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COMPREHENSIVE TRADEMARK REGISTRATION GUIDE

SECURE AND PROTECT YOUR BRAND LOCALLY OR REGIONALLY

A registered trademark is your essential shield against competitors, legally protecting your brand name, logo, and identity. This guide outlines the complete process, including all fees through the **ARIPO (Banjul Protocol) route** for both regional coverage or the local coverage.

TRADEMARK REGISTRATION PROCESS

The registration process typically takes an estimated **12 months** to complete, assuming no oppositions are filed. We advise clients to pursue the ARIPO as it offers more cost efficient processing of the registration procedure and acts as a one stop shop for protection in numerous ARIPO member states.

Stage 1 – Search and Preparation

This crucial stage determines if your mark is available and registrable. We conduct a mandatory search on the ARIPO database. This checks two key points:

1. *Whether your mark is similar to any mark already registered or pending.*
2. *Whether your mark meets the criteria for registrability (i.e., it must be distinctive and non-descriptive).*

During this stage, we assist clients in the classification of goods and services according to the **Nice Classification** system. The **Nice Classification System** is the universally adopted international standard that categorizes goods and services into 45 specific classes for defining the scope of the trademark protection.

Stage 2 – Application Filing

Once the mark is deemed registrable, we formally submit the application. Application is filed using **Form M1** (Application for Registration of a Mark). The Registrar reviews the application.

The Registrar may grant Absolute Acceptance, which is the unconditional approval of the mark without any limitations, or Conditional Acceptance (also known as partial acceptance). Conditional acceptance occurs when acceptance is granted subject to the applicant agreeing to specific stipulations, most commonly the inclusion of a mandatory disclaimer for non-distinctive or generic elements. For example, the

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Registrar might require a disclaimer to the exclusive right to use a generic word like "COFFEE" apart from the distinctive mark. Conditional acceptance ensures the registration proceeds with legally defensible parameters.

If there is a refusal or conditional acceptance, the Registrar provides written reasons. The applicant is given a timeline within which to rectify any outstanding issues and queries raised.

Stage 3 – Publication for Opposition

If the mark is accepted, it must be publicly advertised. The accepted mark is advertised in the official ARIPO Journal.

The official ARIPO Journal publishes key details of the mark, including the **abridgement and drawing(s)** of the accepted mark. The primary function of this publication is to officially commence the mandatory **3-month** period during which any interest party, most often competitors, may lodge an objection against the registration of the mark.

Stage 4 – Registration and Certification

If no objection is raised during the 3-month period, or if any objections are successfully defended, the mark proceeds to final registration. The final registration fee is paid. A request for certification is made, and once processed and signed by the Chief Registrar, the Trademark is officially registered.

Stage 5 – Maintenance and Renewal

A registered trademark is valid for a period of **10 years** from the filing date. Registration must be renewed **within 1 year before the expiry** date.

Failure to renew the registration after 10 years results in the termination of legal exclusivity, enabling competitors to potentially use or register similar marks without immediate infringement liability. While protection under residual delictual law, specifically the common law delict of passing off may still apply to defend a mark's lasting association and recognition commonly known as residual goodwill; relying on passing off is strategically inferior. Proving passing off is complex, requiring rigorous evidence of goodwill, misrepresentation and resultant damage, whereas timely renewal costs a fixed administrative fee and maintains statutory monopoly, avoiding high-costs and uncertain IP litigation.

REQUIREMENTS FOR FILING AN APPLICATION

To initiate the process, we require the following information and documentation:

Category	Required Information
Applicant Details	Full name, nationality, addresses, contact details, and description of the applicant(s) (can be a natural or legal person).
Mark Details	A clear, two-dimensional reproduction of the mark (picture, logo, or word); where applicable, a three-dimensional reproduction of the mark.
Goods & Services	The full class specification and description of the goods or services the mark will represent (e.g., Class 25 for clothing).
Declaration of Use	Evidence of actual use, or a formal declaration of your definite intention to use the mark.
Colour Claim	If you claim specific colours as a distinctive feature of the mark, their name(s) must be specified.
Authorization	A completed form of authorization from the owner of the trademark (Power of Attorney) granting us to file and do all process incidental on their behalf.
Other	Details of any disclaimers, conditions, or limitations relating to the trademark.

Mandatory Representation: If you are neither an ordinary resident nor maintain a principal place of business in an ARIPO contracting state, you must be represented by an authorized agent.

CONSOLIDATED FEE SCHEDULE

Our service fees and the official government fees are charged in USD.

Official Fees (Payable to ARIPO)

Stage/Item	ARIPO (Banjul Protocol) Fee Per Mark	Notes
Search Fee	**US$50**	Mandatory check for availability.
Classification Request	**US$50**	If ARIPO is requested to determine the class.
Filing Fee	**US$100 (Paper)** or **US$80 (Electronic)**	Base fee for one mark in one class/designation.
Application Fee	**US$50 for a single mark in one class per designated state, and US$10 in every additional class per designated state**	Application fee for one mark.
Designation Fee	**US$50 per one class per designated state (an addition US$50**	Only for the ARIPO route to extend protection.
Publication Fee	N/A	Required to advertise the mark in the Journal.
Registration Fee	**US$100 per one class per designated state (an additional US$50 for each additional class per designated state)**	Final fee upon acceptance.
Certification Request	N/A	Required for the final certificate.
Renewal	**US$100**	Required every 10 years to maintain protection.

Our Professional Fees

These cover our legal expertise, drafting, filing, and management of your case:

Service	Fee Structure	Details
Full Registration Service (for a single mark)	**US$850 Flat Fee**	Covers all professional work from the initial search through to the successful final registration for a single mark.
Registration Service (Additional mark)	**US$450**	Covers all professional work from the every additional mark if included in initial application.
IP Litigation	**US$250 per hour**	For complex matters, opposition proceedings, and court action. Estimated case range: **US$3,000 - US$15,000**.
IP Enforcement (In-Use Investigations)	**US$150 per hour**	Fieldwork and investigation into the use of a mark (dependent on complexity).
IP Enforcement (Cease-and-Desist Letter)	**US$45**	Fee for drafting a simple letter of demand to an infringer.
Commercialisation of IP	**US$250 per hour**	Expert counsel for licensing agreements and arrangements, franchising, and licensing advisory, enabling clients to monetize IP assets while retaining ownership.
Other IP Work	**US$250 per hour**	Other complex intellectual property related work.

Contact Mushoriwa Moyo

We are ready to guide you through every stage, ensuring compliance and maximizing your brand protection.

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