



REGISTRATION

A trademark is basically a sign that is used to distinguish the goods and services offered by one undertaking from those of another.

THE TWO MAIN CHARACTERISTICS OF A TRADEMARK;

- I. It must be distinctive (it must by its very nature be able to distinguish goods and services) and
- II. It should not be deceptive (misleading).

Therefore a trademark is a sign that individualizes the goods and services of a given enterprise and distinguishes them from the goods and services of its competitors. 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. A trademark can also be a three dimensional-consisting of packaging of goods itself. A trademark protects good whereas a service mark protects services.

The registration is for a period of Seven years (7) and upon expiry is renewed every ten (10) years.

STEPS FOR REGISTRATING A TRADEMARK IN UGANDA?

1. Request for Search: A person who intends to apply for the registration of a trademark shall carry out a search to ascertain whether the trademark exists in the register upon payment of a prescribed fee.
2. Filing of Application by Applicant: A trademark application is then filed upon payment of application fees. The application should contain the mark proposed to be used, the goods or services, the name, address and the signature of applicant. Note: If the applicant is a foreign company; A Power of Attorney or Form of Authorization (TM NO. 1) to an agent (Advocate of High Court) will be required.

3. The application is then examined to determine if it is capable of distinguishing the goods or services from others and whether use of the trademark is likely to cause confusion.
4. Publication of Application: If accepted, the application will be advertised in the Official Government Gazette for 60 days.
5. Certificate of Registration: If there is no opposition after the expiration of 60 days of the advertisement in the gazette, the Registrar shall upon payment of the prescribed fee by the applicant enter the trademark in the register and issue a certificate of Registration.

PROSECUTION OF TRADEMARK IN UGANDA

KTA FEES STRUCTURE

Note Gazzete fees are a standard rate of USD 124 or UGX 450,000

NO	ITEM	STATUTORY FEES	DISBURSMENTS	PROFESSIONAL FEES
1	Search at the Trademark Registry	65	60	100
2	Application for Registration	150	60	450
3	Notice of Opposition	250	100	1000
4	Counter Statement / Defence	150	60	1000
5	Registration of a Trademark	250	60	400
6	Certification of a Trademark	40	60	100
7	Assignment (Within 6 Months)	75	60	100
8	Assignment (Within 12 Months)	250	60	400

NO	ITEM	STATUTORY FEES	DISBURSMENTS	PROFESSIONAL FEES
9	Assignment (After 12 Months)	300	60	600
10	Changes in Particulars	30	60	250
11	Renewal	250	100	1000
12	Association Fees	250	60	500
13	Rectification of Trademark	.	.	.
14	Statutory Declarations	50	50	100
15	Appearance at The Registrar's Office to argue or defend a Trademark opposition.	NA	200	5000
16	Representation in Court	Charged According to Court Fees Rules		Charged According to the Advocates Act

REGISTRATION OF A COPYRIGHT

Overview

Section 4 Copyright And Neighboring Rights Act provides that the author of any work specified in Section 5 shall have a right of protection of the work, where work is original and is reduced to material form in whatever method irrespective of quality of the work or the purpose for which it is created and that this protection shall not be subject to any formality.

However for purposes of keeping evidence of the right of ownership, identification of works and authors & maintenance of record of right, the owner of a copyright can apply to the Registrar of Copyrights for its registration per Regulation 3 of Copyrights and Neighboring Rights Regulations 2010. Specifically to this inquiry, Section 5(1) (e) of the Act, provides for computer programmes and electronic data and banks other accompanying material as one of the items that are eligible for copyright protection.

Procedure

- Apply to the Registrar of Copyrights on Form 1 in 2nd Schedule to the Copyrights and Neighboring Rights Regulations 2010. (A copy is attached)
- Accompany application with;
 - Copies/records of representing the work whether the work has been published before or not.
 - A non-refundable fee of UGX 50,000/= (fifty thousand shillings) specified in 3rd schedule to the Regulations.
- Upon receiving the application, the Registrar will issue a notice to gazette the same for 60 days.
 - Applicant pays the fees for publication of the notice amounting to UGX 450,000.
- If no objection is lodged after 60 days from date of publication of notice of application to register the copyright, Registrar enters the name of the Applicant in the register as the owner/ author of the copyright.
- Applicant is then issued with a Certificate of Registration as proof of registration.

Note:

Section 81 of Copyright & Neighboring Rights Act, provides that a Copyright or neighboring rights owner who is not a citizen or resident of Uganda shall be protected under this Act if the work was not published in a country which;

- (i) - Is a member of the organisations specified in Part 1 of the Second Schedule
- (ii) - Signatory to any of the international conventions specified in Part II of the Second Schedule.

Part I / Second Schedule

- World Intellectual Property Organisation (WIPO)
- Africa Regional Intellectual Property Organisation (ARIPO)
- The United Nation Educational Scientific And Cultural Organisation (UNESCO)
- The Wolrd Trade Organisation

Part II / Second Schedule

- The Trade Related Aspects Of Intellectual Property Rights Agreement. (TRIPS)

PATENT PROTECTION IN UGANDA.

Patent protection is granted when three elements are existent in a given invention.

These are;

- Novelty (new)
- Inventive step (Obviousness)
- Industrial Application (if it can be used in any industry).

Thus in the case at hand, the software that has been developed if it fits within the criteria set for patent, then patent protection can be granted. The information given cannot enable us to conclusively advise on which protection to apply for. In case, a patent application is to be submitted to the registry, we shall need;

- a) Application (specific form)
- b) Description of the invention
- c) Claim
- d) Drawings
- e) Abstract
- f) Power of Attorney
- g) Industrial applicability of the invention.

Statutory Fees.

Application fees	USD 100
Grant of Certificate	USD 100
Professional fees	USD 250

These fees are in case the application doesn't have any oppositions and counter oppositions.

UTILITY MODELS

In cases where the requirements of a patent are high, the applicant may apply for/convert application for a utility model.

In applying for a utility model, one must prove;

- That the invention is new
- Industrially applicable.

The application for utility model takes the same procedure as a patent and the requirements are the same.

Statutory Fees.

Application fees	USD 50
Grant of Certificate	USD 50
Professional fees	USD 250



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