

## **TRADEMARKS**

The provision of the Trademarks Act 1965 and Trademarks Regulations of 1967 regulates matters concerning Trademarks in Nigeria. Trademarks Right under the Act is obtainable only by registering the Trademark at the trademark Registry located at the Federal Capital Territory, Abuja.

### **REQUIREMENTS FOR TRADE MARK APPLICATION.**

- I. Authorisation of Agents (Form 1) duly signed by the applicants .Notarisation not necessary.
- II. Specimen of Trademark (20 Bromide (Copies)
- III. Name(s) and address (es) of Applicant(s) in case of Corporate Applicants, the place of incorporation.
- IV. Priority documents if priority of a foreign application is claimed, a certified true copy of the convention application(with English translation)
- V. If the mark is a word mark and is written in a language other than English, the meaning of the word or its nearest equivalent in English.
- VI. Description of Goods, the full range of goods covered or proposed to be covered by the Trademark. A separate application is required to be filed for each classification of goods for which the Trademark is to be registered.

### **PROCEDURES AFTER APPLICATION**

- **EXAMINATION**  
Trademark applications are examined against existing registered marks and pending applications.
- **ACCEPTANCE**  
If the registrar finds the trademark acceptable for registration, the applicant will be furnished with a letter/notice of acceptance.
- **PUBLICATION**  
Where the registrar finds no ground for rejecting a trademark application, he shall cause the notice of the application as accepted to be published in the trademark journal for public inspection.
- **OPPOSITION**  
Once a trademark application has been published, an aggrieved party may file with the registry an opposition against the application within 2 (Two) months from the publication date. If no objections are received within the specified period or no objections are sustained, the registry will issue the applicant with a Certificate of Registration. When issued, the Certificate will reflect the date of initial filing as date of registration (i.e. date of filing and acknowledgement.)
- **TERM OF RIGHTS.**  
The protection term of trademark rights is for 7 years from the date of application. This is subject to renewal at the instance of the registered proprietor.
- **CONVENTION PRIORITY.**  
Convention priority may be claimed from application filed in a convention country not more than six months before the date of filing of the Nigerian application. However certified true copy of the foreign application must be furnished with English translation where applicable.
- **CANCELLATION BY NON-USE.**  
A trademark registration may be cancelled after trial where the mark has not be used for 5 (five) consecutive years without due reason.

- **RENEWAL OF TRADEMARK.**

A trademark registration can be renewed for a further term of 14 years upon filing of renewal application after the expiration of original registration or the last renewal of registration.

**TIME FRAME IN OBTAINING REGISTRATION OF A TRADEMARK**

1. The letter of acknowledgement and acceptance is obtainable by a very diligent Attorney/Agent within 2-6 weeks of receipt of instructions from a client.
2. Publication of the official Trademarks Journals in Nigeria is irregular and infrequent; at times the journal would be published once a year. With the resultant backlog of pending applications for advertisement, the issuance of Trademark Certificate has been known to take between 2-6 years or even more. But with the present attempt at reorganizing the trademark registry coupled with our experience in trademark registry practice in Nigeria and due to adequate care and diligence with which we handle our clients instructions, we can assure our clients of successful prosecution of instructions to register a Trademark within 6 months – 2 years.
3. Once a Trademark has been accepted for registration with the insurance of a Letter of Acceptance it would be given a temporary number and accorded some measure of protection against later applications for the registration of identical or similar trademarks in relation to the same goods or classes of goods.