

New Regulations Now Effective in Ethiopia

By Zeina Salameh, Saba & Co. IP – Head Office, Lebanon

The long-awaited regulations implementing the Ethiopian Trademark Law of 2006 were published on December 24, 2012. Significant work is underway to establish the official requirements and steps. The list below is related to the procedure that is expected to be adopted in Ethiopia following the introduction of the regulations.

1. New trademark applications must be submitted by no later than June 24, 2014 for all marks filed in the country before July 7, 2006. These new applications will not be registered automatically but will be subject to examination on absolute and relative grounds.
2. Pending applications filed between July 7, 2006 and December 24, 2012 will be examined in accordance with the provisions of the new Trademark Law.
3. Trademark applications filed after July 7, 2006 which have already matured into registration will be receiving new registration certificates. Requests should be submitted at the Trademark Office for this purpose.

In terms of the present practice, the trademark owner was required to obtain permission from the Ethiopian Intellectual Property Office (EIPO) to publish cautionary notices in the local newspapers. Once permission was obtained and the cautionary notices were published, a Trademark Deposit Certificate bearing the official number and the protection term was issued.

Protection Scope	Any trademark capable of being represented graphically and consisting of a letter, word, numeral, design or three-dimensional shape may be registered, provided that it is distinctive.
Priority Claim	Claim of priority, based upon an earlier-filed foreign application, is possible. The priority of countries adopting the Paris Convention will be recognised.
Classification	The 8th Edition of the Nice International Classification of Goods and Services for the purpose of the registration of trademarks is followed.
Type of Application	A single application may include several classes.
Opposition	Trademark applications accepted by the EIPO will be published in the Intellectual Property Gazette (or in any other newspaper having countrywide circulation) for opposition purposes.

Publication after Registration	The EIPO shall also notify the completed registration of a trademark in the Intellectual Property Gazette (or in any other newspaper having countrywide circulation).
Protection Term	Trademark registrations are valid for seven years from filing date and are renewable for like periods. There is a grace period of six months for late renewals with payment of a surcharge.
Use Requirement	Use of a trademark is not required for registration or renewal of a mark. However, a trademark is vulnerable to cancellation by any interested party if there has been no effective use of the mark for a period of three consecutive years preceding the date of filing for cancellation.
Border Measures	As a new border measure, the holder of a trademark right shall be entitled to request the Customs authorities to seize imports of goods with infringing trademarks. Customs will have the authority to seize suspected goods and give the parties concerned ten days to bring a lawsuit.

For more information, please contact:

Zeina Salameh
Assistant Manager – Key Accounts
Saba & Co. IP
zsalameh@sabaip.com
www.sabaip.com

Zeina Salameh has been with Saba & Co. IP for 14 years. Her main responsibility is the management of the firm's relations with key clients. She works on tailored regional protection strategies and portfolio management studies to help achieve quality and efficiency, decision support, client attention, improved planning and innovative development of opportunities.