industry segment and define your target market. A strong grasp of market dynamics is essential for positioning your product or service effectively.

# Building a stellar team and network

Source and group a team of multitalented experts. This is one of the fundamental steps to scale a startup. These diverse talents will complement each other and will help you access a strong, interconnected network that can be your secret weapon for gaining support, mentorship, and continuous learning.

# Analyzing the competition

Competitive analysis is not just about sizing up rivals; it is a vital part of your strategic planning, systematic research and evaluation of your competitors' strengths and weaknesses. It will guide you into finding your competitive edge and creating your added value ion the market.

# Legal Flexibility

The legal form of a startup must allow for flexibility. Choose a legal structure for your startup that offers the flexibility needed for growth. Make it easy for shareholders to join and leave the company and ensure your memorandum of association can adapt to your evolving needs. In fact, the memorandum of association must be drawn up freely and allow the opening of share capital.

# Appendix 2: What type of support to expect at each stage of a startup lifecycle

	Startup development stages	Government support	Funders support	SSOs support
Outreach	<ul> <li>Idea formation</li> <li>Problem validation</li> <li>Team establishment</li> </ul>	<ul> <li>Promote entrepreneurs hip education</li> <li>Facilitate Ideation: Hackathons, startup Weekends, etc.</li> <li>Promote innovation and entrepreneurs hip culture</li> </ul>	<ul> <li>Financial literacy and entrepreneurs hip awareness programs</li> <li>Networking opportunities to connect with potential mentors, advisors, and industry experts</li> </ul>	<ul> <li>Access to experienced mentors who provide guidance and advice on various aspects of startups</li> <li>Provision of office space, shared facilities, and infrastructure to support the early-stage development of the business</li> </ul>
Pre start	<ul> <li>Idea development</li> <li>Business modeling</li> <li>Problem/Solution fit: prototyping</li> <li>Team Formation: access to training and mentorship</li> </ul>	<ul> <li>Offer entrepreneurs hip training and education</li> <li>Facilitate Proof of concept and proof of Business</li> <li>Facilitate Business Modeling</li> <li>Validate MVP</li> </ul>	<ul> <li>Seed funding for idea validation and product development</li> <li>Coaching to refine business ideas and plans</li> <li>Access to incubators or accelerators providing resources, infrastructure, and networking opportunities</li> </ul>	<ul> <li>Assistance in refining the product/service, pricing strategies, and go-to-market plans</li> <li>Support in conducting market research and understanding the target market, customer needs, and competitors</li> </ul>

	Startup development stages	Government support	Funders support	SSOs support
Launch	<ul> <li>Business Creation</li> <li>Early-stage fundraising</li> <li>Initial Go-To market: MVP development</li> </ul>	<ul> <li>Provide Early-Stage Financing</li> <li>Facilitate access to client and Go-To -Market</li> <li>Strategic partnerships</li> <li>Housing</li> <li>Operation set up and labeling</li> </ul>	<ul> <li>Seed funding to launch the business</li> <li>Cover initial operational costs</li> <li>Access to angel investors or venture capital firms</li> <li>Guidance on legal and regulatory compliance</li> <li>Support in building a strong founding team and advisory board</li> </ul>	<ul> <li>Guidance on company registration, intellectual property protection, and legal compliance</li> <li>Support in identifying funding sources, preparing investor pitches</li> <li>Connecting with potential investors</li> </ul>
Growth	<ul> <li>Product/Market Fit</li> <li>International Go- To-market</li> <li>Expansion and scaling</li> </ul>	<ul> <li>Facilitate access to Finance</li> <li>Facilitate internationalizat ion via events, strategic partnership, etc.</li> <li>Provide operational support</li> </ul>	<ul> <li>Series A, B, or C funding rounds for scaling operations and market expansion</li> <li>Strategic guidance and industry insights from investors</li> <li>Assistance in negotiating partnerships and strategic alliances</li> <li>Exit strategies and assistance with mergers, acquisitions, or public offering</li> </ul>	<ul> <li>Assistance in scaling operations, managing growth, and overcoming operational challenges</li> <li>Access to industry experts</li> <li>Provide sector-specific knowledge and guidance</li> </ul>

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