

GUIDE FOR SMALL AND MEDIUM AFRICAN ENTERPRISES ON USING TRADEMARKS

FROM THE AFRICAN COMMUNITY OF PRACTICE ON MANAGING FOR DEVELOPMENT
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SYNOPSIS

Trademarks started to play an important role as countries industrialized and since then have become a major marketing tool. Their use by Africa's small and medium enterprises (SMEs) is crucial for their growth, as SMEs are at the heart of Africa's dynamism. By enhancing their trade competitiveness, more firms can become part of regional and international value chains. Trademarks distinguish goods or services, but few African SMEs understand their importance, or how to register them.

This guide provides a "how to" of establishing, registering, and using trademarks. Targeted at SMEs and members of the African Community of Practice, it aims to give overall direction to SMEs on navigating intellectual property rights, at national and regional levels. More generally the guide promotes trademarks for protecting SMEs' innovations, enabling SMEs to follow trademark policies and laws.

Among the key findings: Trademarks enable consumers to identify a product (good or service) of a business so as to distinguish it from other identical or similar products. They are central to business branding and marketing strategies, and help define the image and reputation of the business' products in the eyes of consumers.

The main conclusion: A trademark should distinguish the product sold under it from goods or services of other enterprises. It must indicate the sources, so that the consumer can trust in an enterprise responsible for products sold under that trademark.

The main recommendations: African SMEs and trademark owners are strongly advised to register their trademarks, use them, advertise them, and pay renewal fees every 10 years. They are also advised to brand their trademarks and make them strong by maintaining quality and to register their trademark internationally if they wish to be licensed for external enterprises.

What is a trademark?

According to the World Intellectual Property Organization (WIPO), a trademark is defined "as any sign that individualizes and services a given enterprise and distinguishes it from those of competitors."¹ Trademarks are also described as "Distinctive design, graphics, logo, or combination

thereof that uniquely identifies a firm and/or its goods or services, guarantees the item's genuineness, and gives its owner the legal rights to prevent the trademark's unauthorized use."² They are part of the intellectual property tools used in business. Figure 1 has examples of soft drink trademarks. Any person who intends to use a

¹<http://www.wipo.int/edocs/publdocs/en/sme/900/wipo.pub.900.pdf> (accessed November 2015).

² <http://www.businessdictionary.com/definition/trademark.html>

trademark or to have it used by third parties can apply for registration, whether an individual or a legal entity, though it is not mandatory to register.

Figure 1. Soft drink trademarks



Pepsi trademark



Coca-Cola trademark

Purpose of trademarks

Trademarks enable consumers to identify a product (good or service) of a business so as to distinguish it from other identical or similar products. They are central to business branding and marketing strategies, and help define the image and reputation of the business' products in the eyes of consumers. They also create trust for a business, which is the basis for establishing a loyal clientele and enhancing goodwill. They can also lift business growth, as consumers often develop an emotional attachment to certain trademarks, based on a set of desired qualities or features embodied in the products bearing them. They also provide an incentive for businesses to invest in maintaining or improving the quality of their products in order to ensure that products bearing their trademark have a positive reputation. Box 1 presents some other benefits.

Box 1. Benefits of using trademarks

- The registered owner of a trademark has the exclusive right to commercially use the trademark anywhere in the country or region where registration was secured.
- Trademarks give consumers guidance to choose goods or services according to quality, price, and other characteristics.
- They encourage owners to maintain and improve the quality of the product sold under the trademark, to meet consumer expectations.
- Trademarks reward manufacturers who constantly produce high-quality goods.

- They may be licensed to provide a direct source of revenue through royalties.
- Trademarks are crucial components of franchising agreements.
- They may also be valuable business assets (part of "goodwill"), and be useful for obtaining financing from credit facilities.
- A trademark indicates the source of origin for the goods. This is important as consumers can trust an enterprise with that trademark.

What are the types of marks?

There are five types of marks (the word "mark" can mean trademark or service mark, collective, certification, or a well-known mark):

- Trademarks: Distinguish certain goods as those produced by a specific enterprise.
- Service marks: Distinguish certain services as those provided by a specific enterprise. Service marks are protected by the same law protecting the trademark, and so can be registered, renewed, or cancelled the same way as trademarks can. They can be assigned and licensed under the same conditions.
- Collective marks and certification marks (figure 2): Distinguish goods or services produced or provided by members of an association.
- Certificate marks: Distinguish goods or services that comply with a set of standards and have been certified by a certifying authority.
- Well-known marks: Are considered to be well-known in the market and as a result benefit from stronger protection.

Collective and certification marks

Collective marks distinguish goods or services produced or provided by members of an association. They are owned by an association and used solely by individual members. Collective marks protect consumers against misleading practices (figure 2).

Figure 2. Collective marks



Certification marks distinguish goods or services that comply with a set of standards and have been certified by an authority, such as a national bureau of standards. The owner must be the representative for the product to which the certification mark applies. This is important for protecting the public against misleading practices (figure 3).

Figure 3. Collective marks



Requirements for a registerable trademark

For a trademark to qualify to be registered it must be capable of distinguishing the goods or services of a person in respect of which it is registered or proposed goods or services of another person. A mark is considered to be capable of distinguishing if, at the date of application for registration, it is inherently capable of so distinguishing or is capable of distinguishing by reason of prior use of the mark.

A mark will, however, be rejected if it:

- Is likely to cause confusion or deception with a mark already registered.
- Merely describes the goods and services.
- Simply consists of a generic term.
- Primarily describes, or is deceptive about, the geographic origins of the goods and services.
- Is deemed immoral, deceptive, or scandalous.
- Disparages or falsely suggests a connection with people, institutions, beliefs, or national symbols.

- Uses the flag or coat of arms of any state or foreign nation.
- Uses the name, portrait, or signature of any living person without that person’s written consent.
- Uses the name, signature, or portrait of a deceased President of the United States during the life of his widow without her written consent.

How to choose the sign that may be used to serve as trademarks

Words

This category includes company names, surnames, forenames, geographical names, and other words or set of words, whether invented or not, and slogans or arbitrary marks (words not related to the product they advertise). This type of trademark should be easy to see, read, write, spell, and remember; and suitable for all types of advertising media (figure 4).

Figure 4. Trademarks in words



Letters and numerals

These marks can have one or more letters, one or more numerals, or any combination (figure 5).

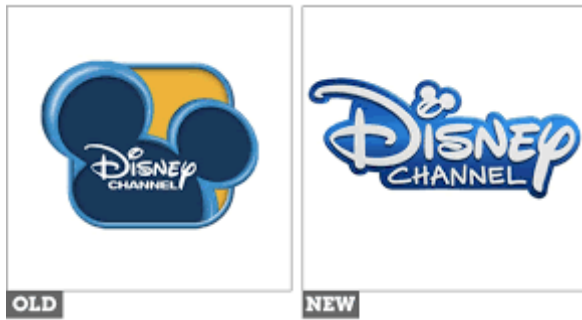
Figure 5. A trademark in letters



Devices

This category includes fancy devices, drawings, and symbols and two dimensional representations of goods or containers (figure 6).

Figure 6. Device trademarks



LIGHTHOUSETM
PRINT

Combination

These include combinations of any of those listed above, including logotypes and labels.

Colored marks

This category includes words, devices, and any combination (figure 7).

Figure 7. Colored marks



Colored marks can be in colors, color combinations, or single colors.

Three dimensional signs

A typical category of three dimensional signs is the shape of goods or their packaging. But other three dimensional signs such as the three-pointed Mercedes star can serve as a trademark, as can the shape of a Coca-Cola bottle (figure 8).

Figure 8. Three dimensional signs



Audible signs (sound marks)

Two typical categories of sound marks can be distinguished, namely those that can be transcribed in musical notes or other symbols (for example, cry of an animal as the Nokia phone sound).

Olfactory marks (small marks)

A company may sell for example writing paper with a certain fragrance, and the consumer becomes accustomed to recognize the goods by smell or fragrance.

Other visible signs

Examples of these are signs recognizable by touch.

Name and surname marks

These can be used as trademarks although it is important to establish the meaning of that name or surname in every language in your marketing area, so that it has no bad or immoral meaning in that area.

Mark referencing a geographic origin

These are goods from a particular region or locality with a certain reputation. It can be a certain flavor due to a characteristic of the soil in that locality or region. For example, Zanzibar cloves have a distinctive aroma not found in other cloves. Another example is orange juice from Mazoe village in Zimbabwe, allowing local farmers to charge a premium (figure 9).

Figure 9. Geographic origin



Mazoe Orange Crush

Zanzibar cloves

Well-known marks

These are marks that are considered to be well-known in the market and as a result benefit from strong protection. Well-known marks may be protected even if they are not registered or have not even been used in a given territory. So even if someone wants to sell unrelated goods using a similar trademark he should seek authorization to avoid the risk of being sued for infringement of the trademark rights (figure 10).

Figure 10. Well-known marks



Five points to keep in mind when selecting or creating a trademark

- Check that your trademark of choice meets all the legal requirements for registration (to avoid rejection).
- Do a trademark search to make sure that it is not identical or confusingly similar to existing trademarks.
- Make sure the trademark is easy to read, write, spell, and remember, and is suitable for all types of advertising media.
- Make sure the mark does not have any undesired connotations in your own language or in any of the languages of potential export markets.
- Check that the Internet domain name is available for registration. (For more on the relationship between trademarks and domain names, see page 19 of the 2006 WIPO Trademark guide).

Requirements for registering a trademark

The requirements that a sign should fulfill in order to serve as a trademark are standard throughout the world. Essentially, the trademark should distinguish the product or service; and should not contain misleading characters or violate public order or morality.

A trademark should be distinctive, meaning that at the time of filing an application there should be no mark that is similar to it. Nor should it be descriptive. For example, the word “apple” cannot be registered as an apple trademark but can be registered as an arbitrary mark for an Apple device or computer (figure 11).

Figure 11. An arbitrary mark



Mistakes to avoid in choosing a trademark

Don't use a generic sign or name. A sign is generic when it defines a category or type. It is not allowed to monopolize the generic terms: For example, someone is selling tables and uses a trademark such as “table.” But “table” is a generic name; you cannot stop others from making their tables. You can, however, use any other arbitrary word like “Adambed” or any other term as a trademark of your table without monopolizing the term “table” as your trademark. Although a sign might have been used for a long time, it can still be registered. The more descriptive the term is, the harder it will be to prove the secondary meaning, and a high proportion of consumer awareness will be necessary.

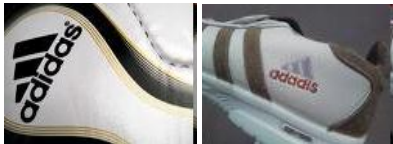
Do not use signs contrary to morality or public policy. A god of a certain tribe or religion cannot be used as

a trademark for carpets, for example. Nor can national and intergovernmental flags (such as those of the United Nations), official names, or names of official institutions and international organizations be used as trademarks for certain enterprises.

A trademark should not confuse customers with identical or similar goods. The trademark should be distinct and not deceptive. The more suggestive the trademark, the more easily it will deceive if not used for goods with characteristics described.

Do not use deceptiveness, even partial. Partially deceptive trademarks will be rejected because they aim to deceive customers (figure 12).

Figure 12. Real and deceptive trademarks



Real trademark - Partially deceptive trademark

Step by step on how to file the application of your trademark

There are three ways of filing trademarks: the national route; the regional route; and the international route. The time to register a trademark ranges from six months to one year.

The national route

It is advised to conduct a search for your trademark at your national office to make sure there is no similar trademark in your country before filing your application. If you find that none exists, prepare your application by doing the following:

- Fill out the relevant request form.
- Attach representation of your trademark indicating all colors that your trademark will use; it is advisable to cover all colors you want to trade in.
- Choose the classification (the Nice classification—annex 1) if you know it; otherwise just mention the types of goods to be sold under your trademark. The examiner will allocate the classification.

- File the application with your national patent office.
- Pay the fees (see Annex 2 for the Zimbabwe Patent Office).
- The national patent office will process your application by conducting a formality check followed by a substantive examination. If your trademark meets all criteria, it will be advertised in the National Gazette or African Intellectual Property Organization (OAPI) Journal, allowing 60 days for any person to give “notice of opposition.”
- Registration will be made when a trademark application has been accepted.
- Renew your trademark by paying a fee every 10 years.

Note: Non-use of mark. Once the mark is registered, any person can apply for its removal from the register if the mark has not been used for a continuous period of five years.

Regional route—through the African Regional Intellectual Property Organization (ARIPO)

Applicants from ARIPO member states who want to file their applications to ARIPO for the Banjul Protocol on marks can file the application through their national office. Their application will be transmitted directly to the ARIPO office in Harare, Zimbabwe.

The following are the requirements:

- Download ARIPO form M1 from the ARIPO website, www.aripo.org, or get it from the national office.
- Fill out form M1.
- Designate or choose countries where you want protection. For this case, about nine countries are members of the Banjul Protocol (Botswana, Lesotho, Liberia, Malawi, Namibia, Swaziland, Uganda, Tanzania, and Zimbabwe).
- Choose classes from the Nice Classification (annex 1) or list the goods you want to see traded under your trademark (for example shirts, shoes, bags—class 25 and class 18), or the examiner will classify them for you.
- Pay the fees (annex 3).
- The national office will transmit the application to ARIPO (within one month).

- ARIPO (regional route) will do a formality check and classify accordingly.
- ARIPO will transmit the application to designated states for conducting substantive examination.
- If the application is accepted, ARIPO will be informed, and the mark will be published in the ARIPO journal. This process takes about nine months.
- The trademark will be registered.

Regional route—through OAPI

OAPI states are French-speaking countries: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros Islands, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, and Togo.

- The application is filed at the central office in Yaoundé (Cameroon).
- Applicants need a request for trademark registration.
- They also need a representation of a trademark and a list of goods and services.
- A certified copy priority document in English or French should be brought in three months after filing the trademark application.
- Multiple applications are possible. But separate applications have to be filed for goods and services.
- Foreign applicants need a local agent.
- For each trademark a new power of attorney is necessary.
- The application process includes only a formal examination, without indication of possible identical or similar trademarks.
- The processing time from the first filing to registration or first office action is roughly 9 to 12 months. After registration, the trademark is published in the official trademark bulletin.
- The opposition period is six months from the publication date of the trademark in the official gazette, and the trademark is valid for 10 years from date of application. The registration is renewable for 10 years.
- The grace period of trademark renewal is six months from the expiration date of the mark with the late payment fees.

- If the trademark is not used for five years continuously, it will be cancelled.
- Trademark official fees. The official fee is roughly €610 for up to three classes, roughly €125 for each additional class. For a colored trademark, an official fee of roughly €75 is added.

International route (the Madrid system)

African applicants residing in OAPI states and members of the Madrid system (Egypt, Gambia, Ghana, Kenya, Lesotho, Madagascar, Morocco, Mozambique, Namibia, Rwanda, Senegal, Sierra Leone, Sudan, Swaziland, Tunisia, Zambia, and Zimbabwe) can contact their patent offices if they want to file for a trademark internationally. ARIPO is not a member of the Madrid Protocol for trademarks, and so cannot act as an intermediary for the Madrid system (annex 4).

Requirements and procedures

Entitlement: Applicants who are entitled to apply for registering their trademark through the Madrid system should have a business in a contracting party, be domiciled in a contracting party, or be a national of a contracting party. The office of the contracting party with which the applicant has the necessary connection is their office of origin. The office acts as their intermediary for filing an international application.

Basic application/registration (“basic mark”)

The applicant must have applied for or registered a mark with their office of origin. Then:

- Fill out Form MM2.
- Provide a name and address.
- Provide a reproduction of the mark, which must be identical to the basic mark (the local application or registration).
- Add the designation of the contracting parties in which the mark is to be protected. Note that applicants cannot designate the contracting party of their office of origin.
- Add the list of goods and services for which the mark is to be protected. This list must be identical or narrower than the list in the basic mark.

- Classify the list of goods and services in accordance with the latest international classification (the Nice Classification—annex 1). For this purpose, applicants can also use the Madrid goods and service manager.
- Pay the international application fees (annex 5) as follows:
 - A basic fee.
 - A supplementary fee depending on number of classes of goods and services to be protected); and a complementary fee (depending on the number of designated contracting parties).
 - Alternatively, individual fees depending on the designated contracting parties.
 - The fee calculator will help applicants estimate their international fees.
 - For SMEs: If the office of their origin is in a least developed country as per the United Nations, they will benefit from a 90 percent reduction in the basic fee for international applications.

Fee payment

The fee must be paid in Swiss francs (CHF) by one of the following methods:

- Debit from World Intellectual Property Organization (WIPO) current account.
- Bank transfer to WIPO bank account.
- E-payment by credit card or through a WIPO current account.

Note:

- WIPO will conduct a formality requirement check and if everything is acceptable your mark will be registered in the international register and published in the WIPO Gazette of International Marks.
- WIPO will notify the office of the contracting party where the applicant is seeking protection and send a certificate of registration there.
- Designated states will conduct a substantive examination for your international registration mark in the same way as they examine national or regional applications.
- The office of the contracting parties will grant or refuse protection of your mark within 12 to 18 months.

- The decision will be communicated to you via the ROMARINE database. (ROMARINE is the name given by WIPO for the trademark database of the Madrid System.)

The advantages of using the regional or international route in filing a trademark application are that they are cost effective; offer simplified procedures; give multicountry protection from a single application; and supplement national and regional systems.

Using trademarks

- If your mark is registered with a specific design or font, make sure that the trademark is used exactly as it is registered.
- The first user has priority in a trademark dispute, not the one who first registered the trademark.
- Once a trademark is registered, it should be used otherwise it can fall into public domain.
- The trademark should be maintained (renewed) by paying a fee after every 10 years.
- The trademark can be pirated, counterfeited, or imitated on packing—keep an eye on it.
- Monitor its use closely as it is crucial for the image of your business.
- A trademark can be assigned (voluntary change of ownership) or licensed or franchised.
- Different trademarks may be used for the different products within the lines of a business. Depending on its branding strategy, each business will decide whether to use the same trademark for its products, extending the brand every time a new product is released, or to use a different mark for each product line.
- The use of ®, TM, or equivalent symbols next to a trademark is not a requirement and generally provides no further legal protection. Nevertheless, it may be a convenient way of informing others that a given sign is a trademark, thus warning possible infringers and counterfeiters.

Enforcing trademarks

If a business trademark is used by others without authorization, responsibility for enforcing the trademark is on the trademark's owner, he or she must identify any infringement and decide what measures to take to enforce trademark rights.

Conclusions

A trademark should distinguish the product sold under it from goods or services of other enterprises. It must indicate the sources, so that the consumer can trust in an enterprise responsible for products sold under that trademark.

African SMEs and trademark owners are strongly advised to do the following:

- Frequently conduct market audits to know how their products are doing in the market. This will help in improving the quality of their products. If anyone is counterfeiting their products, they can take steps at an early stage before they lose the business.
- Motivate their staff to become loyal to their enterprise, and reward them accordingly. This will help improve quality and engender product innovation.
- Register their trademarks, use them, advertise them, and pay renewal fees every 10 years.
- Brand their trademark and make them strong by maintaining quality.
- Register their trademark internationally if they wish to be licensed to external enterprises.
- Be mindful that a strong trademark can be used as collateral to borrow money from a bank or other credit facility.
- Appreciate that a registered trademark is easy to enforce and reduces the burden of proof in court proceedings.

- Always remember that a strong trademark will create jobs in African countries and bring revenue to their countries.

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Annex

Annex table 1. Tenth Nice classification

Goods	Classification
Class 1	Chemicals used in industry, science, and photography, as well as in agriculture, horticulture, and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.
Class 2	Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers, and artists.
Class 3	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
Class 4	Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.
Class 5	Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
Class 6	Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.
Class 7	Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs; automatic vending machines.
Class 8	Hand tools and implements (hand-operated); cutlery; side arms; razors.
Class 9	Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving, and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus.
Class 10	Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.
Class 11	Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
Class 12	Vehicles; apparatus for locomotion by land, air, or water.
Class 13	Firearms; ammunition and projectiles; explosives; fireworks.
Class 14	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelery, precious stones; horological and chronometric instruments.
Class 15	Musical instruments.
Class 16	Paper, cardboard, and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture);

	instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.
Class 17	Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping, and insulating materials; flexible pipes, not of metal.
Class 18	Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas and parasols; walking sticks; whips, harness and saddlery.
Class 19	Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.
Class 20	Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, and substitutes for all these materials, or of plastics.
Class 21	Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain, and earthenware not included in other classes.
Class 22	Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks, and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.
Class 23	Yarns and threads, for textile use.
Class 24	Textiles and textile goods, not included in other classes; bed covers; table covers.
Class 25	Clothing, footwear, headgear.
Class 26	Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.
Class 27	Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).
Class 28	Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
Class 29	Meat, fish, poultry and game; meat extracts; preserved, frozen, dried, and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk and milk products; edible oils and fats.
Class 30	Coffee, tea, cocoa, and artificial coffee; rice; tapioca and sago; flour and preparations made from cereals; bread, pastry, and confectionery; ices; sugar, honey, treacle; yeast, baking-powder; salt; mustard; vinegar, sauces (condiments); spices; ice.
Class 31	Grains and agricultural, horticultural and forestry products not included in other classes; live animals; fresh fruits and vegetables; seeds; natural plants and flowers; foodstuffs for animals; malt.
Class 32	Beers; mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices; syrups and other preparations for making beverages.
Class 33	Alcoholic beverages (except beers).
Class 34	Tobacco; smokers' articles; matches.
Class 35	Advertising; business management; business administration; office functions.
Class 36	Insurance; financial affairs; monetary affairs; real estate affairs.
Class 37	Building construction; repair; installation services.
Class 38	Telecommunications.
Class 39	Transport; packaging and storage of goods; travel arrangement.
Class 40	Treatment of materials.
Class 41	Education; providing of training; entertainment; sporting and cultural activities.
Class 42	Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.
Class 43	Services for providing food and drink; temporary accommodation.

Class 44	Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture, and forestry services.
Class 45	Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

Annex table 2. Official fees for trademarks at the Zimbabwe Patent Office³

The basic official registration charges, if there is no opposition, are as follows:

Application fee trademark, or service marks per class	US\$200
For every other mark of a series	US\$40
Registration fee	US\$80
Renewal fee	US\$200
Search fee	US\$80
Precordial of correction of change of address	US\$40
Search and preliminary advice	US\$120
Assignment 1–5 marks	US\$200
6–10 marks	US\$280
11–20 marks	US\$400
21 + marks per mark	US\$40
Restoration of mark	US\$200
Rectification of register	US\$80

Note: There are other official fees that relate to searches, assignments, corrections, and oppositions.

Annex table 3. ARIPO trademark fees under the Banjul Protocol⁴

No.	Matter or proceeding	Amount of fee (US\$)	Corresponding form
1	Authorization of agent (power of attorney)		No. M 2
2	Application for registration of a mark or of series of marks (application for registration fee is paid on lodging application) (a) For one mark (i) In one class per D/S (ii) In every additional class per D/S (b) For every additional mark of the series (i) In one class per D/S (ii) In every additional class per D/S	100 50.00 10.00 50.00 10.00	No. M 1
3	Later designation per D/S	100.00	No. M 3
4	Registration fee (Registration fee is paid approximately nine months from filing of application): (i) In one class per D/S (ii) In every additional class per D/S	 100.00 50.00	
5	Certificate of registration		No. M 12
6	Request for renewal of registration of a mark (renewal fee is paid every ten years from the filing date):		No. M 10

³ As of June 2016

⁴ As of 1st January 2015

	(i) In one class per D/S (ii) In every additional class per D/S	100.00 50.00	
7	Additional fee for late renewal: (i) In one class (ii) In every additional class	20% surcharge 20% surcharge 20% surcharge	
8	Application to remove mark from register for non-use or to rectify a register entry	20.00	
9	Application for correction of error(s), changes, or alterations per D/S	50.00	No. M 11
10	Application by registered proprietor to strike out goods or services from those for which mark is registered per D/S	50.00	
11	Request for correction of error(s), change(s), or alteration(s) of application or registered mark: For one mark per D/S (a) For one mark per D/S (b) For every additional mark per D/S	50.00 50.00	No. M 11
12	Restoration of a mark per D/S	100.00	No. M 14
13	(a) Application for registration of registered use (i) For one mark per D/S (ii) For every additional mark per D/S	50.00 50.00	No. M 17
14	(a) Application by registered proprietor and registered user of mark to vary entry of registered user: (i) For one mark per D/S (ii) For every additional mark per D/S	50.00 50.00	No. M 11
15	(c) Application by registered proprietor and registered user of mark to cancel entry of registered user: (i) For one mark per D/S (ii) For every additional mark per D/S	50.00 50.00	No. M 17
16	Request for registrar's certificate of certified copies of entries in the register of documents or of extracts	30.00	
17	Inspection of the register	20.00	
18	Registration of assignments, transmission, or other form of transfer (i) For one mark per D/S 50.00 No. M 15 (ii) For every additional mark per D/S	50.00 50.00	No. M 15
19	Application to ARIPO to register a license or other similar rights (i) For one mark per D/S (ii) For every additional mark per D/S	50.00 50.00	No. M 16
20	Request for conversion of application into national application	50.00	No. M 7

Annex table 4. Madrid system: Schedule of fees

Schedule of fees prescribed by the Common Regulations under the Madrid Agreement and the Madrid Protocol (in force January 1, 2015).

	Swiss francs
1. International applications governed exclusively by the Agreement. The following fees shall be payable and shall cover 10 years:	
1.1 Basic fee (Article 8(2)(a) of the Agreement)	
1.1.1 where no reproduction of the mark is in color	653
1.1.2 where any reproduction of the mark is in color	903
1.2 Supplementary fee for each class of goods and services beyond three classes (Article 8(2)(b) of the Agreement)	100
1.3 Complementary fee for the designation of each designated contracting state (Article 8(2)(c) of the Agreement)	100
2. International applications governed exclusively by the Protocol The following fees shall be payable and shall cover 10 years:	
2.1 Basic fee (Article 8(2)(i) of the Protocol) ¹	
2.1.1 where no reproduction of the mark is in color	653
2.1.2 where any reproduction of the mark is in color	903
2.2 Supplementary fee for each class of goods and services beyond three classes (Article 8(2)(ii) of the Protocol), except if only contracting parties in respect of which individual fees (see 2.4, below) are payable are designated (see Article 8(7)(a)(i) of the Protocol)	100
2.3 Complementary fee for the designation of each designated contracting party (Article 8(2)(iii) of the Protocol), except if the designated contracting party is a contracting party in respect of which an individual fee is payable (see 2.4 below) (see Article 8(7)(a)(ii) of the Protocol)	100
2.4 Individual fee for the designation of each designated contracting party in respect of which an individual fee (rather than a complementary fee) is payable (see Article 8(7)(a) of the Protocol) except where the designated contracting party is a state bound (also) by the Agreement and the office of origin is the office of a state bound (also) by the Agreement (in respect of such a contracting party, a complementary fee is payable): The amount of the individual fee is fixed by each contracting party concerned	

Annex figure 1. International trademark registration process



Acknowledgement

This knowledge series intends to summarize good practices and key policy findings on managing for development results (MfDR). African Community of Practice (AfCoP) knowledge products are widely disseminated and are available on the website of the Africa for Results initiative, at: www.afrik4r.org/page/resources.

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