

The Trade Marks Regulations, 2012.

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STATUTORY INSTRUMENTS

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STATUTORY INSTRUMENTS SUPPLEMENT

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STATUTORY INSTRUMENTS 2012 No. 58.

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STATUTORY INSTRUMENTS

2012 No. 58.

The Trademarks Regulations, 2012.

(Under section 97 of the Trademarks Act, 2010 Act No. 17 of 2010)

In exercise of the powers conferred on the Minister responsible for Justice by section 97 of the Trademarks Act, 2010, these Regulations are made this 3rd day of October, 2011.

Part I—Preliminary.

1. Citation.

These Regulations may be cited as the Trademarks Regulations, 2012.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Trademarks Act, 2010;

“agent” means an advocate of the High Court of Uganda;

“office” means the office of the registrar of trademarks;

“Minister” means the Minister responsible for justice;

“specification” means the designation of goods or services in respect of which a trademark, or a registered user of a trademark, is registered or proposed to be registered;

“registered user” has the same meaning as ‘permitted user’.

Part II—Fees, Forms, Documents, Address, Agents and Classification of Goods.

3. Fees.

The fees to be paid in relation to trademarks shall be the fees specified in the First Schedule to these Regulations.

1993

4. Forms.

The forms contained in the Second Schedule to these Regulations shall be used in all cases to which they are applicable, but may be modified or amended to the extent necessary in the circumstances of a particular case.

5. Size of documents.

Subject to any directions that may be given by the registrar, any application, notice, counterstatement, paper having representations affixed, or other document authorised or required by the Act or these Regulations to be made, left or sent to the registrar or to the court shall be on foolscap paper of a size approximately thirteen inches by eight inches, and shall have on the left-hand part of the document a margin of not less than one and one-half inches.

6. Signature of documents by partnerships, companies and associations.

1. A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any qualified partner stating that he or she signs on behalf of the partnership, or by any other person who satisfies the registrar that he or she is authorised to sign the document.
2. A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the registrar that he or she is authorised to sign the document.
3. A document purporting to be signed for or on behalf of an association of persons may be signed by any person who is duly authorised for the purpose.

7. Service of documents.

1. An application, notice, statement, paper having representations affixed or other document authorised or required by the Act or these Regulations to be made, left or sent to the office of the registrar or the court or any other person may be sent through the post by a prepaid or official paid letter.

1994

2. An application or document sent shall be taken to have been made, left or sent at the time when the letter containing it would be delivered in the ordinary course of post.
3. In proving that an application or document was sent, it shall be sufficient to prove that the letter was properly addressed and put into the post.

8. Address.

1. Where a person is required by the Act or these Regulations to furnish the registrar with an address, the address given shall in all cases be a full address, for the purpose of enabling any person to find easily the place of trade or business of the person whose address is given.
2. The address shall include the name of the street and the plot number.

9. Address for service.

1. The registrar shall require an applicant, opponent or agent, or a registered proprietor or registered user of a trademark, who does not reside or carry on business within Uganda to give an address for service within Uganda, and that address shall be treated as the actual address of that person for all purposes connected with the matter in question.
2. A registered proprietor or permitted user of a trademark, or any person who intends to be registered as such, shall give an address for service for entry in the register in Form TM 32, and that address shall be entered by the registrar.
3. An application in Form TM 32 under this regulation shall be signed by the applicant or the registered proprietor or permitted user, as the case may be, or by an agent expressly authorised by the applicant for the purpose of the application, unless in exceptional circumstances the registrar otherwise allows.
4. In any case in which no address for service is entered in the register, the registrar shall treat the trade or business address of the registered proprietor or registered user as entered there as the address for service for all purposes connected with the registration.

1995

5. A written communication addressed to an applicant or a registered proprietor or registered user at an address given by him or her, or treated by the registrar, as his or her address for service shall be deemed to be properly addressed.
6. Where, at any time, the registrar doubts the continued availability of an address for service entered in the register, the registrar shall request the person for whom it is

entered, by letter addressed to his or her trade or business address in the register to confirm the address for service.

7. if within three months after making the request under sub regulation (6) the registrar receives no confirmation of the address, the registrar shall strike the application off the register.

10. Agents.

1. Except as otherwise required by these Regulations—

- a. an application, request or notice which is required or permitted

by the Act or these Regulations to be made or given to the registrar or the court;

- b. all other communications between an applicant or a person making the request or giving the notice and the registrar, or the court;
- c. all communications between the registered proprietor or a registered user of a trademark and the registrar or the court or any other persons,

may be signed, made or given by or through an agent.

2. An applicant, a person making a request or giving a notice, a proprietor, or registered user may appoint an agent to act for him or her in any proceeding or matter before or affecting the registrar or the court under the Act and these Regulations by signing and sending to the registrar or the court as the case may be an authority to that effect in Form TM 1 or in such other written form as the registrar or the court may consider sufficient.

1996

3. In the case of appointment of an agent, service upon the agent of any document relating to the proceeding or matter shall be taken to be service upon the person appointing the agent and all communications directed to be made to that person in respect of the proceeding or matter may be addressed to his or her agent, and all attendances upon the registrar relating to the proceeding or matter may be made by or through the agent.
4. In any particular case the registrar may require the personal signature or presence of an applicant, opponent, proprietor, registered user or other person.

11. Register of agents.

The registrar shall keep a register of trademark agents in Uganda.

12. Classification of goods and services.

1. For the purposes of trade mark registration and the registration of trademark users made under the Act, goods and services are classified in accordance with the Third Schedule to these Regulations.
2. For the purposes of classifying goods and services in accordance with the Third Schedule and of interpreting that Schedule, reference shall be had to the 9th Edition of the International Classification of Goods and Services for the purposes of the registration of marks under the Nice Agreement of 15 June 1957 (as revised) published by the World Intellectual Property Organisation in 1992, including the explanatory notes and lists of goods and services published therein.
3. Where the 9th Edition of the International Classification of Goods and Services, is amended by the World Intellectual Property Organisation at any future stage, the Minister, on the advice of the Registrar, shall publish the amendments in the Gazette and shall, to the extent that the amendments necessitate an amendment of the Third Schedule, amend the Third Schedule and publish the amendment in the Gazette.
4. If any doubt arises as to the class in which any particular description of goods or services belongs, the matter shall be determined by the registrar.

1997

13. Unregistrable trademarks.

1. subject to any other law, the registrar may refuse to accept any application upon which any of the following appear—
 - a. the words “patent”, “patented”, “by letters patent”, “registered”, “registered trade mark”, “registered design”, “copyright”, “certified”, “guaranteed”, “to counterfeit this is a forgery” or words to like effect;
 - b. the words “Red Cross” or “Geneva Cross” and representations of the Geneva and other crosses in red, or of the swiss federal cross in white on a red ground or silver on a red ground, or such representations in a similar colour or colours;
 - c. representations of the armorial ensigns of Uganda or any device so nearly resembling them as to be likely to lead to mistake, or of the national flag, or any words, letters, or devices likely to lead persons to think that the applicant has Government patronage or authorization; and
 - d. a representation of armorial bearings, insignia, a decoration or a flag of any state, administration, city, town, place, society, body corporate, institution or person.
2. Where there appears in an application a representation of a cross in any colour, not being one of those mentioned in sub regulation (1)(b), the registrar may require the applicant as a condition of acceptance to undertake not to use the cross device on red, or in white on a red ground or silver on a red ground, or in any similar colour or colours.

3. Where a representation of arms, insignia, a decoration or a flag appears on a mark, the Registrar may call for such justification, including such consent as he or she may consider necessary as the circumstances of the case may require.

1998

14. Name or representation of a person on a trademark.

Where the name or representation of a person appears as a trademark, the registrar shall, if he or she requires, before proceeding to register the mark, be furnished with consent from that person or, in the case of a person recently dead, from his or her legal representatives, and in default of that consent the registrar may refuse to register that mark.

15. Name or description of goods or services on a trademark.

1. Where the name or description of any goods or services appears on a trademark, the registrar may refuse to register the mark in respect of any goods or services other than the goods or services so named or described.
2. Where the name or description of any goods or services appears on a trademark, which name or description in use varies, the registrar may permit the registration of the mark for those and other goods or services and in that case the applicant shall state in his or her application that the name or description will be varied when the mark is used upon goods or services covered by the specification other than the named or described goods or services.

16. Preliminary advice by registrar as to distinctiveness.

1. A person who proposes to apply to register a trademark in Part A or Part B of the register in respect of any goods or services, may apply to the registrar in Form TM 28.
2. Where a person makes an application for advice as to whether the trademark appears to the registrar prima facie, to be inherently adapted to distinguish within the meaning of section 9 of the Act, or inherently capable of distinguishing within the meaning of section 10 of the Act, as the case may be, in relation to those goods or services, the application shall be in Form TM 28; and shall be accompanied by duplicate representations.
3. A person shall make a separate application in relation to goods or services comprised within different classes of goods specified in the Third Schedule to these Regulations.

1999

17. Application for registration of a trademark.

1. An application to the registrar for the registration of a trademark shall be signed by the applicant or his or her agent.
2. The application for registration of a trademark shall be made in Form TM 2.
3. In the case of an application for registration in respect of all the goods or services included in a class, or of a large variety of goods or services, the registrar may reject the

application unless he or she is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if it is registered.

18. Representation of mark.

1. Every application for the registration of a trademark shall contain a representation of the mark suitable for reproduction, affixed in the space provided on the application form for that purpose.
2. Where the representation exceeds that space in size, the representation shall be mounted upon linen, tracing cloth or such other material as the registrar may consider suitable and part of the mounting shall be affixed in the space provided on the application form for that purpose and the rest may be folded.
3. The applicant shall submit with every application for registration of a trademark at least four additional representations of the mark in Form TM 3 exactly corresponding to that affixed to the application form and noted with all such particulars as may from time to time be required by the registrar and the particulars shall, if required, be signed by the applicant or his or her agent.
4. All representations of a mark shall be of a durable nature, but the applicant may in case of need, supply in place of representations in Form TM 3, representations on sheets of strong paper of the size prescribed in regulations.

2000

5. The registrar, if dissatisfied with any representation of a mark, may, at any time, require another representation satisfactory to him or her to be submitted before proceeding with the application.

19. Specimens of trademarks in exceptional cases.

1. Where a drawing or other representation or specimen cannot be given in the manner prescribed in regulation 18, a specimen or copy of the trademark may be sent either of full size or on a reduced scale, and in such form as the registrar may think most convenient.
2. The registrar may, in exceptional cases, deposit in the office a specimen or copy of any trademark which cannot conveniently be shown by a representation, and may refer to the specimen or copy in the register in such manner as he or she may think fit.

20. Separate applications.

An application for the registration of the same mark in different classes shall be treated as a separate and distinct application, and in all cases where a trademark is registered under the same official number for goods or services in more than one class, the registration in respect of the

goods or services included in each separate class shall be taken to be a separate registration for all the purposes of the Act.

21. Series of trademarks.

Where an application is made for the registration of a series of trademarks under section 30(1) of the Act, a representation of each trademark of the series shall be included in the application form in the manner prescribed in regulation 18, in duplicate, if any, and in each of the accompanying Form TM 3.

22. Transliteration and translation of languages.

1. Where a trademark or application contains a word or words in characters other than Roman, there shall, unless the registrar otherwise directs, be indorsed on the application form, and on each of the accompanying Form TM 3, a sufficient transliteration and translation to the satisfaction of the registrar of each of the words, and every such endorsement shall state the language to which the word belongs and shall be signed by the applicant or his or her agent.

2001

2. Where a trademark contains a word or words in a language other than English, the registrar may ask for an exact translation of the word or words together with the name of the language, and the translation and name, if the registrar so requires, shall be endorsed and signed as specified in sub regulation (1).

Procedure on receipt of application for registration of a trademark 23. Search by registrar.

1. Upon receipt of an application for the registration of a trademark in respect of any goods or services, the registrar shall cause a search to be made, among the registered marks and pending applications, for the purpose of ascertaining whether there are on record in respect of the same goods or services or description of goods or services, any marks identical to the mark applied for, or so nearly resembling it as to render the mark applied for likely to deceive or cause confusion.
2. The registrar may cause the search under sub regulation (1) to be renewed at any time before the acceptance of the application.
3. After a search and upon consideration of the application and any evidence of use or distinctiveness or of any other matter which the applicant may be required to furnish, the registrar may—
 - a. accept the application absolutely;
 - b. object to the application;
 - c. accept the application subject to such conditions, amendments,

disclaimer, modifications or limitations as he or she may think right to impose.

4. If the registrar objects to the application, the registrar shall inform the applicant of the objections in writing, and unless within one month the applicant applies for a hearing or makes a considered reply in writing to those objections, the applicant shall be deemed to have withdrawn the application.

2002

5. If the registrar accepts the application subject to any conditions, amendments, disclaimer, modifications or limitations, the registrar shall communicate the acceptable to the applicant in writing.
6. If the applicant objects to the conditions, amendments, disclaimer, modifications or limitations communicated to him or her under subregulation (5) the applicant shall within one month from the date of the communication apply for a hearing or communicate his or her considered objections in writing; if the applicant does not do so, he or she shall be taken to have withdrawn the application.
7. If the applicant does not object to the conditions, amendments, disclaimer, modifications or limitations, he or she shall immediately notify the registrar in writing, and alter the application accordingly.

24. Decision of registrar.

1. The decision of the registrar at a hearing or without a hearing if the applicant has duly communicated his or her considered objections or considered reply in writing, and has stated that he or she does not desire to be heard, shall be communicated to the applicant in writing.
2. If the applicant objects to the decision of the registrar under sub regulation (1), the applicant may within one month from the date of the registrar's decision apply in Form TM 4, requiring the registrar to state in writing the grounds of, and the materials used by the registrar in arriving at the decision.
3. In a case where the registrar makes any requirements to which the applicant does not object, the applicant shall comply with the requirements before the registrar issues the statement in writing.
4. The date when the statement is sent to the applicant shall be taken to be the date of the registrar's decision for the purposes of appeal.
5. The registrar may call on an applicant to insert in an application such disclaimer as the registrar may think fit, in order that the public generally may understand what the applicant's rights, shall be if the mark is registered.

2003

Publication of application

25. Publication of application.

1. An application for the registration of a trademark required or permitted by section 11(1) and (2) of the Act shall be published in the Gazette or in any other media as the registrar may direct during such times and in such manner as the registrar may direct.
2. In the case of an application with which the registrar proceeds only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trademark or another applicant, the words "By consent" shall appear in the publication.
3. If no representation of the trademark is included in the publication of the application, the registrar shall refer in the publication to the place where a specimen or representation of the trademark is deposited for exhibition.

26. Publication of series of trade marks.

Where an application relates to a series of trademarks differing from one another in respect of the particulars mentioned in section 30(1) of the Act, the registrar may, if he or she thinks fit, insert with the advertisement of the application a statement of the manner in which the several trademarks differ from one another.

27. Publications and advertisements under sections 12 and 91 of the Act.

Publications and advertisements under sections 12(11) and 91(2) and (3) of the Act shall, with the necessary modifications, be made in the same manner as advertisements relating to an application for registration.

Opposition to registration

28. Opposition.

A person may, within sixty days from the date of any advertisement in the Gazette of an application for registration of a trademark, give notice in Form TM 6 to the registrar opposing the registration.

2004

29. Notice of opposition.

1. The notice shall include a statement of the grounds upon which the opponent objects to the registration.
2. If registration is opposed on the ground that the mark resembles marks already on the register, the numbers of those trademarks and the numbers of the Gazette in which they have been advertised shall be set out.
3. The notice shall be accompanied by a duplicate and the registrar shall immediately send the duplicate to the applicant.

30. Counterstatement.

1. Within fortytwo days from the receipt of the duplicate, the applicant shall send a duplicate to the registrar a counterstatement in Form TM 7 setting out the grounds on which the applicant relies as supporting the application for registration of a trademark.
2. The applicant shall also set out what facts, if any, alleged in the notice of opposition he or she admits.
3. The counterstatement shall be accompanied by a copy of the duplicate.

31. Evidence in support of opposition.

Upon receipt of the counterstatement and duplicate the registrar shall immediately send the duplicate to the opponent and within forty-two days from the receipt of the duplicate, the opponent shall leave with the registrar such evidence by way of statutory declaration as the registrar may desire to adduce in support of the opposition and shall deliver to the applicant copies of the statutory declaration.

32. Evidence in support of application.

If an opponent leaves no evidence, the opponent shall, unless the registrar otherwise directs, be taken to have abandoned the opposition; and if the opponent does leave evidence, then, within forty-two days from the receipt of the copies of declarations, the applicant shall leave with the registrar such evidence by way of statutory declaration as the applicant desires to adduce in support of the application and shall deliver to the opponent copies of the statutory declaration.

2005

33. Evidence in reply by opponent.

Within one month from the receipt by the opponent of the copies of the applicant's declaration, the opponent may leave with the registrar evidence by statutory declaration in reply, and shall deliver to the applicant copies of the statutory declaration and that evidence shall be confined to matters strictly in reply.

34. Further evidence.

No further evidence shall be filed on either side but, in any proceedings before the registrar, the registrar may at any time, if he or she thinks fit give leave to either the applicant or the opponent to file any evidence upon such terms as to costs or otherwise as the registrar may think fit.

35. Exhibits.

1. Where there are exhibits to declarations filed in an opposition, copies or impressions of the exhibits shall be sent to the other party on that party's request and expense, or, if the copies or impressions cannot conveniently be furnished, the originals shall be left with the registrar in order that they may be open to inspection.
2. The original exhibits shall be produced at the hearing unless the registrar otherwise directs.

36. Hearing.

1. Upon completion of the evidence the registrar shall give notice to the parties of a date when the registrar will hear the arguments in the case; and that date shall be at least fourteen days after the date of the notice, unless the parties consent to a shorter notice.
2. Within seven days from the receipt of the notice any party who intends to appear shall notify the registrar in Form TM 8.
3. A party who receives the notice under sub regulation (1) and who does not, within seven days from receipt of the notice, notify the registrar in Form TM 8, may be treated as not desiring to be heard and the registrar may act accordingly.

2006

37. Extension of time.

Where in opposition proceedings, any extension of time is granted to any party, the registrar may if he or she thinks fit, without giving that party a hearing, grant any reasonable extension of time to any party in which to take any subsequent step.

38. Security for costs.

Where a party giving notice of opposition or an applicant sending a counterstatement after receipt of a copy of the notice, neither resides nor carries on business in Uganda, the registrar may require him or her to give security, in such form as the registrar may deem sufficient, for the costs of the proceedings before the registrar, for such amount as the registrar thinks fit, and at any stage in the opposition proceedings, may require further security to be given at any time before giving his or her decision in the case.

39. Costs in uncontested case.

Where an opposition is uncontested by the applicant, the registrar in deciding whether costs should be awarded to the opponent shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was lodged.

Non completion

40. Non completion within twelve months.

1. Where registration of a trademark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the registrar shall give notice in writing to the applicant at the applicant's trade or business address of the non-completion.
2. Where the applicant has authorised an agent for the purpose of the application, the registrar shall instead send the notice to the agent and shall send a duplicate of the notice to the applicant.

2007

3. If after fourteen days from the date when the notice was sent, or such further time as the registrar may allow, the registration is not completed, the application shall be taken to be abandoned.

Defensive trademarks

41. Application for registration of defensive trademark.

1. An application for the registration of a defensive trademark under section 44 of the Act shall be made, addressed and sent to the registrar in Form TM 31, and shall be accompanied by a statement of case setting out particulars of the facts on which the applicant relies in support of the application, verified by a statutory declaration made by the applicant or some other person approved for the purpose by the registrar.
2. The applicant may send with the declaration, or subsequently, such other evidence as the applicant may desire to furnish, whether after request made by the registrar or otherwise, and the registrar shall consider the whole of the evidence before the decision on the application.
3. In all other respects, and where they are appropriate, it is not otherwise stated, these Regulations shall apply to applications for the registration of a defensive trademark as they apply to applications for the registration of ordinary trademarks.

Certification marks

42. Application for registration of certification mark.

1. An application for the registration of a certification mark under section 13 of the Act shall be made to the registrar in Form TM 5, in and shall be accompanied by two duplicates of the application in copies of Form TM 5, and by six additional representations of the trademark in Form TM 3.
2. The applicant shall send to the registrar with the application or when required by the registrar, a case setting out the grounds on which the applicant relies in support of the application together with draft regulations for governing the use of the mark and Form TM 33, all being duplicate.

2008

3. The registrar may communicate to the applicant any observation the registrar may have to make on the sufficiency of the case or the suitability of the draft regulations, and the applicant may modify either of those documents.
4. If the registrar decides to accept the application, the regulations for governing the use of the mark approved by the registrar, as well as the form of application, shall be open to public inspection.

5. If the registrar decides to refuse to accept the regulations or to accept the regulations subject to conditions, limitations, amendments or modifications, the registrar shall inform the applicant of his or her objections in writing and shall, if required, hear the applicant.
 6. A person may, within sixty days from the date of any publication in the Gazette of an application for the registration of a certification mark, give notice to the registrar in Form TM 36 of opposition under section 12 of the Act, and regulations 29 to 39 shall apply with the necessary modifications in the proceedings on it with the substitution of Form TM 37 for Form TM 7 and Form TM 38 for Form TM 8 and in the case of doubt a party may apply to the registrar for directions.
 7. These Regulations shall apply to applications for registration of certification marks as they apply to applications for the registration of trademarks, except that the applicant shall not be deemed to have abandoned his or her application if in the circumstances of regulation 23
2. and (3), the applicant does not apply for a hearing or reply in writing.

Entry in the register

43. Entry in register.

1. As soon as possible after the expiration of sixty days from the date of the advertisement in the Gazette of any application for the registration of a trademark, the registrar shall, subject to any opposition and the determination of the opposition, and subject to section 16(1) and
2. of the Act, and upon payment of the prescribed fee, enter the trademark in the register.

2009

2. The entry of a trademark in the register shall give—
 - a. the date of registration;
 - b. the goods or services in respect of which it is registered together
with the particulars of trade, business, profession, occupation
or other description of the proprietor;
 - c. particulars of any undertakings of the proprietor entered on the
form of application;
 - d. particulars affecting the scope of the registration or the rights
conferred by the registration; and

- e. such other particulars as may be prescribed.
3. In the case of an application for registration of a trademark which the registrar accepts only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trademark or another applicant for registration, the entry in the register shall state that it is “By Consent” and shall give the number of the previous registration or the application for registration.

44. Associated marks.

1. Where a mark is registered as associated with any other mark or marks, the registrar shall note in the register in connection with the first- mentioned mark the numbers of the marks with which it is associated and shall also note in the register in connection with each of the associated marks the number of the first-mentioned mark as being a mark associated with it.
2. An application by a registered proprietor under section 29(3) of the Act to the registrar to dissolve the association between two or more associated trademarks shall be made in Form TM 18 and shall include a statement of the grounds of the application.

2010

45. Death of applicant before registration.

In case of the death of an applicant for the registration of a trademark after the date of the application, and before the trademark applied for is entered in the register, the registrar after the expiration of the prescribed period of advertisement and the determination of any opposition to the application, may, on being satisfied of the applicant’s death, enter in the register, in place of the name of the deceased applicant, the name, address, and description of the person owning the trademark, on that ownership being proved to the satisfaction of the registrar.

46. Certificate of registration.

Upon the registration of a trademark, the registrar shall issue to the applicant a certificate of registration and shall affix to the certificate a copy of the mark, which may be a representation of the mark supplied by the applicant under regulation 18 (3).

Renewal

47. Renewal of registration.

1. At any time not more than three months before the expiration of the last registration of a trademark, a person may fill form TM 10 and file it with the registrar accompanied by a fee for renewal of registration of a trademark.
2. Where the person filing for renewal is not the registered proprietor, that person shall sign a statement in the form that he or she is directed by the registered proprietor and pay the fee (if that is the case) and shall give his or her address.

3. Before taking any further step, the registrar may either—
 - a. require the person filling the form under this regulation to furnish within ten days an authority by the registered proprietor to renew the registration and pay the fee and if the person does not furnish the authority, he or she may return the fee and treat it as not received; or

2011

- b. communicate with the registered proprietor stating that the renewal form and fee have been received and that the registration will in due course be renewed.

48. Notice before removal of trademark from register.

At a date not less than one month and not more than two months before the expiration of the registration of a mark, if no fee upon Form TM 10 has been received, the registrar shall notify the registered proprietor in writing of the approaching expiration.

49. Second notice.

At a time not less than fourteen days and not more than one month before the expiration of the registration of a trademark the registrar may, if no fee as provided in regulation 47(1) is received, send a notice in writing to the registered proprietor as the trade or business address as well as the address for service, if any.

50. Publication of nonpayment.

If at the date of the expiration of the last registration of a mark the renewal fee has not been paid, the registrar shall publish the fact immediately in the Gazette, and if within one month after that advertisement the renewal fee upon Form TM 10, together with an additional fee in Form TM 11, is received, the registrar may renew the registration without removing the mark from the register.

51. Removal of trademark from register.

Where, at the expiration of one month from the advertisement for non payment mentioned in regulation 50, the fees mentioned in that regulation have not been paid, the registrar may remove the mark from the register as from the date of the expiration of the last registration, but may, upon payment of the renewal fee in Form TM 11 together with a registration fee in Form TM 12, restore the mark to the register if satisfied that it is just to do so, and upon such conditions as he or she may think fit to impose.

2012

52. Record of removal of mark.

Where a trademark has been removed from the register, the registrar shall cause to be entered in the register, a record of the removal and of the cause of the removal.

53. Notice and publication of renewal and restoration.

Upon the renewal or restoration and renewal of a registration, a notice to that effect shall be sent to the registered proprietor and the renewal or restoration and renewal shall be published in the Gazette.

Part V—Assignments And Transmissions.

54. Joint application for entry of assignment or transmission.

Where a person becomes entitled by assignment or transmission to a registered trademark, that person may, conjointly with the registered proprietor, apply to the registrar in Form TM 14 to register his or her title.

55. Application for entry of assignment or transmission by subsequent proprietor.

Where a person becomes entitled in a registered trademark by assignment or transmission and no joint application as mentioned regulation 54 is made, that person shall apply to the registrar in Form TM 15 to register his or her title.

56. Particulars to be stated in application.

1. An application for entry of assignment or transmission shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which that person claims, and the instrument shall be produced for inspection by the registrar, preferably at the time of application.
2. The full names of all the partners in a partnership shall be given in the body of the application.
3. The registrar may in any case require and retain an attested copy of any instrument produced for inspection in proof of title, but the copy shall not be open to public inspection.

2013

57. Case accompanying application.

1. Where in the case of an application in Form TM 14 or Form TM 15 the person applying for registration of title does not claim under any document or instrument which is capable in itself of furnishing proof of the title, that person shall, unless the registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which the claim to be proprietor of the trademark is based, and showing that the trademark has been assigned or transmitted to him or her.

2. If the registrar so requires, the case shall be verified by a statutory declaration in Form TM 16.

58. Proof of title.

The registrar may call on any person who applies to be registered as proprietor of a registered trademark for proof or additional proof of title as the registrar may require for his or her satisfaction.

59. Application for entry of assignment without goodwill.

1. An application relating to an assignment of a trademark in respect of any goods or services shall state—
 - a. whether the trademark was, at the time of the assignment, used
in a business in any of those goods or services; and
 - b. whether the assignment was made otherwise than in connection
with the goodwill of that business.
2. If both the circumstances under sub regulation (1) exist, the applicant shall furnish the registrar with evidence that the applicant has complied with the directions of the registrar issued under section 31(8) and regulation 62.
3. If the registrar is not satisfied that the directions have been fulfilled, the registrar shall not proceed with the application.

2014

4. For the purpose of section 53(4) of the Act, the period within which a corporation may be registered as the subsequent proprietor of a registered trademark, upon application made under regulation 54 or 55, shall be six months from the date of advertisement in the Gazette of the registration of the trademark or such further period not exceeding six months as the registrar may allow, on application being made to him or her in Form TM 13 by the applicant for registration of title or the registered proprietor, as the case may be, at any time before or during the period for which the extension can be allowed.

60. Entry in register upon assignment or transmission.

Where the registrar is satisfied as to the title of the person claiming to be registered, the registrar shall cause that person to be registered as proprietor of the trademark in respect of the relevant goods or services, and shall enter in the register that person's name, trade or business address and description and particulars of the assignment or transmission.

61. Separate registrations.

Where following an application under regulation 54 or 55, and as the result of a division and separation of the goods or services of a registration or a division and separation of places or markets, different persons become registered separately under the same official number as subsequent proprietors of a trademark, each of the resulting separate registrations in the names of those different persons shall be taken to be a separate registration for all the purposes of the Act.

62. Certificate or approval as to certain assignments and transmissions.

1. A person who desires to obtain a certificate under section 31(6) of the Act shall send to the registrar, with the application in Form TM
1. TM 39 or TM 40, as the case may be, a statement of case in duplicate setting out the circumstances, together with a copy of any instrument or proposed instrument effecting the assignment or transmission.
2. The registrar may call for evidence or further information as may be considered necessary, and the statement of case shall be amended if required to include all the relevant circumstances and shall if required be verified by a statutory declaration.

2015

3. The registrar shall, after hearing if required by the applicant or any other person whom the registrar may consider to be interested in the transfer, consider the matter and issue a certificate or a notification in writing, of approval or disapproval, as the case may be.
4. Where a statement of case is amended, two copies of the statement in its final form shall be left with the registrar.
5. The registrar shall seal a copy of the statement of case in its final form to the certificate or notification.

63. Registrar's directions for publication of assignment without goodwill of trademark in use.

1. An application to the registrar under section 31(8) of the Act shall be made by the assignee in Form TM 41 and shall state the date on which the assignment was made.
2. The application shall give particulars of the registration in the case of a registered trademark and, in the case of an unregistered trademark, shall show the mark and give particulars of the registered trademark that has been assigned with it in accordance with section 31(8) of the Act.

3. The registrar may call for any evidence and further information and with regard to an application under sub regulation (2), if the registrar is satisfied with the evidence and further information, the registrar shall issue directions in writing with respect to the publication of the assignment.
4. A request to the registrar for an extension of the period within which the application may be made, shall be in Form TM 42 and may be made at any time before or during the period for which extension can be allowed.
5. The extension of the period which the registrar may allow shall not exceed three months.

2016

Part VI—Permitted Users.

64. Application for entry of permitted user.

An application to the registrar for the registration under section 49 of the Act of a person as a permitted user of a registered trademark shall be made by that person and the registered proprietor in Form TM 48.

65. Entry and notification.

1. The entry of a permitted user in the register shall state the date on which it is made.
2. In addition to the trade or business address of the permitted user the entry may include an address for service, if an application by the permitted user in Form TM 32 for the entry of the address of service has been approved.
3. A notification in writing of the registration of a permitted user shall be sent to the registered proprietor of the trademark, to the permitted user, and to every other permitted user whose name is entered in relation to the same registration of a trademark, and shall be published in the Gazette.

66. Registered proprietor's application to vary entry.

An application by the registered proprietor of a trademark for the variation of the registration of a permitted user of that trademark under section 50(1)(b) of the Act shall be made in Form TM 49 and shall be accompanied by a statement of the grounds on which it is made and, where the permitted user in question consents, by the written consent of that permitted user.

67. Application by registered proprietor or user to cancel entry.

An application by the registered proprietor or any permitted user of a trademark for the cancellation of the registration of a permitted user of that trademark under section 50(1)(b) of the Act shall be made in Form TM 50 and shall be accompanied by a statement of the grounds on which it is made.

2017

68. Application under section 50(1)(c) of the Act to cancel entry.

An application by any person for the cancellation of the registration of a permitted user under section 50(1) (c) of the Act shall be made in Form TM 51 and shall be accompanied by a statement of the grounds on which it is made.

69. Notification and hearing.

1. The registrar shall give notice in writing to the applicant on applications made under regulations 66, 67 and 68 to the registered proprietor and each permitted user, who is not the applicant under the registration of the trademark.
2. A person notified under subregulation (1) who intends to intervene in the proceedings shall, within one month after the receipt of the notification, give notice to the registrar in Form TM 52 to that effect and shall send with the notice a statement of the grounds of the intervention.
3. The registrar shall, upon sending a notice under sub regulation
2. send copies of the notice and statement to the other parties so that the intervention may be known to the applicant, the registered proprietor, the permitted user whose registration is in question, and any other permitted user who intervenes.
4. A party referred to in sub regulation (3) may, within such time or times as the registrar may appoint, leave evidence in support of his or her case, and the registrar after giving the parties an opportunity of being heard may accept or refuse the application or accept it subject to any conditions, amendments, modifications or limitations the registrar may think fit to impose.

70. Registered user's application under section 90 (2) of the Act.

1. An application under section 90 (2) of the Act shall be made in Form TM 17, TM 19, TM 20 or TM 32 as may be appropriate, by a permitted user of a trademark, or by such person as may satisfy the registrar that he or she is entitled to act in the name of a permitted user and the registrar may require such evidence by statutory declaration or otherwise as the registrar may think fit as to the circumstances in which the application is made.

2018

2. In the case of the registration of a permitted user for a period, in accordance with section 49(7) (b) (ii) of the Act, the registrar shall cancel the entry of the permitted user at the end of the period where some or all of the goods are struck out from those in respect of which a trademark is registered, the registrar shall at the same time strike them out from those specifications of permitted users of the trademark in which they are comprised.
3. The registrar shall notify every cancellation or striking out under subregulation (2) to the permitted users whose permitted use is affected by it and the registered proprietor of the trademark.

Part VII—Alterations and Rectification of Entries in the Register

71. Alteration of address in register.

1. A registered proprietor or permitted user of a trademark whose trade or business address is changed so that the entry in the register is rendered incorrect shall immediately request the registrar in form TM 17 to make the appropriate alteration of the address in the register, and the registrar shall, if satisfied, alter the register accordingly.
2. A registered proprietor or permitted user of a trademark whose address of service in Uganda entered in the register is changed, whether by discontinuance of the entered address or otherwise, so that the entry in the register is rendered incorrect, shall immediately request the registrar in Form TM 32 to make the appropriate alteration of the address in the register, and the registrar shall, if satisfied, alter the register accordingly.
3. A registered proprietor or permitted user of a trademark whose registered trade or business address or address for service is altered by a public authority, so that the changed address designates the same premises as before, may make the request to the registrar, without paying a fee, and shall accompany the request with a certificate of the alteration given by that authority and if the registrar is satisfied as to the facts of the case, the registrar shall alter the register accordingly.

2019

4. In the case of the alteration of the address of a person entered in the register as the address for service of more than one registered proprietor or permitted user of trademarks, the registrar may, on proof that the address is the address of the applicant and if satisfied that it is just to do so, accept an application from that person in Form TM 32 amended so as to suit the case for the appropriate alteration of the entries of his or her address as the address for service in the several registrations, particulars of which shall be given in the form, and may alter the entries accordingly.
5. An application under this regulation in Form TM 32 shall be signed by the registered proprietor or the permitted user, as the case may be, or by an agent, expressly authorised by the registered proprietor or permitted user for the purpose of the application, unless in exceptional circumstances the registrar otherwise allows.

72. Application to rectify or remove a trademark from the register.

1. An application to the register under any of sections 46, 47, 88 and 89 of the Act for making, expunging or varying any entry in the register shall be made in Form TM 25 and shall be accompanied by a statement setting out fully the nature of the applicant's interest, the facts upon which the applicant bases his or her case and the relief sought.
2. Where the application is made by a person who is not the registered proprietor of the trademark in question, the application shall be accompanied by a copy of the application and a copy of the statement, and those copies shall be transmitted immediately by the registrar to the registered proprietor.

3. Upon the application being made and a copy of it transmitted to the registered proprietor, if necessary, regulations 35 to 44 shall apply with the necessary modifications to the further proceeding on the application; but the registrar shall not rectify or remove the mark from the register only because the registered proprietor has not filed a counterstatement.
4. In the case of doubt any party may apply to the registrar for directions.

2020

73. Intervention by third parties.

1. A person other than the registered proprietor alleging an interest in a registered trademark in respect of which an application is made in Form TM 25, may apply to the registrar in Form TM 26 for leave to intervene, stating in the application the nature of the interest, and the registrar may refuse or grant the leave, after hearing (if so required) the parties concerned, upon such terms and conditions as the registrar may deem fit.
2. Before dealing in any way with the application for leave to intervene, the registrar may require the applicant to give an undertaking to pay such costs as in the circumstances the registrar may award to any party.

74. Application for correction of register under section 90(1) of the

Act.

1. An application to the registrar under section 90 (1) of the Act for the alteration of the register by correction, change, cancellation, or striking out goods, or for the entry of a disclaimer or memorandum, may be made by the registered proprietor of the trademark or by such person as may satisfy the registrar that he or she is entitled to act in the name of the registered proprietor.
2. The application shall be made in Form TM 17, TM 19, TM 20, TM 21, TM 22, TM 23 or TM 32, as may be appropriate; but an application in Form TM 21, TM 22 or TM 32 shall be signed by the registered proprietor or other person entitled under this regulation unless in exceptional circumstances the registrar otherwise allows, or, in the case of Form TM 32 only, it is signed by an agent expressly authorised for the purpose of that application.
3. In the case of an application under sub regulations (1) and (2), the registrar may require such evidence by statutory declaration or otherwise as the registrar may think fit as to the circumstances in which the application is made.

2021

75. Publication of certain applications.

Where an application is made in Form TM 23 to enter a disclaimer or a memorandum relating to a trademark, the registrar, before deciding upon the application, shall publish the application in the Gazette in order to enable any person desiring to do so to state, within one month after the

publication, any reasons in writing against the making of the entry of the disclaimer or memorandum.

76. Certificate of validity to be noted.

1. Where the court has certified as provided in section 59 of the Act with regard to the validity of a registered trademark, the registered proprietor of the trademark may request the registrar in Form TM 47 to add to the entry in the register a note that the certificate of validity has been granted in the course of the proceedings, which shall be named in the form.
2. An office copy of the certificates shall be sent with the request under subregulation(1), and the registrar shall note it on the register and publish the note in the Gazette.

77. Alteration of registered mark.

1. Where a person desires to apply under section 91 of the Act that his or her registered trademark may be added to or altered, that person shall apply in writing in Form TM 24, and shall furnish the registrar with four copies of the mark as it will appear when so added to or altered.
2. The registrar shall consider the application and shall, if it appears to the registrar expedient, advertise the application in the Gazette before deciding it.
3. Within one month from the date of the advertisement any person may give notice of opposition to the application, in Form TM 45 accompanied by a duplicate of the notice, and may also send with that notice a further statement of any objections in duplicate.
4. The registrar shall send the duplicate notice, and the duplicate of any further statement of objections, to the applicant, and regulations 35 to 44 shall apply with the necessary modifications to the further proceedings on the application.

2022

5. In case of doubt any party may apply to the registrar for directions.
6. If the registrar decides to allow the application, the registrar shall add to or alter the mark in the register, and if the mark as added to or altered has not been advertised under sub regulation (2), he or she shall advertise it in the Gazette and in any case shall insert in the Gazette a notification that the mark has been altered.
7. The registrar may at any time call on the person applying to alter a registered trademark to supply a printing block satisfactory to the registrar and suitable for advertising the mark with the addition or alteration, if in the opinion of the registrar an advertisement describing the addition or alteration in words would not be likely to be understood by persons interested in the matter.

78. Rectification of certification trademark entries by the court.

An application in accordance with section 14 (6) and (8) of the Act made by an aggrieved person to the court for an order expunging or varying of an entry in the register or relating to a certification trademark, or varying the relevant deposited regulations, shall be made in Form TM 35 and shall include full particulars of the grounds on which the application is made.

79. Alteration of certification trademark regulations.

1. An application by the registered proprietor of a certification trademark for an alteration of the deposited regulation shall be made in Form TM 34.
2. Where the registrar causes the application to be advertised the time within which any person may give notice to the registrar on opposition to the application shall be one month from the date of the advertisement.

2023

Part VIII—Miscellaneous.

80. Extension of time.

If in any particular case the registrar is satisfied that the circumstances justify an extension of the time for doing any act or taking any proceeding under these Regulations, not being a time expressly provided in the Act or prescribed by regulation 59(4) or 63(5), the registrar may extend the time upon such notice to other parties, and proceedings on it, and upon such terms as he or she may direct, and the extension may be granted though the time has expired for doing the act or taking the proceedings.

81. Exercise of discretionary power by the registrar: hearing.

1. Before exercising adversely to any person any discretionary power given to the registrar by the Act or these Regulations, the registrar shall, if so required, hear the person.
2. An application for a hearing shall be made within one month from the date of notification by the registrar of any objection to an application or the date of any other indication that the registrar proposes to exercise a discretionary power.
3. Upon receiving the application made under sub regulation (2) the registrar shall give the person applying fourteen days' notice of a time when he or she may be heard.
4. Within seven days from the date when the notice would be delivered in the ordinary course of post, the person applying shall notify the registrar whether or not he or she intends to be heard on the matter.
5. The decision of the registrar in the exercise of a discretionary power under this regulation shall be notified to the person affected.

82. Exercise of discretionary power by the registrar: dispensing with evidence.

Where under these Regulations a person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself, herself or a body corporate, or any

document or evidence is required to be produced to or left with the registrar, or at the office, and it is shown to the satisfaction of the registrar that from any reasonable cause that person is

2024

unable to do the act or thing, or to sign the document, to make the declaration, or that the document or evidence cannot be produced or left, the registrar may, upon the production of such other evidence, and subject to such terms as the registrar may think fit, dispense with any such act or thing, signature, declaration, document or evidence.

83. Amendments of documents and correction of procedural irregularities.

A document or drawing or other representation of a trademark may be amended, and any irregularity in procedure which in the opinion of the registrar may be excused without detriment to the interests of any person may be corrected, if the registrar thinks fit, and on such terms as the registrar may direct.

84. Certificates by registrar.

1. The registrar may give a certificate, other than a certificate under section 16 of the Act, as to any entry, matter or thing which the registrar is authorised or required by the Act or these Regulations to make or do, upon receipt of a request for the certificate in Form TM 30 from any person who, if the registrar thinks fit so to require, can show an interest in the entry, matter or thing to the registrar's satisfaction.
2. Except in a case falling under regulation 86, the registrar shall not be obliged to include in the certificate a copy of any mark, unless the registrar is furnished by the applicant with a copy of the mark suitable for the purpose.

85. Marks registered without limitation of colour.

Where a mark is registered without limitation of colour, the registrar may grant a certificate of its registration for the purpose of obtaining registration outside Uganda either in the colour in which it appears upon the register or in any other colour or colours.

86. Certificates for use in obtaining registration abroad.

1. Where the registrar issues a document for use in obtaining registration abroad, the registrar shall include in the document a copy of the mark and may require the person requesting the document to furnish a copy of the mark suitable for the purpose; and if the person fails to do so, the registrar may refuse to issue the document.

2025

2. The registrar may include in the document such particulars concerning the registration of the mark as the registrar deems fit and may omit from the document reference to any

disclaimers appearing in the register, but in the last mentioned case the document shall be marked: “For use in obtaining registration outside Uganda only”.

87. Person before whom declaration is to be taken.

A statutory declaration required by the Act and these Regulations, or used in any proceedings under them, shall be made and subscribed as follows—

- a. in the United Kingdom, before any justice of the peace, or any commissioner or other officer, authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;
- b. in any other part of the Commonwealth, before any court, judge, justice of the peace, or any officer authorised by law to administer an oath for the purpose of legal proceedings; and
- c. if made outside the Commonwealth, before a foreign service officer of Uganda, a Commonwealth consul, diplomatic agent, a notary public, a judge or magistrate.

88. Notice of seal or signature of officer taking declaration to prove itself.

A document purporting to have affixed, impressed or subscribed to it or on it the seal or signature of a person authorised by regulation 87 to take a declaration in testimony that the declaration was made and subscribed before that person may be admitted by the registrar without proof of the genuineness of the seal or signature or of the official character of the person or his or her authority to take the declaration.

89. Searches.

1. A person may request the registrar to cause a search to be made in respect of specified goods or services classified in any class of the Third schedule to ascertain whether any mark is on record at the date of the search which resembles a trademark of which duplicate representations accompany the form.

2026

2. The registrar shall cause the search to be made and the person making the request to be informed of the result of the search.

90. Appeals to the court.

Where a person intends to appeal to court, the appeal shall be made by motion in the usual way, and no such appeal shall be entertained unless notice of the motion is given within sixty days from the date of the decision appealed against or within such further time as the registrar shall allow.

91. Applications to the court.

Every application to the court under the Act shall be served on the registrar.

92. Order of the court.

1. Where an order has been made by the court in any case under the Act, the person in whose favour the order is made, or such one of them, if more than one, as the registrar may direct, shall immediately leave at the office an office copy of the order, together with Form TM 46 if required.
2. Where the order of the court requires a rectification or alteration of the register, the registrar shall give effect to the order.
3. Where an order is made by the court under the Act, the registrar may, if he or she thinks that the order should be made public, publish it in the Gazette.

93. Revocation of S.I. 217-1 and S.I No. 58 of 2005.

The Trademarks Rules S.I 217-1 and the Trademarks Fees (Amendment) Rules 2005 are revoked.