

● IP Alert

Trademark recordal in Uganda



What is a trademark recordal?

A recordal is an entry in a Trademark Register, the database containing particulars of all trademarks and designs registered by the Registrar of Trademarks in Uganda, which implies the amendment of certain information therein.

Trademark validity in Uganda

A trademark in Uganda is valid for an initial period of seven years from the filing date and consecutive periods of 10 years thereafter. Applicants need only submit a simply signed power of attorney or Form of Authorization (TM no. 1) to an agent (Advocate of the High Court) to file a renewal. There is a continuous non-use period of three years from the granting date, after which the mark may be subject to cancellation.

During the lifespan of a trademark, it may be necessary to amend the initially filed registration, given that the applicant or its details may change, and it is crucial that the information provided is accurate. In addition, any unrecorded information before the registry is not enforceable against third parties.

The following are matters that can be a subject of a trademark recordal in Uganda provided that the formal requirements are met:

a. Trademark assignment

A trademark assignment is the transfer of an owner's property rights in a given mark or marks. Such transfers may occur on their own or as parts of larger asset sales or purchases. Trademark assignment agreements provide records of ownership and transfer and protect the rights of all parties.

For a recordal of an assignment, the applicant must submit a Form of Authorization together with a deed of assignment with a verified English translation.

b. Change of trademark proprietor's name

Trademark owners/ proprietors reserve the right to change their names in accordance with the procedure provided for the change of names in the respective countries of origin and as dictated by the type/ nature of owner. A name change is also a chance to freshen the brand and show consumers that the company is keeping up with the times. Often, a name change simply aligns the company with language already being used by customers.

For a recordal of change of name, the applicant must submit a Form of Authorization, and a certificate of a change of name, with a verified English translation.

c. Change of address

As part of the requirements for trademark registration, applicants are expected to submit their address. This address used at the point of registration may change during the course of the trademark validity and as such may require, as a matter of practical prudence, to be changed.

For a recordal of change of address, the applicant must submit a simply signed power of attorney.

d. Trademark Licensing

Trademark licensing is the process by which a registered trademark owner, called a licensor or proprietor, allows another party, called a licensee, to make and distribute specific products or services under the licensor's trademark agreement. Trademark licensing is a type of merchandise agreement.

For a recordal of a licence, the applicant must submit a Form of Authorization from the owner and licensee together, and the trademark licence agreement, with a verified English translation.

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Caveat

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