

Trade Marks

Trade Marks registration and protection in Nigeria is regulated by the Trade Marks Act Cap. 436 Laws of the Federation of Nigeria 1990.

Applications for registration of a Trade Mark is usually made by the applicant or his authorised Agent to the Registrar of Trade Marks at the Trade Marks Registry. An application must be in respect of particular goods or classes of goods specified in the 4th Schedule of the Act (the same as the International Classification of Goods by the World Trade Organisation {W.T.O}).

If the applicant desires to register the same Mark for goods falling into more than one class, he must make a separate application for each class. The application would be accompanied by the following:

- (1) 15 (fifteen) durable prints/representations (bromides) of the Mark
- (2) Name, address, nationality and business of the applicant.
- (3) A statement of the full range of goods covered or proposed to be covered by the Trade Mark.
- (4) Where the Trade Marks contain words in a language other than English, the English translation of the word must be filled with the application.
- (5) A letter of authorisation of agent will be made and signed by the applicant or in the case of a company by the authorised representative. A copy of the authorisation of agency is enclosed herewith.

(6) Evidence of payment of the filing fees and search fees.

After filing the application, the Registrar will issue an official acknowledgement that reflects the official number and filing date of the application. This usually takes not more than 10 (ten) days after the submission of the application.

Upon receipt of an application and payment of registration and search fees, the Registrar shall cause a search to be made on all existing Trade Marks registered under the relevant class(es) to which the proposed registration relates to confirm that there are no identical or conflicting pending for registration or already registered.

Where the Registrar finds the Trade Mark is acceptable for registration the applicant will be issued with a notice of acceptance. This process takes an average of 15 (fifteen) days to complete. The Trade Mark application is then advertised in the Nigerian Trade Mark Journal published by the Registrar of Trade Mark. The application will then be open for opposition for a period of 2 (two) months from the date of the advertisement. Opposition proceedings are heard by the Registrar and there is a right of appeal to the Federal High Court.

Where no objections are received within the said period, the Registrar will issue a certificate of registration with the date of the initial filing as the date of registration. The certificate is usually issued within an average of 4 (four) weeks from the end of the opposition period or the disposition of the opposition.

A Trade Mark registration in Nigeria will not cover any other African country. Separate applications are required for other countries. There is no provision by which one application in an African country will cover the rest of Africa.