



## PROCEDURES/ REQUIREMENT FOR TRADE MARK REGISTRATION IN ZANZIBAR.

Trade mark has been defined in section 2 of Trade and service marks Act of 1986 trademark means any visible sign used or proposed to be used upon, in connection with or in relation to goods or services for the purpose of distinguishing in the course of trade or business the goods or services of a person from those of another,

A trademark is a name or symbol that a [company](#) uses on its products and that cannot legally be used by another company.

A trademark is a sign that distinguishes goods or services of one trader from those of another. According to trademark law a trademark must be a visible sign. A trademark is simply a word, phrase, symbol, or design that appears on the product being sold and which distinguishes itself from other words, phrases, symbols or designs in the marketplace. A service mark is a type of trademark used by the owner or authorized user to provide services instead of goods. A service mark is also represented by a word, phrase or symbol.

### **FILLING REQUIREMENT FOR TRADEMARK REGISTRTION IN ZANZIBAR.**

The procedure to file a trademark registration in Zanzibar requires the followings:

- The Power of Attorney to appoint trademark Agent. There are special forms of Power of Attorney that applies in Zanzibar. The Power of Attorney does not require notarization or legalization.
- Applicant's full name and address;
- Ten prints of the proposed trademark except for word marks in ordinary type. If applicable, you have to inform whether the trademark is to be filed in color;
- Priority Document with verified English translation;
- If the proposed trademark is in a language other than English, the Trademark Office normally requires the applicant to meet application to be accompanied with verified English translation.
- Description of the goods and services for which registration is to be registered.
- Payment of filling fee.

Trademarks are classified according to the goods or services for which you propose to use and register the mark. As explained above, Zanzibar applies International Classification of Goods and Services.

### **PROCEDURE FOR FILLING TRADEMARK APPLICATION IN ZANZIBAR.**

The procedure for filling Trademark Registration in Zanzibar regard to application for the registration of a trademark is required to be filled with Trademark Office. And the rights



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granted after registration dates back to the date of filing or the application for the registration of trademark.

Trade mark registration in Zanzibar, a Trademarks Office Examiner will review the application to make sure that the trademark meets the requirements prescribed by the Trade Marks Decree, Cap 157 Zanzibar. The Examiner considers the registrability of the trademark and issues a report. The Registrar may require further information from the applicant to facilitate completion of the examination process. When the examination is completed, the trademark application may be accepted on certain conditions such as disclaimer of certain word, association of the proposed trademark with other marks in the register. And the trademark application may be refused entirely if the proposed trademark;

- Lacks distinctiveness;
- Is a prohibited mark; or
- Is identical or similar with the mark already in the register or in a pending application.

When the trademark application is refused or accepted on certain conditions, the trademark Office gives an opportunity to the applicant to overcome the objections raised by the Examiner. Normally, the applicant makes a counter argument by supplying additional evidence or making amendment to the application.

### **PERIOD FOR REGISTRATION OF TRADEMARK IN ZANZIBAR.**

In Zanzibar the registration period for trademark is fourteen (14) years. The duration of registration can be renewal of registration. The following are the requirements for renewing a trademark in Zanzibar

- Payment of renewal fee and maintenance fee
- Filing of power of attorney;
- Filing of statement of use.

In Zanzibar the renewal of the trademark has to be done any time not more than three months before the expiry of the registration period. Apart from that late filing of the application for renewal is allowed on the conditions that additional fee must be paid. However the law requires that late filing or renewal must be filed not more than one month after the expiry of the registration period, in practice, late filing/renewal can be done any time before the removal of the mark from the register.



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