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Introduction

This guide provides an overview of trademarks and their protection across 10 African jurisdictions, namely: Botswana, Egypt, Ethiopia, Ghana, Kenya, Malawi, Mozambique, Nigeria, OAPI Rwanda, Tanzania, Uganda, Zambia and Zanzibar.

It covers the requirements, procedures, scope for trademark protection and the important points to note in various jurisdictions in each jurisdiction.

It has been compiled by members of our East Africa IP Practice.

For further information please contact me or one of the people listed in the key contacts section at the end of this publication.

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The contents of this publication are for reference purposes only. It is not a substitute for detailed legal advice.
Overview

A trademark is a mark used or proposed to be used by a person in relation to goods or services for the purpose of distinguishing those goods and services from similar kinds of products or marks within the industry.

A ‘mark’ can be any sign that can be represented graphically, including a device, name, signature, word, letter, numeral, shape, configuration, pattern, ornamentation, colour or container for goods, or any combination thereof.

A ‘device’ can be any visual representation or illustration that can be reproduced on a surface, whether by printing, embossing or by any other means.

Generally, trademark protection is obtained through registration which only covers the specific classes of goods and services covered by the trademark. However, unregistered trademarks are protected through use under common law.

Registration of a trademark gives the owner exclusive right to the trademark in respect of particular the goods or classes of goods in which it was registered.

Such a right is deemed to be infringed by any other person who uses the mark, or any other mark which is identical to the mark, and is likely to deceive or confuse the public in the course of trade in relation to any goods in respect of which the mark was registered.

Applications for the registration of trademarks may be submitted through the relevant national IP offices in each of the territories, the African Regional Intellectual Property Organisation (ARIPO) or Organisation Africaine de la Propriété Intellectuelle (OAPI).

Terminology

- **First to file:** This means that the first person or entity that applies for a trademark, will obtain registration and may prevent others from using it. This person/entity will have the rights thereto, regardless of whether another has built a reputation using the mark in that country.

- **First to use:** This means that the first person/entity who actually made use of the mark in connection with the goods and/or services for which they are applying, will obtain registration and may prevent others from using it.

1 ARIPO has adopted the Berne Protocol on Trademarks and has, as a result, rights in member countries. Each member has its own registry of marks. A single registration in this registry gives the mark the right to be registered in all the member countries.

2 OAPI member states do not have national IP offices. Therefore, registration is only possible through the regional system and applicants cannot designate specific countries. Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, the Comoros, the Congo, Côte d’Ivoire, Equatorial Guinea, Gabon, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, and Togo.
Botswana

BOTSWANA

Requirements

- Details of the applicant including full name, address and nationality.
- Representations of the proposed trademark.
- Classes and specification of goods or services in which the proposed trademark is to be registered.
- Priority document (certified copy), if priority is claimed.
- Prescribed application and registration fees.

Procedure

Conduct a search at the Companies and Intellectual Property Authority.

Submit the application to register the mark at the Botswana Trade Marks Office together with the required documents and information.

The application is then examined by the Registrar.

If there are no grounds for refusal, the application is published in the Trade Marks Journal for a period of 90 days, for any party to give notice of opposition to register the mark.

If the 90-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection

Scope: covers the specific classes of goods and services covered by the trademark registration. Only covers Botswana.

Term: 10 years from the filing date of the application for registration. May be renewed for consecutive periods of 10 years upon application and payment of renewal fees.

Important Points to Note

Trademark protection applies on a first to file basis.

Botswana has adopted a multi-class filing system. Therefore, an applicant can designate several classes for one mark.

Searches are not mandatory in Botswana, but are highly recommended.

Foreigners must engage local agents to file the trademarks on their behalf.

International registrations under the Madrid System are permissible in Botswana.

Dos and Don’ts

DO

- Engage a local agent to assist with the process.
- Conduct a trademark availability search.
EGYPT

Requirements

- Details of the applicant including full name, address and nationality.
- A POA notarised from the competent notary public in the country of the trademark’s owner, then legalised/certified by the Egyptian consulate.
- Articles of incorporation or the commercial registry of the company legalised by the Egyptian consulate.
- Representations of the proposed trademarks.
- Description of the good and/or services and classes for registration.
- Certified copy of priority document (if applicable).
- Prescribed application form and registration fees.

Procedure

Conduct a trademark availability search at the Egyptian Trade Mark Office.

A trademark application is filed, the trademark is examined as to its registrability.

If the mark lacks any requirement as provided for in the law and its regulations, the application will be rejected by the examiner.

The applicant may appeal such a rejection within 30 days as from the date of receiving the relevant official notification.

If there are no grounds for refusal, the application is published in the Gazette of Trademarks and Industrial Designs for a period of 60 days, for any party to give notice of opposition to register the mark.

If the 60-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection

Scope: covers the specific classes of goods and services covered by the trademark registration. Only covers Egypt.

Term: 10 years and can be renewed indefinitely upon application and payment of the prescribed renewal fees.

Important Points to Note

Searches are not mandatory, but are advisable.

Trademark applications are on a first to file basis.

The Egyptian Trade Mark Office adopts a manual system of registration and an availability search might not guarantee a 100% result on the availability of the marks.

Use of trademarks in Egypt is not compulsory for filing applications for registration nor for maintaining trademark registrations in force.

Once a mark expires, there is a grace period of three-and-a-half years to renew the mark.

Egypt is an Arabic speaking nation. Applicants may be required to pay for translation of certain documents. Key to note is that the Counsel translates the documents on behalf of applicants. Therefore, the POA should be accompanied by an Arabic translation, notarised and legalised up to the Egyptian Consulate.

The Certificate of Incorporation for the trademark owner must also be legalised by the Egyptian Consulate.

A local agent must be engaged to file an application for a foreign applicant.

Dos and Don’ts

DO

- Engage a local agent to assist with the process.
- Conduct a trademark availability search.
ETHIOPIA

Requirements

- Details of the applicant including full name, address and nationality.
- Representations of the proposed trademark.
- Classes and specification of goods or services for which the proposed trademark is to be registered.
- Duly signed, legalised and notarised Power of Attorney (POA).
- Prescribed application and registration fees.

Procedure

Conduct an availability search for the mark/s at the Ethiopian Intellectual Property Office.

Submit the application to register the mark at the Ethiopian Intellectual Property Office together with the required documents and information.

The application is then examined by the Registrar. If there are no grounds for refusal, the application is published in two newspapers in English and Amharic for a period of 30 days, for any party to give notice of opposition to register the mark.

If the 30-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection

Scope: covers the specific classes of goods and services covered by the trademark registration. Only covers Ethiopia.

Term: seven years from the date of the application for registration. May be renewed for subsequent periods of seven years upon application and payment of renewal fees.

Important Points to Note

Searches are not mandatory, but are highly recommended.

Trademark protection applies on a first to file basis.

Official filing fees vary for both foreign and local applicants.

Multi-class registration is permitted.

Applicants must engage a local agent while filing for trademark protection. A duly signed POA that is legalised and notarised by the Ethiopian Embassy is required.

If a trademark has not been in use in Ethiopia for three years, it may be subject to cancellation.

Ethiopia is not a member of the Madrid System. Therefore, an international application through WIPO is not possible.

It takes approximately 18 to 36 months for a trademark to be registered.

Dos and Don’ts

DO
- Engage a local agent to assist with the process.
- Conduct a trademark availability search.
GHANA

Requirements

• Details of the applicant including full name, address and nationality.
• Four representations of the proposed trademark.
• Classes and specification of goods or services for which the proposed trademark is to be registered.
• Duly signed POA.
• Prescribed application and registration fees.

Procedure

Conduct an availability search for the mark/s at the Ghanaian Trademarks Registry located at the Registrar General’s office within the Ministry of Justice.

Submit the application to register the mark at the Trade Marks Registry together with the required documents and information.

The application is then examined by the Registrar.

If there are no grounds for refusal, the application is published in the Trade Marks Journal for a period of 60 days, for any party to give notice of opposition to register the mark.

If the 60-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection

Scope: covers the specific classes of goods and services covered by the trademark registration. Only covers Ghana.

Term: 10 years from the filing date of the application for registration. May be renewed for consecutive periods of 10 years upon application and payment of renewal fees.

Important Points to Note

Trademark protection applies on a first to file basis.

Searches are not mandatory, but are advisable.

Ghana has adopted a single-class filing system. Therefore, a proposed trademark application in several classes of goods and services will constitute several separate applications.

A grace period of six months is allowed for late payment of the renewal fee upon payment of the prescribed late fees.

It takes about two years for a mark to be registered. This timeline may extend due to delays with the registry.

Dos and Don’ts

DO
• Engage a local agent to assist with the process.
• Conduct a trademark availability search.

DON’T
•
Kenya

Requirements
- Applicant details (i.e. name and address of the owner of the proposed trademark).
- Details of the trademarks (i.e. either plain words, stylised words, slogans, logos or a combination of these). This includes 10 representations of the mark.
- Description of the good and/or services in respect of which the trademark is proposed to be registered.
- A simple duly-signed original POA in favour of the lawyer or agent filing the application on your behalf.
- Prescribed application and registration fees.

Procedure
Conduct a trademark search requesting the Registrar of trademarks to provide preliminary advice on the registrability of the mark.

Submit the application to register the mark, which contains details or illustrations of the mark, description of the goods and services and class(es) for which trademark protection is required.

The application is then examined by the Registrar.

If there are no grounds for refusal, the application is published for a period of 60 days, for any party to give notice of opposition to register the mark.

If the 60-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection
Scope: covers the specific classes of goods and services covered by the trademark registration. Only covers Kenya.

Term: 10 years and can be renewed for 10-yearly intervals upon application and payment of renewal fees.

Important Points to Note
Trademark protection applies on a first to use basis.

Official filing fees vary for both foreign and local applicants.

Kenya has adopted a multi-class filing system. Therefore, an applicant can designate several classes for one mark.

Once the mark is registered, any person may apply for its removal from the register if the mark has not been in use for a continuous period of five years.

It is advisable but not mandatory to carry out a search before applying for registration to avoid conflict with a similar or identical mark.

Dos and Don’ts
DO
- Conduct a trademark search to ascertain the availability of the proposed trademark prior to registration.
- Engage a local agent to assist with the registration process.
- Ensure continuous use of the mark to avoid removal from the register if not in use for a continuous period of five years.
Malawi

Requirements
- Details of the applicant including full name, address and nationality.
- Representations of the proposed trademark.
- Classes and specification of goods or services for which the proposed trademark is to be registered.
- Duly signed POA.
- Prescribed application and registration fees.

Procedure
Conduct an availability search at the Malawian Trade Marks Office.
Submit the application to register the mark at the Malawian Trade Marks Office together with the required documents and information.
The application is then examined by the Registrar. If there are no grounds for refusal, the application is published in the Official Patents and Trade Marks Journal for a period of 60 days, for any party to give notice of opposition to register the mark.
If the 60-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.
If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection
Scope: covers the specific classes of goods and services covered by the trademark registration. Only covers Malawi.
Term: 10 years from the filing date of the application for registration. May be renewed for consecutive periods of 10 years upon application.

Important Points to Note
Trademark protection applies on a first to use basis.
Trademark searches are optional but are highly recommended.
Third parties may sue for cancellation for non-use if a mark has not been used for five years.
There is no notarisation requirement for the POA.
It is possible to claim priority in Malawi.

Dos and Don’ts
DO
- Conduct a trademark availability search.
- Engage a local agent to assist with the process.
- Ensure continuous use of the registered trademark.

BOWMANS Africa Guide Trademark Protection
Mozambique

Requirements

- Details of the applicant including full name, address and nationality.
- 10 representations of the proposed trademark.
- Classes and specification of goods or services for which the proposed trademark is to be registered.
- Duly signed and notarised POA in Portuguese.
- Transliteration and translation of words in little-known characters, where relevant.
- Prescribed application and registration fees.

Procedure

Conduct a search at the Industrial Property Institute in Mozambique.

Submit the application to register the mark at the Industrial Property Institute together with the required documents and information.

The application is then examined by the Registrar. If there are no grounds for refusal, the application is published in the Trade Marks Journal for a period of 60 days, for any party to give notice of opposition to register the mark.

If the 60-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection

Scope: covers the specific classes of goods and services covered by the trademark registration. Only covers Mozambique.

Term: 10 years from the filing date of the application for registration. May be renewed for consecutive periods of 10 years upon application.

Important Points to Note

Trademark protection applies on a first to file basis.

Searches are optional but are recommended.

A Declaration of Intention to Use (DIU) the mark should be filed every five years, starting from the date of registration. This declaration must be filed between six months before and after expiry of the relevant five-year period.

The POA must be notarised and must incorporate a Portuguese translation.

Foreign applicants do not need a domestic registration.

It is possible to claim priority in Mozambique. Any priority documents must be accompanied by a verified Portuguese translation.

Mozambique adopts a single class system.

Mozambique recognises well-known trademarks.

The entire trademark application process takes approximately 18 months from the date of filing the trademark.

A foreigner must engage a local agent.

Dos and Don'ts

DO

- Engage a local agent to assist with the process.
- Conduct a trademark availability search.
- File a DIU every five years to ensure that the mark remains enforceable against third parties and that the registration is not declared to have lapsed at the request of any interested party.
Nigeria

**Requirements**
- Details of the applicant including name and nationality.
- Prints or a representation of the proposed trademark.
- Classes and specification of goods or services for which the proposed trademark is to be registered.
- Duly signed POA.
- Prescribed application and registration fees.

**Procedure**
Conduct an availability search at the Trademarks, Patents and Designs Registry in Nigeria.

Submit the application to register the mark at the Trademarks, Patents and Designs Registry together with the required documents and information. The application is then examined by the Registrar.

If there are no grounds for refusal, the application is published in the Trade Marks Journal for a period of 60 days, for any party to give notice of opposition to register the mark.

If the 60-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

**Scope of Trademark Protection**
- **Scope**: covers the specific classes of goods and services covered by the trademark registration. Only covers Nigeria.
- **Term**: initial period of seven years from the date of the application for registration. May be renewed for subsequent periods of 14 years upon application and payment of renewal fees.

**Important Points to Note**
- Trademark protection applies on a first to file basis.
- Nigeria has adopted a single class filing system. Therefore, a proposed trademark application in several classes of goods and services will constitute several separate applications.
- Searches are not mandatory but advisable. They are also conducted per class.
- Official filing fees vary for foreign and local applicants.
- Prior use is not a requirement for registration of a trademark in Nigeria.
- A local agent must be engaged to file an application for a foreign applicant.
- Legalisation or notarisation of POA is not required.
- Applications to register food products must be conducted with the NAFDAC.
- The registration of a trademark in Nigeria takes effect retrospectively from the application/filing date.
- Nigerian registries are customarily slow. It may be difficult to define the timelines. In our experience, the whole process takes 12 to 18 months following the filing of an application for the registration of a trademark.

**Dos and Don'ts**
- **DO**
  - Engage a local agent to assist with the process.
  - Conduct a trademark availability search.
Requirements

- Details of the applicant including full name, address and nationality.
- A sample or a representation of the proposed trademark.
- Classes and specification of goods or services for which the proposed trademark is to be registered.
- Duly signed POA.
- Certified copy of the priority document with a certified French or English translation (if applicable).
- Prescribed application and registration fees.

Procedure

Conduct a trademark availability search.

The registration process involves filing the application. The application will then be examined. Please note that unlike other jurisdictions, OAPI only examines the formal aspects of the application and not the substance.

Upon conclusion of the examination, OAPI issues a registration certificate. Under OAPI, this is normally done before the trademark is published. This means that the trademark registration is provisional and can be challenged by any aggrieved third party.

The trademark will then be published and third parties who are adversely affected by the registration of the trademark have a period of six months to file oppositions. If no opposition is filed, the registration certificate becomes definite and the trademark is fully protected in all the OAPI member states.

Scope of Trademark Protection

Scope: covers the specific classes of goods and services covered by the trademark registration. A trademark granted in OAPI grants protection in all 17 member states, which are mainly francophone countries: Côte d’Ivoire, Burkina Faso, Benin, Cameroon, Central African Republic, Chad, Comoros, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Republic of Congo, Senegal and Togo.

Term: initial period of 10 years from the date of the application for registration. May be renewed for subsequent periods of 10 years upon application and payment of renewal fees.

Important Points to Note

Trademark protection applies on a first to file basis.

Searches are not mandatory but highly recommended.

Advisable for entities seeking to expand their operations to the OAPI member states.

Colours can be claimed at OAPI upon payment of the prescribed fee.

OAPI is a multi-class jurisdiction and applications can include up to three classes of products or services.

It is not possible to file applications for products and services together. One must file two separate applications for goods and services.

Oppositions happen after issuance of the registration certificate.

Dos and Don’ts

DO

- Engage an agent in any of the OAPI member states to assist with the process.
- Conduct a trademark availability search.

DON’T

- Failing to conduct a search before filing the application.
- Filing applications for products and services together.

3 OAPI member states do not have national IP offices. Therefore, registration is only provided through the regional system and applicants cannot designate specific countries.
**RWANDA**

**Requirements**
- Details of the applicant including full name, address and nationality.
- Representations of the proposed trademark.
- Classes and specification of goods or services for which the proposed trademark is to be registered.
- Original, duly signed and notarised POA.
- Prescribed application and registration fees.

**Procedure**

Conduct a trademark availability search at the Office of the Registrar General in Rwanda.

Submit the application to register the mark at the Trademarks Office in Rwanda together with the required documents and information.

The application is then examined by the Registrar. If there are no grounds for refusal, the application is published in the Trade Marks Journal for a period of 60 days, for any party to give notice of opposition to register the mark.

If the 60-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

**Scope of Trademark Protection**

**Scope:** covers the specific classes of goods and services covered by the trademark registration. Only covers Rwanda.

**Term:** initial period of 10 years and may be renewed indefinitely for successive 10 year periods upon payment of the prescribed renewal fee.

**Important Points to Note**

Trademark protection applies on a first to file basis.

Trademark searches are optional in Rwanda and they are done online.

One must engage a local agent.

Notarisation of the POA is a mandatory requirement.

Rwanda has adopted a multi-class filing system. Therefore, an applicant can designate several classes for one mark.

**Dos and Don’ts**

**DO**
- Engage a local agent to assist with the process.
- Conduct a trademark availability search prior to registration.

**DON’T**
- Do not proceed with the application without conducting a trademark availability search.
South Africa

**Requirements**
- Details of the applicant including name, address and nationality.
- Prints or a representation of the proposed trademark.
- Classes and specification of goods or services for which the proposed trademark is to be registered.
- Prescribed application and registration fees.
- Duly signed POA.

**Procedure**
Conduct an availability search for the mark/s at the Companies and Intellectual Property Commission.

Submit the application to register the mark at the Companies and Intellectual Property Commission together with the required documents and information.

The application is then examined by the Registrar.
If there are no grounds for refusal, the application is published in the Patents Journal for a period of 90 days, for any party to give notice of opposition to register the mark.

If the 90-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

**Scope of Trademark Protection**
- **Scope:** covers the specific classes of goods and services covered by the trademark registration. Only covers South Africa.
- **Term:** initial period of 10 years from the date of the application for registration. May be renewed for subsequent periods of 10 years upon application and payment of renewal fees.

**Important Points to Note**
- Searches are not mandatory, but are advisable.
- Trademark protection applies on a first to use basis.
- Official filing fees vary for both foreign and local applicants.
- South Africa has adopted a single-class filing system. Therefore, a proposed trademark application in several classes of goods and services will constitute several separate applications.
- One must engage a local agent while filing the trademark application.
- The filing date determines the period from which the validity of the trademark shall apply.

**Dos and Don'ts**
- **DO**
  - Engage a local agent to assist with the process.
  - Conduct a trademark availability search.
- **DON'T**
  - Conduct a trademark availability search.
TANZANIA

Requirements
• Name and address of the owner of the proposed trademark.
• The details of the trademarks including 10 representations of the mark.
• Description of the good and/or services and proposed classes for registration.
• Original duly signed POA or form of authorisation.
• Prescribed application and registration fees.

Procedure
Conduct a trademark availability search.

Once it is confirmed that the mark is available for registration, the registration process will involve completing the prescribed application form and lodging it at the Business Registration and Licensing Agency (BRELA).

The application is then examined by the Registrar. If there are no grounds for refusal, the application is published in the Trade and Service Mark Journal for a period of 60 days, for any party to give notice of opposition to register the mark.

If the 60-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection

Scope: covers the specific classes of goods and services covered by the trademark registration. Only covers Tanzania.

Term: seven years from the date of filing of the application and may be renewed indefinitely for successive 10-year periods upon payment of the prescribed renewal fee.

Important Points to Note
Trademark protection applies on a first to file basis.
Trademark searches are mandatory prior to registration and are done online.
Official filing fees vary for foreign and local applicants.
Tanzania adopts a single-class filing system. Therefore, a proposed trademark application in several classes of goods and services will constitute several separate applications.
Notarisation of POA is not a requirement.
The timelines may vary due to delays at the Registry.

Dos and Don’ts

DO
• Engage a local agent to assist with the process.
• Conduct a trademark availability search prior to registration.
Uganda

Requirements
- Applicant details (i.e. name and address of the owner of the proposed trademark).
- Representations of the proposed trademarks.
- Description of the good and/or services and proposed classes for registration.
- Original duly signed POA or form of authorisation.
- Prescribed application and registration fees.

Procedure
Conduct a trademark availability search at the Ugandan Registration Service Bureau to confirm whether the proposed mark is available for registration and that there is no similar or confusingly similar mark previously registered.

Submit the application to register the mark together with the required documents and information.

The application is then examined by the Registrar.
If there are no grounds for refusal, the application is published in the Gazette for a period of 60 days, for any party to give notice of opposition to register the mark.

If the 60-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection
Scope: covers the specific classes of goods and services covered by the trademark registration. Only covers Uganda.

Term: seven years from the date of filing of the application and may be renewed indefinitely for successive 10-year periods upon payment of the prescribed renewal fee.

Important Points to Note
Trademark protection applies on a first to file basis.
Trademark searches are mandatory in Uganda.

Uganda has adopted the single class filing system. Therefore, a proposed trademark application in several classes of goods and services will constitute several separate applications.

Official filing fees vary for foreign and local applicants.
Notarisation of POA is not mandatory.
The timelines may vary due to delays at the Registry.

Dos and Don’ts
DO
- Engage a local agent to assist with the process.
- Conduct a trademark availability search.

DON’T
-
Zambia

Requirements

- Details of the proposed applicant including the full name, address, description and nationality.
- Seven representations of the proposed trademark.
- Duly signed POA.
- Description of the good and/or services and classes for registration.
- A translation or transliteration where the proposed trademark contains a word or words in characters other than Roman, or in a language other than English.
- Prescribed application and registration fees.

Procedure

Conduct a trademark availability search at the Patents and Companies Registration Agency in Zambia.

Submit the application to register the mark together with the required documents and information.

The application is then examined by the Registrar. If there are no grounds for refusal, the application is published in the Trade Mark Journal for a period of 60 days, for any party to give notice of opposition to register the mark.

If the 60-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection

Scope: covers the specific classes of goods and services covered by the trademark registration. Only covers Zambia.

Term: initial terms of seven years and can be renewed for subsequent periods of 14 years upon application and payment of the prescribed trademark renewal fees.

Important Points to Note

Trademark protection applies on a first to file basis. However, if an applicant is related to the person who filed the initial trademark, one can indicate so to the Registrar.

Searches not mandatory but advisable.

Official filing fees vary for both foreign and local applicants.

Legalisation and notarisation of the POA is not required. An applicant is required to send the original POA to the local agent within six months of filing the application.

Proof of prior or current use is not required for trademark registrations or renewals.

An applicant can designate several classes for one mark.

A local agent must be engaged to file an application for a foreign applicant.

Dos and Don’ts

DO
- Engage a local agent to assist with the process.
- Conduct a trademark availability search.

DON’T
-
Zanzibar

Requirements

- Details of the applicant including full name, address and nationality.
- Representations of the proposed trademark.
- Classes and specification of goods or services for which the proposed trademark is to be registered.
- Original duly signed POA.
- Prescribed application and registration fees.

Procedure

Conduct a trademark availability search at the Zanzibar Business and Property Registration Agency or online through the Industrial Property Automation System (IPAS).

Submit the application to register the mark together with the required documents and information.

The application is then examined by the Registrar. If there are no grounds for refusal, the application is published in the Official Journal for a period of 90 days, for any party to give notice of opposition to register the mark.

If the 90-day period lapses and the application is not opposed, then the mark proceeds for registration and a Certificate of Registration is issued.

If the application is opposed, it is possible to overcome the refusal by appealing against the decision of the Registrar.

Scope of Trademark Protection

Scope: covers the specific classes of goods and services covered by the trademark registration.

The exclusive right to use the trademark is limited to use of the trademark in the exact configuration or way in which it was filed or registered.

Term: initial period of 10 years and may be renewed indefinitely for successive seven-year periods upon payment of the prescribed renewal fee.

Important Points to Note

Searches are optional, but are highly recommended.

Trademark protection applies on a first to file basis.

The IPAS does not contain up to date records and may therefore not be accurate.

Prior use is not a requirement for registration.

The trademark must not go unused for more than three years after registration. It is necessary to engage local counsel to file for registration of the trademark.

Zanzibar has adopted the single class filing system. Therefore, a proposed trademark application in several classes of goods and services will constitute several separate applications.

It takes approximately 24 months to file for registration of a trademark due to delays that may occasion at the Registry.

Zanzibar does not recognise the Madrid system for trademark registration.

Defensive marks are not registrable in Zanzibar.

Dos and Don’ts

DO
- Conduct a trademark availability search prior to registration.
- Engage a local agent to assist with the process.
- Ensure continuous use of the registered trademark.

DON’T
- Conduct a trademark availability search prior to registration.
- Engage a local agent to assist with the process.
- Ensure continuous use of the registered trademark.
Our Firm

We help our clients manage legal complexity and unlock opportunity in Africa.

We have an enviable track record of providing legal services to the highest professional standards in Africa. We work for clients across numerous African jurisdictions on corporate, finance, competition, taxation, employment, technology and dispute resolution matters.

With eight offices in six African countries and over 400 specialist lawyers, we draw on our unique knowledge of the business and socio-political environment to advise clients on a wide range of legal issues.

Everywhere we work, we offer clients a service that uniquely blends expertise in the law, knowledge of the local market, and an understanding of their businesses. Our aim is to assist clients to achieve their objectives as smoothly and efficiently as possible while minimising the legal and regulatory risks.

Our clients include domestic and foreign corporates, multinationals, funds and financial institutions, across almost all sectors of the economy, as well as state-owned enterprises and governments.

Our expertise is frequently recognised by independent research organisations. Most recently, our Kenyan practice won the 2022 Chambers Africa Award for Law Firm of the Year in Kenya. In 2021, Bowmans won three IFLR Africa Awards including National Firm of the Year for South Africa and for Zambia. At the 2021 Africa Legal Awards, we won five practice awards, more than any other law firm.

In the 2021 DealMakers Africa Awards we ranked first in East Africa for both deal value and deal flow, with a 52% and a 40% share of the market respectively. We also advised on the deals named East Africa Deal of the Year and East Africa Private Equity Deal of the Year. In the 2021 DealMakers Awards we placed first by deal flow and second by deal value in the Unlisted M&A Transactions category; first by deal flow and third by deal value in the BEE Deals category; third by deal flow and fourth by value and flow respectively, in the Listed Company M&A Transactions category; and fourth by deal value and deal flow in the General Corporate Finance category.

Recognising the size and enormous diversity of Africa, our approach to providing legal services across the continent is intended to offer on-the-ground advice in the countries that matter for our clients. Our presence in Africa is always evolving to meet the changes that are shaping the future of this vast continent.

Currently, we have our own offices in six African countries: Kenya (Nairobi), Mauritius (Moka), South Africa (Cape Town, Durban, Johannesburg), Tanzania (Dar es Salaam), Uganda (Kampala) and Zambia (Lusaka).

We work closely with our Bowmans Alliance firms in Ethiopia (Aman Assefa & Associates Law Office) and Nigeria (Udo Udoma & Belo-Osagie). These are two of the leading corporate and commercial law firms in their jurisdictions.

We have special relationships with competent practitioners in Malawi and Mozambique. We also have a non-exclusive co-operation agreement with French international law firm Gide Loyrette Nouel that provides our clients access to assistance in francophone west and north Africa. The arrangement provides complementary access for Gide’s clients and lawyers to markets in central, southern and eastern Africa.

We ensure that, whenever our clients need legal advice in other parts of Africa, we can assist them by tapping into our comprehensive database of contacts of the best firms and practitioners across the continent.

On the global front, Bowmans has long-standing and excellent relationships with a range of international law firms with whom we often work on Africa-focused client mandates. We are also a member firm of Lex Mundi, a global association of more than 160 independent law firms in all the major centres across the globe. Lex Mundi gives us the ability to connect our clients with the best law firms in each of the countries represented.
Our East Africa Intellectual Property Practice

With a robust historical economic growth rate and a middle-class population of over 35 million, East Africa remains the investment destination of choice for investors seeking to expand operations into Africa.

The entry of multiple brands into the region has made the ability to register and protect the rights that investors and clients obtain in their products, services and brands an essential success component in the business environment.

Working as one team coordinated across three jurisdictional offices, our unparalleled dedicated East Africa Intellectual Property (IP) Practice handles:

- IP litigation focusing on trademarks, patents, designs and copyright infringement;
- Multi-jurisdictional anti-counterfeit actions/ raids; Trademark oppositions and expungement matters in Kenya, Tanzania and Uganda;
- Design and patent revocations;
- Brand migration advice;
- IP due diligence;
- Franchising; and
- Competition and IP opinions.

We act for clients both locally and internationally under the Madrid and ARIPO systems of registration and help them with national protection in other countries worldwide through a network of associate agent law firms.

Our clients include leading multinationals from around the world within the financial services, manufacturing, pharmaceutical and healthcare, and technology, media and telecommunications sectors.
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