Trade Marks in Africa
A guide to filing requirements throughout Africa
OAPI MEMBER COUNTRIES

São Tomé E Príncipe
Eswatini

OAPI TRADE MARKS COUNTRIES
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Introduction

Welcome to the latest version of our Trade Marks in Africa booklet. The booklet contains comprehensive information on the filing requirements for the registration and maintenance of trade marks throughout the African continent and the surrounding islands.

The information contained in the booklet is also available electronically on our website at www.spoor.com

Intellectual property laws and practice across Africa are constantly evolving and improving, creating opportunities for businesses to further protect their IP portfolio. We communicate these developments on our website and in our client update and newsletter service.

Please note that matters in the Republic of South Africa and its neighbouring countries (i.e. Botswana, Eswatini (formerly Swaziland), Lesotho, Mozambique and Namibia) are handled by Spoor & Fisher South Africa whereas all matters in all other African countries are dealt with by Spoor & Fisher Jersey. Enquiries or instructions may be sent to either office and will be delegated as necessary.
Trade Marks Information

International Arrangements
Paris Union, Madrid Union (Agreement and Protocol)
It is considered that International (Madrid) Trade Mark Registrations are effective in Algeria.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and COLLECTIVE MARKS.
There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed - a separate form is required for each application
   2. Ten prints, even for word marks in ordinary type
   3. Priority document (if applicable), with verified French translation

B. Renewals
   1. Power of Attorney, simply signed - a separate form is required for each registration
   2. Ten prints, even for word marks in ordinary type
   3. Declaration of use

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, legalised up to an Algerian Consul, with verified French translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, notarised, with verified French translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement, legalised up to an Algerian Consul, with verified French translation
Trade Marks Information

International Arrangements
Whilst there is no provision in the Angolan law, the Registry does in practice appear to be accepting some priority claims.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS and SERIES MARKS. There are no provisions for the registration of DEFENSIVE MARKS.

Classification
The International Classification of goods and services applies. A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney*
   2. Certificate of Incorporation/Extract from Commercial Register, with verified Portuguese translation, notarised
   3. Ten prints, even for word marks in ordinary type
   4. Priority document (if applicable), with verified Portuguese translation

B. Renewals
   1. Power of Attorney*
   2. Certificate of Incorporation/Extract from Commercial Register, with verified Portuguese translation, notarised

C. Assignments/Mergers
   1. Power of Attorney*
   2. Deed of Assignment or other instrument of title, with verified Portuguese translation*
   3. Certificate of Incorporation/Extract from Commercial Register, with verified Portuguese translation, notarised

D. Change of Name
   1. Power of Attorney*
   2. Certificate of Change of Name, with verified Portuguese translation*
   3. Certificate of Incorporation/Extract from Commercial Register, with verified Portuguese translation, notarised

E. Change of Address
   1. Power of Attorney*
   2. Certificate of Incorporation/Extract from Commercial Register, with verified Portuguese translation, notarised

F. Licences/Registered Users
   1. Power of Attorney from the licensee*
   2. Licence Agreement, with verified Portuguese translation*

* To be legalised by an Angolan Consul.
Trade Marks Information

ARIPo (African Regional Intellectual Property Organisation) with a central registry in Harare, Zimbabwe, facilitates the central filing of patents, designs and trade marks.

Membership
The relevant protocol on trade marks is the Banjul Protocol, which came into effect on 6 March 1997. This empowers ARIPo to register trade marks on behalf of the contracting states. At present, the only states which have acceded to the Banjul Protocol and who thus may be designated in an ARIPo trade mark application, are:

- Botswana
- Eswatini (formerly Swaziland)
- Lesotho
- Liberia
- Malawi
- Mozambique
- Namibia
- São Tomé and Príncipe
- Tanzania*
- Uganda
- Zimbabwe

* in this context an ARIPo registration would only be effective, if at all, in the mainland portion, which we refer to as “Tanzania (mainland)”.

With the exception of Mozambique and São Tomé and Príncipe all the member countries are what would be considered countries with a common law heritage. It was generally considered that, those countries having common law heritages, international agreement could only be enforced on their national territories to the extent, if any, that the treaty obligations were embodied in national laws. Indications are emerging that some of the relevant Trade Mark Offices may be ready to recognise treaties without “domestication” into national law. But until formalised by statute and/or judicial decision, it may not be safe to rely on such administrative policies.

The trade mark statutes in Botswana, Malawi (since 1 October 2018), Namibia and Zimbabwe make specific provision for the recognition of rights flowing from ARIPo registrations. Liberia has published legislation which specifically mentions ARIPo rights, but it has not been passed by Parliament - see the information page for that country. None of the remaining countries has enacted amendments to their national legislation to give effect to ARIPo registrations.

Accordingly, since there are only four common law heritage member states in which rights flowing from an ARIPo registration can be reliably enforced, it is our strong recommendation that clients should continue to protect their trade marks by filing national applications in each member state of interest.

Notwithstanding the questionable validity of ARIPo trade mark registrations we can and do file applications directly with the ARIPo office for those clients who elect to follow this route.

Outline of procedures
In terms of the Banjul Protocol, an application may cover any number of classes of goods or services; and may designate all or some of the contracting states. It is worth noting that prior to 1 October 2018, Malawi had no provisions for service marks in its national legislation, which means that before this date it was not possible to obtain service mark protection in Malawi through an ARIPo registration.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable) with verified English translation

B. Renewals
   1. No documents required
Trade Marks Information

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Power of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement, with verified English translation
Trade Marks Information

International Arrangements
ARIPQ, Paris Union, Madrid Union (Protocol), TRIPS
It is considered that International (Madrid) Trade Mark Registrations are effective in Botswana.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and COLLECTIVE MARKS.
There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney, simply signed

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement, with verified English translation
International Arrangements
Paris Union, TRIPS


Categories of Marks
There are provisions for the registration of SERVICE, COLLECTIVE and CERTIFICATION MARKS.
There are no provisions for the registration of DEFENSIVE or SERIES MARKS.

Classification
The International Classification of goods and services applies. A single application may cover a number of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed, incorporating a French translation - a separate form is required for each application
   2. Ten prints, even for word marks in ordinary type
   3. Priority document (if applicable), with verified French translation

B. Renewals
   In accordance with the new Act, trade mark registrations which have effective dates (i.e. filing dates) after 28 July 2009 will fall due for renewal ten years from the filing date
   1. Power of Attorney, simply signed, incorporating a French translation
   2. Copy of the Certificate of Registration
   3. Prints of the mark (unless a word mark)
   4. List of Classes/Specification of Goods and/or Services

C. Assignments/Mergers
   1. Power of Attorney, simply signed, incorporating a French translation
   2. Deed of Assignment or other instrument of title, with verified French translation

D. Change of Name
   1. Power of Attorney, simply signed, incorporating a French translation
   2. Certificate of Change of Name, with verified French translation

E. Change of Address
   1. Power of Attorney, simply signed, incorporating a French translation

F. Licences/Registered Users
   1. Power of Attorney, simply signed, from the licensee
   2. Licence Agreement, with verified French translation

Although the law contains no provisions therefor, Licence Agreements will in practice be recorded by the Registrar.
Trade Marks Information

For nearly thirty years from independence in 1975 there was no effective Industrial Property legislation, and an informal practice evolved of publishing Cautionary Notices in local newspapers. More recently, a Portuguese Code of 1940 was revived and an IP Office established, which enabled applications to be filed in preparation for the implementation of a new law. This new legislation, Decree-Law No. 4-2007, came into effect in August 2007, and recognises applications filed under the repealed 1940 Code.

International Arrangements
None, but the 2007 Code, like that of 1940, provides for priority to be claimed and such claims are recognised in practice.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS and CERTIFICATION MARKS. There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required (per mark)
A. New Applications
   1. Power of Attorney, with verified Portuguese translation, notarised
   2. Certificate of Incorporation, with verified Portuguese translation
   3. Fifteen prints of the mark
   4. Priority document (if applicable), with verified Portuguese translation

B. Renewals
   1. Power of Attorney, with verified Portuguese translation, notarised

   In addition to ten-yearly renewals it is also necessary to file a DIU (Declaration of Intent to Use) every five years.

C. Assignments/Mergers
   1. Power of Attorney, with verified Portuguese translation, notarised
   2. Deed of Assignment or other instrument of title, notarised, with verified Portuguese translation

D. Change of Name
   1. Power of Attorney, with verified Portuguese translation, notarised
   2. Certificate of Change of Name, notarised, with verified Portuguese translation

E. Change of Address
   1. Power of Attorney, with verified Portuguese translation, notarised
   2. Certificate of Change of Address, notarised, with verified Portuguese translation

F. Licences/Registered Users
   1. Power of Attorney, with verified Portuguese translation, notarised
   2. Licence Agreement, notarised, with verified Portuguese translation
Trade Marks Information

Democratic Republic of Congo

Congo (DRC) (Formerly Zaire: sometimes called Congo (Zaire)). This country changed its name in 1997 from Zaire to République Démocratique du Congo (Democratic Republic of Congo) and for some years was referred to as Congo (Zaire) to distinguish it from its neighbour Congo (Brazzaville), a member state of OAPI.

International Arrangements
Paris Union, TRIPS

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and COLLECTIVE MARKS.
There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney in duplicate, simply signed - a separate set of forms is required for each application
   2. Ten prints, even for word marks in ordinary type
   3. Priority document (if applicable), with verified French translation

B. Renewals
   1. Power of Attorney in duplicate, simply signed - a separate set of forms is required for each registration
   2. Photocopy of the Certificate of registration*

C. Assignments/Mergers
   1. Power of Attorney in duplicate, simply signed
   2. Photocopy of the Certificate of registration*
      3a. In the case of an assignment: “Acte de Cession de Marque” in duplicate, notarised
      3b. In the case of a merger: Certificate of Merger, with verified French translation and “Demande de Transmission de Marque” in duplicate, simply signed

D. Change of Name
   1. Power of Attorney in duplicate, simply signed
   2. Certificate of Change of Name, with verified French translation
   3. Photocopy of the Certificate of registration*

E. Change of Address
   1. Power of Attorney in duplicate, simply signed
   2. Certificate of Change of Address/Declaration signed before a Notary Public, with verified French translation
   3. Photocopy of the Certificate of registration*

F. Licences/Registered Users
   1. Power of Attorney in duplicate, simply signed, from the licensee
   2. Licence Agreement, with verified French translation

* An original Certificate of Registration can be provided for endorsement purposes, if required.
Trade Marks Information

International Arrangements
Paris Union

A new Industrial Property Act came into effect on 21 June 2009, and replaces the Trade Mark Law of 1964.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS and CERTIFICATION MARKS. There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Twelve prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified French translation

B. Renewals
   1. Power of Attorney, simply signed

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified French translation*

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified French translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Power of Attorney, simply signed
   2. Licence Agreement, with verified French translation*

* To be legalised by a Djibouti Consul or with an Apostille in accordance with the provisions of the Hague Convention.
Trade Marks Information

International Arrangements
Paris Union, Madrid Union (Agreement and Protocol), TRIPS
It is considered that International (Madrid) Trade Mark Registrations are effective in Egypt.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS and CERTIFICATION MARKS. There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies. A separate application is required for each class of goods or services. Multi-class applications are possible. However, we do not recommend filing multi-class applications because the additional class fees (for all operations) are exactly the same as for the first class, and an objection raised in one class will delay the entire application.

Documents required
A. New Applications
   1. Power of Attorney, incorporating an Arabic translation*
   2. Ten prints, even for word marks in ordinary type
   3. Priority document (if applicable), with verified English and Arabic translation

B. Renewals
   1. Power of Attorney, incorporating an Arabic translation*

C. Assignments/Mergers
   1. Power of Attorney, incorporating an Arabic translation*
   2. Deed of Assignment or other instrument of title, with verified Arabic translation*
   3. Certificate of Incorporation/Extract from Commercial Register, with verified Arabic translation*

D. Change of Name
   1. Power of Attorney, incorporating an Arabic translation*
   2. Certificate of Change of Name, with verified Arabic translation*

E. Change of Address
   1. Power of Attorney, incorporating an Arabic translation*
   2. Certificate of Change of Address, with verified Arabic translation*

F. Licences/Registered Users
   1. Powers of Attorney, incorporating an Arabic translation from proprietor and licensee*
   2. Licence Agreement, with verified Arabic translation*
   3. Certificate of Incorporation/Extract from Commercial Register relating to licensee, with verified Arabic translation*

* To be legalised up to an Egyptian Consul.
Eritrea became independent from its southern neighbour Ethiopia on 24 May 1993. Since that time, the Government has been occupied with the establishment and maintenance of a viable Government structure, the raising of development money, and a boundary conflict with Ethiopia.

A Commercial Register was established at an early stage for the recordal of trade names and signs belonging to licensed traders conducting trading activity in Eritrea. No provision is made for such recordals by non-Eritrean entities.

The enactment of an Industrial Property Law and establishment of a separate Industrial Property Office are still under consideration and there is currently no Industrial Property legislation in place in Eritrea. The Government has, at times, accepted the publication of Cautionary Notices in the Government-owned national newspaper; however, this practice is currently suspended.

At present there is no procedure for the protection of Trade Marks in Eritrea.
Trade Marks Information

Eswatini (formerly Swaziland)

International Arrangements
Paris Union, Madrid Union (Agreement and Protocol), TRIPS
Eswatini (formerly Swaziland) is a Common-Law country and legislation must be passed to be certain that its Madrid obligations are given full legal effect. No such legislation has been passed. Consequently, even though the Trade Mark Office recognises and processes International (Madrid) Trade Mark Registrations to some extent, it would not be prudent to rely on International registrations as enforceable in this territory.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and SERIES MARKS.
There are no provisions for the registration of DEFENSIVE MARKS or CERTIFICATION MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney, simply signed
   2. Proof of use by way of a Statement accompanied by a specimen of the mark as used

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Original or certified copy of Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement, with verified English translation
Trade Marks Information

International Arrangements
None

The implementing Regulations needed to give effect to the 2006 Trade mark Registration and Protection Proclamation in Ethiopia were published on 24 December 2012. The eighteen-month ‘sunrise period’ for re-registering existing trade marks deposits, filed before 7 July 2006, took effect from 24 December 2012. Following a further six month extension, the ‘sunrise period’ expired 24 December 2014 and it is no longer possible to re-register trade marks filed before 7 July 2006. A new application must be filed.

Applications filed between 7 July 2006 and 24 December 2012 will be dealt with under the 2006 law and do not need to be re-registered as the seven-year term under the new law applies. We recommend that these should continue to be prosecuted and finalised. It is, however, necessary to revalidate them by applying for new certificates of registration upon payment of additional fees.

Categories of Trade Marks
There are provisions for registration of SERVICE MARKS, COLLECTIVE MARKS and SERIES MARKS. There are no provisions for CERTIFICATION and DEFENSIVE MARKS.

Classification
The International Classification of goods and services applies. A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney.*
   2. Certified copy of corresponding home or foreign registration, with verified English translation, signed and stamped by the translator.
      OR
      Certified copy of the proprietor’s Business License (if available) detailing the goods and/or services to be covered by the application, with verified English translation, signed and stamped by the translator. If the proprietor’s country does not have a Business License system then a certified copy of the Certificate of Incorporation may be used instead provided it lists the business activities as being closely related to the goods/services to be protected in Ethiopia.
   3. Sixteen prints, except for word marks in ordinary type.
   4. Priority document (if applicable), with verified English translation, signed and stamped by the translator.
Trade Marks Information

B. Revalidation of Applications Filed between 7 July 2006 and 24 December 2012
   1. Simple copy of the original registration certificate (if not on our records)

C. Renewals
   1. Power of Attorney* – only if we have not attended to previous publications
   2. Print of the mark
   3. Copy of the registration certificate

D. Assignments/Mergers
   1. Power of Attorney*
   2. Deed of Assignment, or other instrument of title, with English translation, signed and stamped by
      the translator*
   3. Sixteen prints, except for word marks in ordinary type
   4. Copy of the registration certificate

E. Change of Name
   1. Power of Attorney*
   2. Certificate of change of name, with English translation, signed and stamped by the translator*
   3. Print of the mark
   4. Copy of the registration certificate

F. Change of Address
   1. Power of Attorney*
   2. Print of the mark
   3. Copy of the registration certificate

G. Licences/Registered Users
   1. Power of Attorney*
   2. License Agreement, with verified English translation, signed and stamped by the translator*
   3. Print of the mark
   4. Copy of the registration certificate

* To be legalised up to an Ethiopian Consul.
International Arrangements
Paris Union, Madrid Protocol. Gambia is also a member of the African Regional Intellectual Property Organisation (ARIPO) but has not yet subscribed to the Banjul Protocol.

A new Industrial Property Act came into effect on 2 April 2007, and replaces the antiquated Trade Marks Act of 1916. The new Regulations to accompany the Act came into effect on 1 January 2011.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and COLLECTIVE MARKS. There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Ten prints, except for word marks in ordinary type
   2. Priority document (if applicable), with verified English translation

B. Renewals
   1. No documents required

C. Assignments/Mergers
   1. Effective date of Assignment/Merger

D. Change of Name
   1. Effective date of Change of Name

E. Change of Address
   1. Effective date of Change of Address

F. Licences/Registered Users
   1. Licence agreement, with verified English translation, authenticated by a notary public if the Licence Agreement is signed outside Gambia
Trade Marks Information

International Arrangements
Paris Union, Madrid Union (Protocol), TRIPS
On 25 July 2014, the Trade marks (Amendment) Act, 876 of 2014, came into force. As a result, the Madrid Protocol has been officially incorporated into Ghanaian law and it is considered that International (Madrid) Trade Mark Registrations are effective in Ghana.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS and CERTIFICATION MARKS.

Classification
The International Classification of goods and services applies.
A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. No documents required

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Declaration and Statement of Case, with verified English translation
   3. Licence Agreement, with verified English translation
Guinea became a member State of OAPI with effect from 13 January 1990. Since that date it has not been possible to file trade mark applications in Guinea and new marks have been protected by registration with OAPI (see separate text).

By the act of accession, Guinea adopted the OAPI treaties as its national trade mark law. The Greffe (registry) ceased to accept national applications but for many years it continued to accept renewals and post-registration transactions affecting existing Guinea registrations.

Later, the status of those subsisting Guinea national registrations was affected by a series of OAPI pronouncements, which apparently should have been effective in Guinea and whose intent was to close down the registration facility operated by the Greffe.

There was uncertainty how successful those measures were, vis-à-vis the national system and the quest for clarity was frustrated by loss of communication with the Guinea authorities. The subject is reviewed in an article, available on our website and entitled OAPI – Acceding Countries – Extending OAPI Trade Mark Rights – Survival of National Rights (The Guinea Factor).

However, the conclusions can now be stated as follows:

- Guinea national registrations ceased to be renewable in 1998.
- All OAPI registrations renewed since 1998 apply automatically to Guinea.
- The Greffe has finally ceased the issue of certificates of renewal, etc., and communications with the Greffe having been lost, no more applications can be filed for renewal of or other dealings with a Guinea registration.
- The last national Guinea registration will expire by 3 December 2013, and all subsisting OAPI registrations extend to Guinea.

We shall be very pleased to discuss individual cases.
Trade Marks Information

International Arrangements
Paris Union, Madrid Union (Agreement and Protocol), TRIPS
After an interval of doubt following Kenya's accession in 1998, it is considered that International (Madrid) Trade Mark Registrations are effective in Kenya.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS, CERTIFICATION MARKS, DEFENSIVE MARKS and SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney, simply signed

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Declaration and Statement of Case, with verified English translation
   3. Licence Agreement, with verified English translation
Trade Marks Information

International Arrangements
Paris Union, Madrid Union (Agreement and Protocol)
Lesotho is a common law country and there is no specific national law that recognises its accession to Madrid therefore International registrations have no force or effect in this jurisdiction.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and COLLECTIVE MARKS.
There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney, simply signed*

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement, with verified English translation

* Not required if we are recorded as address for service.
Trade Marks Information

International Arrangements
ARIPO, Paris Union, Madrid Union (Agreement and Protocol).
It is considered that International (Madrid) Trade Mark Registrations are effective in Liberia.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and COLLECTIVE MARKS.
There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, incorporating Declaration*
   2. Oath*
   3. Eight prints, even for word marks in ordinary type
   4. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney*
   2. Copy of the Certificate of Registration and (if applicable) the last Certificate of Renewal

C. Assignments/Mergers
   1. Power of Attorney*
   2. Deed of Assignment or other instrument of title, with verified English translation*
   3. Copy of the Certificate of Registration and (if applicable) the last Certificate of Renewal

D. Change of Name
   1. Power of Attorney*
   2. Certificate of Change of Name, with verified English translation
   3. Copy of the Certificate of Registration and (if applicable) the last Certificate of Renewal

E. Change of Address
   1. Power of Attorney*
   2. Copy of the Certificate of Registration and (if applicable) the last Certificate of Renewal

F. Licences
   1. Powers of Attorney from proprietor and licensee*
   2. Licence Agreement, with verified English translation
   3. Copy of the Certificate of Registration and (if applicable) the last Certificate of Renewal

*Liberia is now a member of the Hague Convention for the legalisation of documents.
Consequently, Powers of Attorney etc, should either be legalised up to a Liberian Consul or with an Apostille in accordance with the provisions of the Hague Convention.
Trade Marks Information

International Arrangements
Paris Union

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, CERTIFICATION MARKS and COLLECTIVE MARKS.

Classification
The International Classification of goods and services applies.
A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, incorporating an Arabic translation*
   2. Certificate of Incorporation/Extract from Commercial Register, with verified Arabic translation*
   3. Ten prints, even for word marks in ordinary type
   4. Priority document (if applicable), with verified Arabic translation

B. Renewals
   1. Power of Attorney, incorporating an Arabic translation*

C. Assignments/Mergers
   1. Power of Attorney, incorporating an Arabic translation*
   2. Deed of Assignment or other instrument of title, with verified Arabic translation*
   3. Certificate of Incorporation/Extract from Commercial Register relating to assignee, with verified Arabic translation*

D. Change of Name
   1. Power of Attorney, incorporating an Arabic translation*
   2. Certificate of Change of Name, with verified Arabic translation*

E. Change of Address
   1. Power of Attorney, incorporating an Arabic translation*
   2. Certificate of Change of Address, with verified Arabic translation*

F. Licences/Registered Users
   1. Powers of Attorney, incorporating an Arabic translation from proprietor and licensee*
   2. Licence Agreement, with verified Arabic translation*
   3. Certificate of Incorporation/Extract from Commercial Register relating to licensee, with verified Arabic translation*

* To be legalised up to the Libyan Consul in the proprietor’s home country.
Trade Marks Information

International Arrangements
Paris Union, Madrid Union (Protocol), TRIPS
It is considered that International (Madrid) Trade Mark Registrations are effective in Madagascar.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and COLLECTIVE MARKS.
There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, notarised
   2. Ten prints, even for word marks in ordinary type
   3. Priority document (if applicable), with verified French translation

B. Renewals
   1. Power of Attorney, notarised

C. Assignments/Mergers
   1. Power of Attorney, notarised
   2. Deed of Assignment or other instrument of title, notarised, with verified French translation

D. Change of Name
   1. Power of Attorney, notarised
   2. Certificate of Change of Name, notarised, with verified French translation

E. Change of Address
   1. Power of Attorney, notarised

F. Licences/Registered Users
   1. Powers of Attorney, notarised, from proprietor and licensee
   2. Licence Agreement, notarised, with verified French translation
Trade Marks Information

International Arrangements
Paris Union, ARIPLO, Madrid Protocol (with effect from 25 December 2018), TRIPS
A new Trade Marks Act (Malawi Trade Marks Act No. 2 of 2018) came into effect on 1 October 2018 and replaces the Trade Marks Act of 1958.

Categories of Trade Marks
There are provisions for the registration of CERTIFICATION MARKS, COLLECTIVE MARKS, SERVICE MARKS and SERIES MARKS.
There are no provisions for the registration of DEFENSIVE MARKS.

Classification
The International Classification of goods and services applies.
A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Twelve prints, except for word marks in ordinary type - no printing block required
   3. Priority document (if applicable), with verified English translation
   4. An indication as to whether the mark is in use or proposed to be used.

B. Renewals
   1. No documents required

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Declaration and Statement of Case, with verified English translation
   3. Licence Agreement, with verified English translation
Trade Marks Information

International Arrangements
Paris Union, TRIPS

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and COLLECTIVE MARKS.
There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney*
   2. Six prints, except for word marks in ordinary type - no printing block required
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. No documents required

C. Assignments/Mergers
   1. Deed of Assignment or other instrument of title, with verified English translation*

D. Change of Name
   1. Certificate of Change of Name, with verified English translation (if executed within a British
      Commonwealth country no authentication is necessary, otherwise see notes (i) & (ii) below)

E. Change of Address
   1. No documents required

F. Licences/Registered Users
   1. Licence Agreement, with verified English translation signed before or certified by a Notary Public

*(i) If signed in a Hague Convention country - to be legalised by Apostille.
(ii) If signed in any other country - to be legalised up to a Consul for Mauritius.
Trade Marks Information

A Moroccan application also covers Tangier. If clients have registrations in both Morocco and Tangier, it is only necessary to maintain one of these. Please see country information for Tangier for full details of the change in law.

International Arrangements
Paris Union, Madrid Union (Agreement and Protocol), TRIPS
It is considered that International (Madrid) Trade Mark Registrations are effective in Morocco.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS and CERTIFICATION MARKS. There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Positive film and fifteen prints, even for word marks in ordinary type
   2. Priority document (if applicable), with verified French translation

B. Renewals
   1. Fifteen prints, even for word marks in ordinary type

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, notarised, with verified French translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified French translation

E. Change of Address
   1. Power of Attorney, simply signed
   2. Certificate of Change of Address, with verified French translation

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement in duplicate, legalised up to a Consul for Morocco, with verified French translation
Trade Marks Information

International Arrangements
Paris Union, Madrid Union (Agreement and Protocol), TRIPS
It is considered that International (Madrid) Trade Mark Registrations are effective in Mozambique.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, CERTIFICATION MARKS and COLLECTIVE MARKS. There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, notarised, incorporating a Portuguese translation
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified Portuguese translation

B. Renewals
   1. Power of Attorney, notarised, incorporating a Portuguese translation

   In addition to ten-yearly renewals it is also necessary to file a DIU (Declaration of Intent to Use) every five years. No documents are required for the filing of the DIU.

C. Assignments/Mergers
   1. Power of Attorney, notarised, incorporating a Portuguese translation
   2. Deed of Assignment or other instrument of title, notarised, with verified Portuguese translation

D. Change of Name
   1. Power of Attorney, notarised, incorporating a Portuguese translation
   2. Certificate of Change of Name, notarised, with verified Portuguese translation

E. Change of Address
   1. Power of Attorney, notarised, incorporating a Portuguese translation

F. Licences/Registered Users
   1. Powers of Attorney from proprietor and licensee, notarised, incorporating a Portuguese translation
   2. Licence Agreement, notarised with verified Portuguese translation
International Arrangements
Paris Union, Madrid Union (Agreement and Protocol), TRIPS. Although the previous trade mark legislation
made no reference to International Registrations, the current law, the Industrial Property Act 2012 (which
came into effect on 1 August 2018), specifically provides that International Registrations are valid. What the
current law doesn’t do, however, is make any reference to International Registrations obtained in Namibia prior
to 1 August 2018. There is therefore some doubt as to the validity of these registrations.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, CERTIFICATION MARKS and COLLECTIVE MARKS.
The previous legislation provided for DEFENSIVE MARKS but this is no longer the case. DEFENSIVE MARKS
obtained under the old law do, however, remain in force.

Classification
The International Classification of goods and services applies.
Multiclass filing became available on 1 August 2018.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type

B. Renewals
   1. Power of Attorney, simply signed

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement, with verified English translation
International Arrangements
Nigeria is a member of the Paris Union, but has not yet published a Convention Countries Order concerning Trade Marks. Accordingly, we have concerns regarding the enforceability of such claims. Nevertheless, in practice the Registry does accept applications claiming convention priority, and accordingly we will proceed on this basis. Please be aware that should action need to be taken which relies on the priority date, the validity of the claim may be open to challenge. TRIPS.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS*, CERTIFICATION MARKS, DEFENSIVE MARKS and SERIES MARKS.

Classification
The International Classification of goods and services applies.
A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, even for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney, simply signed

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Declaration and Statement of Case, with verified English translation
   3. Licence Agreement, with verified English translation

* Provisions for SERVICE MARKS were introduced by Ministerial Decree in 2007 and the Registrar is now processing such applications. As yet, the Trade Marks Act has not been amended.
Trade Marks Information

OAPI registrations afford protection in: Benin, Burkina-Faso, Cameroon, Central African Republic, Chad, Congo (Republic of), Equatorial Guinea, Gabon, Guinea, Guinea Bissau, Ivory Coast, Mali, Mauritania, Niger, Senegal, Togo and the Union of the Comoros*.

International Arrangements
Paris Union, Madrid Union (Protocol)
OAPI deposited its instrument of accession to the Madrid Protocol on 5 December 2014.
In order to give effect to its Madrid obligations, legislation must be passed which recognises those obligations. No such legislation has been passed. Consequently, International registrations are currently unenforceable in this territory.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and COLLECTIVE MARKS.
There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
An application may cover more than one class of goods or services (additional fees being payable in respect of the fourth and each subsequent class) but goods and services cannot both be covered in the same application.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, even for word marks in ordinary type
   3. Priority document (if applicable), with verified French or English translation

B. Renewals
   1. Power of attorney, simply signed
   2. Simple copy of last Certificate of Renewal or Registration Certificate (if applicable)

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2a. In the case of an assignment: Deed of Assignment drawn by and signed by both parties before a Notary Public, with verified French or English translation
   2b. In the case of a merger: Certificate of Merger, with verified French or English translation, notarised

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified French or English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement which should be drawn by and signed by both parties before a Notary Public, with verified French or English translation

* Effective date 25 May 2013. Unless a registration filed before this date is specifically extended to cover the Comoros, it will not do so until its next renewal.

Note: Mayotte is not part of the Union of the Comoros; it is a French overseas “département” and is therefore covered by French trade mark registration.
Trade Marks Information

Réunion Island is an “overseas department” of France; as such, there is no independent Industrial Property legislation, and French registrations automatically extend to this territory.
Trade Marks Information

International Arrangements
Paris Union, Madrid Union (Protocol), TRIPS
It is considered that International (Madrid) Trade Mark Registrations are effective in Rwanda. Rwanda is also a member of the African Regional Intellectual Property Organisation (ARIPO) but has not yet subscribed to the Banjul Protocol.


Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, CERTIFICATION MARKS and COLLECTIVE MARKS. There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies. A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, notarised
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney, notarised - a separate form is required for each application
   2. Simple copy of the Certificate of Registration

C. Assignments/Mergers
   1. Power of Attorney, notarised
   2. Deed of Assignment or other instrument of title, with verified English translation
   3. Simple copy of the Certificate of Registration

D. Change of Name
   1. Power of Attorney, notarised
   2. Certificate of Change of Name, with verified English translation
   3. Simple copy of the Certificate of Registration

E. Change of Address
   1. Power of Attorney, notarised
   2. Simple copy of the Certificate of Registration

F. Licences/Registered Users
   1. Powers of Attorney, notarised, from proprietor and licensee
   2. Licence Agreement, with verified English translation
   3. Simple copy of the Certificate of Registration
Trade Marks Information

Industrial Property Code (approved by Decree-Law No. 23/2016) was brought into effect on January 19 2017 and replaces Law No. 4/2001.

International Arrangements
ARIPO, Paris Union, Madrid Union (Protocol)
It is considered that International (Madrid) Trade Mark Registrations are effective in São Tomé E Príncipe.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and COLLECTIVE MARKS.
There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Copy of Power of Attorney, notarised, incorporating a Portuguese translation
   2. Fifteen prints of the mark
   3. Priority document (if applicable), with verified Portuguese translation

B. Renewals
   1. Copy of Power of Attorney, notarised, incorporating a Portuguese translation

C. Assignments/Mergers
   1. Copy of Power of Attorney, notarised, incorporating a Portuguese translation
   2. Deed of Assignment or other instrument of title, notarised with verified Portuguese translation

D. Change of Name
   1. Copy of Power of Attorney, notarised, incorporating a Portuguese translation
   2. Certificate of Change of Name, with verified Portuguese translation

E. Change of Address
   1. Copy of Power of Attorney, notarised, incorporating a Portuguese translation

F. Licences/Registered Users
   1. Copy of Power of Attorney, notarised, incorporating a Portuguese translation
   2. Licence Agreement, with verified Portuguese translation
Trade Marks Information

International Arrangements
Paris Union

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS, CERTIFICATION MARKS, DEFENSIVE MARKS and SERIES MARKS.

Classification
The International Classification of goods and services applies. A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney signed before a Notary Public or under corporate seal
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney signed before a Notary Public or under corporate seal

C. Assignments/Mergers
   1. Power of Attorney signed before a Notary Public or under corporate seal
   2. Deed of Assignment or other instrument of title signed before a Notary Public or under corporate seal, with verified English translation

D. Change of Name
   1. Power of Attorney signed before a Notary Public or under corporate seal
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney signed before a Notary Public or under corporate seal

F. Licences/Registered Users
   1. Powers of Attorney from proprietor and licensee signed before a Notary Public or under corporate seal
   2. Declaration and Statement of Case, with verified English translation
   3. Licence Agreement signed before a Notary Public or under corporate seal, with verified English translation
Trade Marks Information

International Arrangements
Paris Union, Madrid Union (Agreement and Protocol), TRIPS

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS and SERIES MARKS. There are no provisions for the registration of DEFENSIVE MARKS.

Classification
The International Classification of goods and services applies. A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Priority document (if applicable), with verified English translation
   3. Ten prints, except for word marks in ordinary type

B. Renewals
   1. Power of Attorney, simply signed

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement, with verified English translation
Trade Marks Information

There is no formal IP legislation in Somalia. It has, however, become possible to publish cautionary notices in various local newspapers in both English and the Somali language. It is also possible to publish cautionary notices in Somaliland, the territory to the north of Somalia that declared independence from Somalia in 1991. Although Somaliland is not formally recognised it does enjoy relative stability and it does have an effective government in place.

Background
Somalia is situated in East Africa with a coastline that borders the Gulf of Aden and the Indian Ocean. It shares borders with Djibouti, Ethiopia and Kenya.

Civilian rule ended in 1969 when General Mohamed Siad Barre seized power in a military coup and established a one party system. In the 1980s state authority began to crumble as various clan-based groups opposed to Barre’s rule began to form. In the north-west (former British Somaliland), the Somali National Movement (SNM) attempted to seize control in 1988. Barre countered with great violence, resulting in thousands of deaths and the flight of 400,000 refugees into Ethiopia.

Barre fled the country in January 1991 when another rebel group, the United Somali Congress (USC) gained control of Mogadishu. A full-blown civil war developed in the capital when the USC fragmented into rival, clan-based factions. This contest remains unresolved and control of Mogadishu is divided among a variety of principally Hawiye warlords.

Since 1991 over a dozen externally sponsored peace and reconciliation conferences have failed to provide a basis for restoring a government in Somalia. Meanwhile, local administrations, often clan or Islam-based, developed in much of the country. The most successful of these is in Somaliland. An administration has also been set up in Puntland, in the north-east. Over time, power has shifted somewhat from warlords to business, religious and traditional leaders. Traditional Islamic courts have coalesced loosely into the Islamic Courts Union (ICU), which had become a potent political and military force by mid-2006.

Prior to 1991 it was possible to register trade marks in Somalia. The legislation was based on the old Italian system. However, following the overthrow of the Government in 1991 it became impossible to file new applications or maintain existing trade mark rights.

In fact, news reports at the height of the troubles showed the capital, Mogadishu, to be a war-torn city with many buildings looted, badly damaged and sometimes totally destroyed. Consequently we doubt the Trade Marks Registry or its files and registers have survived.

We do not anticipate being able to file new trade mark applications or apply to maintain existing registrations until there is a stable government. Even then we imagine it will be necessary for a new Registry to be created and possibly new IP legislation introduced and this is likely to take some time as the Government will probably have higher humanitarian priorities.

As to developments in Somaliland, please see the following page.
Trade Marks Information

Somaliland

International Arrangements
None

In May 1991, the north-western region of Somalia (i.e: the former British Protectorate of Somaliland) declared unilaterally its independence as the ‘Republic of Somaliland’.

A government was elected for an initial two-year period at a conference of elders and in May 1993 former Somali Prime Minister Mohamed Ibrahim Egal was elected President. After the death of Egal in May 2002, Vice-President Dahir Riyale Kahim was sworn in as President. Presidential elections were held in May 2003 in which Riyale narrowly beat his opponent. Parliamentary elections were held on 29 September 2005.

Somaliland’s stability has been widely acknowledged but it has not received formal recognition from the international community. It has stood aside from wider reconciliation processes but indicated its readiness to discuss relations with Somalia on a basis of equality once a new government is established in Mogadishu.

Somaliland has no legislation regarding the registration of trade marks. As is often the situation in such jurisdictions, it is possible to arrange for the publication of a Cautionary Notice in a local newspaper. Publication is not regulated by any Government department and does not result in any official registration or certificate.

There is no classification system and a single Cautionary Notice may include goods and/or services in any number of classes. A separate Cautionary Notice is required for each mark.

Requirements – First publication
No documents are required. We only need at least one clear representation of the mark and usual details of proprietor and goods/services to be claimed.

Republication
No fixed terms, we would recommend every three years.

Assignments, Mergers, Changes of Name or Address
Do not have to be published as they occur, but can be mentioned on republication.

Licences
May be mentioned in first Cautionary Notices or on republication.
Trade Marks Information

International Arrangements
Paris Union, TRIPS

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, CERTIFICATION MARKS and COLLECTIVE MARKS. There are no provisions for the registration of SERIES MARKS or DEFENSIVE MARKS.

Classification
The International Classification of goods and services applies.
A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney, simply signed

C. Assignment/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Address
   1. Power of Attorney, simply signed

E. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement, with verified English translation
South Sudan comprises the former southern states of Bahr el Ghazal, Equatoria and Greater Upper Nile, which became independent on 9 July 2011.

There is no formal IP law in South Sudan, but the Code of Civil Procedure Act provides for the Sudan Trade Marks Act to be applied in the absence of a substantive law, and for a while the Business Registry within the Ministry of Justice was accepting and processing trade mark applications under its provisions. However, filings have now been suspended, and are unlikely to be resumed until the substantive law is in place. A Trade Mark Bill has been drafted since 2013 but it is not known when it will be enacted.

We continue to monitor the situation and advise that you contact us for individual queries.
Trade Marks Information

International Arrangements
Only trade marks which have been registered in the United Kingdom may be registered in St Helena.

Application may be made at any time during the existence of the basic U.K. registration.

Any subsequent entry which has been made on the Register of Trade Marks in the U.K. (i.e. Assignments, Changes of Name, Changes of Address, Registered Users or Renewals) should be recorded in the Register of Trade Marks in St Helena.

Documents required
1. Power of Attorney, simply signed
2. Twelve prints, except for word marks in ordinary type
3. Certificate (of the kind used for obtaining registration abroad) giving particulars of the corresponding U.K. registration

Documents required for all other matters
1. Power of Attorney, simply signed
2. Certificate (of the kind used for obtaining registration abroad) giving particulars of the corresponding U.K. registration reflecting the entry to be made on the Register in St Helena
3. Original Certificate of Registration for endorsement
International Arrangements
Paris Union, Madrid Union (Agreement and Protocol)
Despite former doubts arising from Sudan’s Common-Law heritage and the lack of specific provisions in national law, it is generally considered that International (Madrid) Trade Mark Registrations are effective in this country. However a small possibility may remain that certain decisions upholding ITMRs may be challenged on appeal.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS.
There are no provisions for the registration of CERTIFICATION MARKS, DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, incorporating an Arabic translation, either on the letterhead of the applicant, signed and stamped; or signed and notarised
   2. Fifteen prints
   3. Certificate of Incorporation/Extract from Commercial Register, with verified English translation*
   4. Priority document (if applicable), with verified English translation*
B. Renewals
   1. Power of Attorney, incorporating an Arabic translation, either on the letterhead of the applicant, signed and stamped; or signed and notarised
   N.B. Registered User entries must also be renewed
C. Assignments/Mergers
   1. Power of Attorney, incorporating an Arabic translation, either on the letterhead of the applicant, signed and stamped; or signed and notarised
   2a. In the case of a merger: Certificate of Merger, with verified English translation*
   2b. In the case of an Assignment:
      (i) Form TM11
      (ii) Form TM12 signed before a Notary Public
      (iii) Certificate of Incorporation/Extract from Commercial Register relating to the assignee, with verified English translation*
      (iv) Deed of Assignment, with verified English translation (Must be recorded within six months of the effective date)*
D. Change of Name
   1. Power of Attorney, incorporating an Arabic translation, either on the letterhead of the applicant, signed and stamped; or signed and notarised
   2. Certificate of Change of Name, with verified English translation*
E. Change of Address
   1. Power of Attorney, incorporating an Arabic translation, either on the letterhead of the applicant, signed and stamped; or signed and notarised
F. Licences/Registered Users
   1. Power of Attorney, incorporating an Arabic translation, either on the letterhead of the applicant, signed and stamped; or signed and notarised
   2. Declaration and Statement of Case, with verified English translation
   3. Licence Agreement, with verified English translation

* To be legalised up to a Sudanese Consul.
Trade Marks Information

The Kingdom of Morocco was created in 1956, bringing together the three jurisdictions of French-Morocco, Spanish-Morocco and the International Zone of Tangier. However, no unified IP legislation was introduced at that time and the existing legislation of 1916 and 1938 continued to be applied. Furthermore, two Registries existed - one in Casablanca (former French-Morocco) and the other in the Tangier Zone.

On 18 December 2004 new unifying IP legislation came into force, as a result of which a single application filed at the centralised Registry in Casablanca will now cover the whole of Morocco, and separate protection is no longer required in Tangier. The Tangier Registry has closed, and its records have been transferred to Casablanca. In terms of the new law registrations will be granted and/or renewed for terms of ten years. Existing “old law” registrations will remain in force until the expiry of their current twenty-year term, after which they will be due for renewal every ten years.

A Moroccan (Casablanca) registration obtained under the former legislation will now automatically extend to the entire country, as will an existing Tangier registration. Consequently, in the case where a proprietor possesses duplicate old law registrations in both Morocco (Casablanca) and Tangier, it will only be necessary to maintain one of the registrations, and the other may be abandoned.

No official mechanism is in place for confirming which of the duplicate registrations is to be kept in force, and it is up to the proprietor to choose. It is generally recommended that the Moroccan (Casablanca) registration be maintained because the Casablanca Registry’s records are in better order than those of the former Tangier Registry. However, it is clear that other important factors such as priority dates and goods/service coverage should also be taken into account when making the selection.

For documentary requirements for new applications please see information on Morocco.
Trade Marks Information

Although Tanzania (mainland) and Zanzibar have joined to form the United Republic of Tanzania, no unified Industrial Property Law has been enacted and separate registrations must be obtained in each territory.

International Arrangements
Paris Union, TRIPS

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS and SERIES MARKS.

Classification
The International Classification of goods and services applies.
A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney, simply signed

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Declaration and Statement of Case, with verified English translation
   3. Licence Agreement, with verified English translation
Trade Marks Information

International Arrangements
Paris Union, Madrid Union (Protocol)
It is considered that International (Madrid) Trade Mark Registrations are effective in Tunisia.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS and CERTIFICATION MARKS. There are no provisions for the registration of DEFENSIVE MARKS or SERIES MARKS.

Classification
The International Classification of goods and services applies.
A single application may cover any number of classes of goods and/or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed - a separate form is required for each application
   2. Ten prints, even for word marks in ordinary type
   3. Priority document (if applicable), with verified French translation

B. Renewals
   1. Power of Attorney, simply signed - a separate form is required for each registration
   2. Positive film and ten prints, even for word marks in ordinary type

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified French translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified French translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Licence Agreement, with verified French translation
Trade Marks Information

International Arrangements
Although Uganda is a member of the Paris Union, there is no provision in the legislation relating to international arrangements, and so, technically, it should not be possible to claim Convention priority. However, the Registry is, in practice, accepting priority claims.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, CERTIFICATION MARKS, DEFENSIVE MARKS and SERIES MARKS.

Classification
The International Classification of goods applies.
A separate application is required for each class of goods.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable) with verified English translation

B. Renewals
   1. Power of Attorney, simply signed

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Declaration and Statement of Case, with verified English translation
   3. Licence Agreement, with verified English translation
International Arrangements
Paris Union, Madrid Union (Protocol), TRIPS
Zambia is a Common-Law country and legislation must be passed to be certain that its Madrid obligations are given full legal effect. No such legislation has been passed. Consequently, even though the Trade Mark Office recognises and processes International (Madrid) Trade Mark Registrations to some extent, it would not be prudent to rely on International registrations as enforceable in this territory.

Categories of Trade Marks
There are provisions for the registration of CERTIFICATION MARKS, DEFENSIVE MARKS and SERIES MARKS. There are no provisions for the registration of SERVICE MARKS.

Classification
The International Classification of goods applies.
A separate application is required for each class of goods.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Twelve prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. No documents required

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Declaration and Statement of Case, with verified English translation
   3. Licence Agreement, with verified English translation
Trade Marks Information

Although Tanzania (mainland) and Zanzibar have joined to form the United Republic of Tanzania, no unified Industrial Property Law has been enacted and separate registrations must be obtained in each territory.

A new Industrial Property Act was drafted in 2008. Although there are no formal Regulations to supplement the Act, the Registrar has made executive decisions to introduce terms as set out in the new Act.

International Arrangements
The United Republic of Tanzania is a member of the Paris Union. As Zanzibar is regarded as a common law country, Convention priority can be claimed in accordance with the 2008 Act.

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, COLLECTIVE MARKS, CERTIFICATION MARKS and SERIES MARKS.

Classification
The International Classification of goods and services applies. A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Ten prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation

B. Renewals
   1. Power of Attorney, simply signed

C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation

D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation

E. Change of Address
   1. Power of Attorney, simply signed

F. Licences/Registered Users
   1. Power of Attorney, simply signed
Trade Marks Information

International Arrangements
ARIPO, Paris Union, Madrid Union (Protocol), TRIPS

Categories of Trade Marks
There are provisions for the registration of SERVICE MARKS, CERTIFICATION MARKS, COLLECTIVE MARKS, DEFENSIVE MARKS and SERIES MARKS.

Classification
The International Classification of goods and services applies.
A separate application is required for each class of goods or services.

Documents required
A. New Applications
   1. Power of Attorney, simply signed
   2. Twelve prints, except for word marks in ordinary type
   3. Priority document (if applicable), with verified English translation
B. Renewals
   1. No documents required
C. Assignments/Mergers
   1. Power of Attorney, simply signed
   2. Deed of Assignment or other instrument of title, with verified English translation
D. Change of Name
   1. Power of Attorney, simply signed
   2. Certificate of Change of Name, with verified English translation
E. Change of Address
   1. No documents required
F. Licences/Registered Users
   1. Powers of Attorney, simply signed, from proprietor and licensee
   2. Declaration and Statement of Case, with verified English translation
   3. Licence Agreement, with verified English translation
How big is Africa?

Africa: 30,221,532 km² / 11,668,599 mi²
Named countries: 30,180,687 km² / 11,652,828 mi²
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