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# How to Register a Trademark?

## ***Introduction***

Trademark can be defined “as a distinctive mark of authenticity, through which the products of particular manufacturers or the vendible commodities of particular merchants may be distinguished from those of others”. This definition is according to the Black’s Law Dictionary.

## ***Applicable Laws***

The Nigerian Trademarks Registry, under the Federal Ministry of Trade and Investments, is responsible for Trademark registrations in Nigeria. Some of the applicable laws relevant to Trademark in Nigeria include the following:

1. **The Trademarks Act, CAP T13 Laws of the Federation of Nigeria (“LFN”), 2004 (the “Trademarks Act”).**
2. **The Trademarks Regulation, 1967.**
3. **The Merchandise Marks Act, CAP M10 LFN, 2004 (the “Merchandise Marks Act”)**
4. **The Trademark Malpractices (Miscellaneous Offences) Act, CAP T12 LFN, 2004.**

## ***Registrable Trademarks***

Any device, brand, heading, label, ticket, name, signature, word, letter, colour mark, numeral, or any combination thereof may be registered as a trademark. Three-dimensional marks are also eligible for trademark protection.

## **Non-Registrable Trademarks**

However, deceptive or scandalous marks or designs or marks that are likely to cause confusion are not eligible for trademark protection. Names of chemical substances and geographical names in their ordinary signification are also ineligible for trademark protection.

## **Registration Process**

1. **Availability search:** An availability search is conducted at the Trademarks Registry, and it takes about three days to obtain a search report.
2. **Filing:** The trademark application is filed and is subsequently examined for registration.
3. **Issuance of Acceptance Form:** An Acceptance Form is usually issued within one to three months.
4. **Publication:** After the mark has been accepted, it is listed for publication in the Trademarks Register (the publication timeline is determined by the Trademarks Office).
5. **Opposition Period:** After publication in the Trademarks Journal, the trademark application is open to opposition. The opposition period is two months from the date of publication in the Trademarks Journal. Where there are no oppositions, an application for sealing of the trademark application is filed in order to obtain the certificate of registration, which usually takes between three and six months.

## Registration Requirements

The following documents and information will be required for trademark registration in Nigeria:

1. The name, nationality and address of the proprietor of the trademark;
2. Representation of the trademark;
3. Specification of goods or services for which the trademark is sought to be registered;
4. The class of goods or services; and
5. An executed Power of Attorney in favour of an authorised agent or attorney to be filed at the Trademarks Registry.

In conclusion, Trademark registration is valid for a period of 7 years at the first instance and subsequently renewable every 14 years.

Do you want to register your trademark?

Why not **contact us** today?

