



TRADE MARK REGISTRATION IN UGANDA

A trademark is a distinctive sign that identifies certain goods or services produced or provided by an individual or a company from those of other enterprises. A Trademark may consist of any word, symbol, design, slogan, logo, sound, smell, colour, label, name, signature, letter, numeral or any combination of them and should be capable of being represented graphically. The Trademark has to be distinctive, non-descriptive and not likely to cause confusion. The Trademark owner has the exclusive rights to prevent others from using the same or confusingly. A trademark is a sign that is used to distinguish the goods and services offered by one undertaking from those of another. The trademark must be able to distinguish goods and services and should not be misleading. Similar mark.

REASON FOR REGISTER A TRADEMARK IN UGANDA

The following are the reason for registration of trademark

- Registration of a trademark gives the owner an exclusive right to use the registered mark on the goods and/or services for which it is registered.
- The owner of a registered mark can sue for infringement of his registration if someone else uses the same or a similar mark on the same or similar goods and/or services for which the mark is registered.
- Registration gives one's business the ability to distinguish itself from other providers in the market and prohibits others from capitalizing on an enterprise's marketing efforts and good will.

THE PROCEDURE FOR REGISTRATION OF TRADE MARK IN UGANDA

The trademark registration in Uganda involves the following procedure. A person who intends to apply for registration of trademark shall carry out ascertain whether the trademark exist in the register upon payment of a prescribed fee.

A trademark registration is then filed upon payment of application fees also the application of Trademark registration in Uganda contain the mark proposed to be used, the class of goods or services, the name, address, signature of applicant if the applicant is foreigner required to provide power of Attorney or forms of Authorization(TM no1) to an Agent (Advocate of the High court) will be required.

The application is then examined to determine its inherent registrability and conflict with prior existing registrations or applications.

If accepted, the application will be advertized in the Uganda Gazette for 60 days.



If there is no opposition after the expiration of 60 days of the Advertisement the registrar shall upon payment of prescribed fee by the applicant enter the trademark in the register and issue a certificate of registration.

OPPOSITION OF TRADEMARK REGISTRATION IN UGANDA.

There are instance when the trademark which is intended to be registered conflicts with an already registered trademark. The law allows such a person to oppose the registration of trademark in Uganda that he or she is on opinion that conflicts with their trademark.

PROCEDURE FOR OPPOSITION OF TRADEMARK REGISTRATION IN UGANDA

- Filing notice of opposition, the opposing party requires to file a notice of opposition and statement of grounds with the registrar of trademark within sixty days from the date of publication of the trade mark application. The applicant is then sent a copy of opposition documents for a response.
- Counter statement filed by applicant. The applicant files counter statement within thirty days. The counter statement is then sent to the applicant for reply if any and further evidence.
- Hearing of the opposition and decision. The opposition is then set down for hearing and decision is made by the registrar. Any party aggrieved by the decision of registrar has a right through his or Advocate appeal to the High court of Uganda.