

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2021 No. 9.

THE TRADEMARKS (AMENDMENT) REGULATIONS, 2021

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STATUTORY INSTRUMENTS

2021 No. 9.

The Trademarks (Amendment) Regulations, 2021

(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 14th day of October, 2020.

1. Title

These Regulations may be cited as the Trademarks (Amendment) Regulations, 2021.

2. Amendment of the Trade Mark Regulations, 2012

The Trade Mark Regulations, 2012 in these Regulations referred to as the principal Regulations are amended in Regulation 2—

- (a) by revoking the definition of “agent”;
- (b) by inserting immediately after the definition of “Minister”, the following—

“series of trademarks” means a number of trademarks which resemble each other as to the material particulars and differ only as to matters on non-distinctive character not substantially affecting the identity of the trademark;” and

- (c) by inserting immediately after the definition of the word “specification”, the following—

“trademark agent” means an advocate of the High Court registered by the registrar as required by regulation 11;”

3. Amendment of regulation 8

Regulation 8 of the principal Regulations, is amended by substituting for subregulation (2) the following—

“(2) The address shall include the name of the street, the plot number, a postal code number, an email address and a telephone number, as may be applicable.”

4. Amendment of regulation 11.

Regulation 11 of the principal Regulations is amended—

- (a) by numbering the provision as subregulation (1); and
- (b) by inserting immediately after the new subregulation (1) the following—

“(2) A person who seeks to be registered as a trademarks agent in Uganda shall make an application using Form TM 1A in the Second Schedule and shall pay the fees prescribed in the First Schedule

(3) The registrar shall, upon receipt of the application, enter on the register, the name of the applicant as a trademark agent.

(4) The registration of a trademark agent shall expire at the end of the calendar year in which the registration is effected.

(5) A trademark agent may renew his or her registration using the procedure in this regulation.”

5. Amendment of regulation 12

Regulation 12 of the principal Regulations is amended—

- (a) by substituting for subregulation (2), the following—

“(2) For purposes of classifying goods and services in accordance with the Third Schedule, reference shall be made to the current edition of the International Classification of Goods and Services for registration of marks under the Nice Agreement of 15th June, 1957 and to the current edition of the International Classification of Figurative Elements of Marks under the Vienna Agreement of 12th June, 1973.”; and

- (b) by substituting for subregulation (3), the following—

“(3) Where the current edition of the International Classification of Goods and Services or the current edition of the International Classification of Figurative Elements of Marks is amended, the Minister shall, on the advice of the registrar, publish the amendments in the Gazette and shall, to the extent that the amendments necessitate an amendment to the Third Schedule, amend the Third Schedule.”

6. Amendment of regulation 13

Regulation 13 of the principal Regulations is amended—

- (a) in subregulation (1) (d), by inserting at the beginning of the paragraph the words “the name of a country,”; and
- (b) in subregulation (3) by inserting after “Where” the words “the name of a country,”.

7. Amendment of regulation 18

Regulation 18 of the principal Regulations is amended by revoking subregulations (2) and (4).

8. Amendment of regulation 24

Regulation 24 of the principal Regulations is amended by revoking subregulation (2).

9. Amendment of regulation 28

Regulation 28 of the principal Regulations is amended by inserting immediately after “Gazette” the words “or any other media as the registrar may direct”.

10. Amendment of regulation 29

Regulation 29 of the principal Regulations is amended in subregulation (2) by substituting for “the numbers of the Gazette” the words “the Gazette number and date of the publication”.

11. Amendment of regulation 42

Regulation 42 of the principal Regulations is amended, in subregulation (6), by inserting immediately after the word “Gazette” the words “or any other media as the registrar may direct,”.

12. Amendment of regulation 43

Regulation 43 of the principal Regulations is amended, in subregulation (1), by inserting immediately after the word “Gazette” the words “or any other media as the registrar may direct,”.

13. Revocation of regulation 49

Regulation 49 of the principal Regulations is revoked.

14. Amendment of regulation 50

Regulation 50 of the principal Regulations is amended by—

- (a) deleting the word “immediately”;
- (b) inserting immediately after “Gazette” the words “or any other media as the registrar may direct”.

15. Amendment of regulation 53

Regulation 53 of the principal Regulations is amended by inserting immediately after “Gazette” the words “or any other media as the registrar may direct,”.

16. Amendment of regulation 59

Regulation 59 of the principal Regulations is amended in subregulation (4), by inserting immediately after “Gazette”, the words “or any other media as the registrar may direct,”.

17. Amendment of regulation 65

Regulation 65 of the principal Regulations is amended in subregulation (3), by inserting immediately after “Gazette”, the words “or any other media as the registrar may direct,”.

18. Amendment of regulation 72

Regulation 72 of the principal Regulations is amended—

- (a) in subregulation (1), by substituting for “register” in the first line, the word “registrar”; and
- (b) in subregulation (3), by substituting for “35 to 44” the figures “30,31,32,33,34,35,36,37,38 and 39”.

19. Amendment of regulation 75

Regulation 75 of the principal Regulations is amended by inserting immediately after the word “Gazette”, the words “or any other media as the registrar may direct,”.

20. Amendment of regulation 76

Regulation 76 of the principal Regulations is amended in subregulation (2) by inserting immediately after the word “Gazette”, the words “or any other media as the registrar may direct,”.

21. Amendment of regulation 77

Regulation 77 of the principal Regulations is amended—

- (a) in subregulation (2) by inserting immediately after the word “Gazette”, the words “or any other media as the registrar may direct”;
- (b) in subregulation (4) by—
 - (i) substituting for “35 to 44” the figures “30,31,32,33,34,35,36,37,38 and 39”; and
 - (ii) inserting immediately after the word “application” the words “and in case of doubt, any party, may write to the registrar for directions”;
- (c) by revoking subregulation (5);
- (d) in subregulation (6) by inserting immediately after “Gazette”, the words “or any other media as the registrar may direct”; and
- (e) by inserting immediately after subregulation (7) the following—

“(8) Where the registrar adds to or alters a mark, the registrar shall issue to the applicant, a certificate of registration for the added mark or altered mark.”

22. Amendment of regulation 78

Regulation 78 of the principal Regulations is amended by substituting for “14 (6)” the figure “14 (1)”.

23. Amendment of regulation 80

Regulation 80 of the principal Regulations is amended—

- (a) by numbering the provision as subregulation “(1)”; and
- (b) by inserting immediately after the new subregulation (1), the following—

“(2) An application for extension of time under subregulation (1) shall be made using Form TM 42A in the Second Schedule and upon payment of the fees prescribed in the First Schedule”.

24. Amendment of regulation 89

Regulation 89 of the principal Regulations is amended by inserting immediately after subregulation (2), the following—

“(3) The request in subregulation (1) shall be made using Form TM 27 in the Second Schedule and upon payment of the fees prescribed in the First Schedule.”

25. Amendment of regulation 92

Regulation 92 of the principal Regulations is amended by inserting immediately after the word “Gazette”, the words “or any other media as the registrar may direct,”.

26. Amendment of the First Schedule

The First Schedule to the principal Regulations is amended—

- (a) by revoking Item 2;
- (b) in Item 12a, in the column for Corresponding Forms, by substituting for “TM No. 27” the words “TM No. 24”;
- (c) by substituting for Item 21, the following –

“

<i>Item</i>	<i>Matter or proceeding</i>	<i>Foreign Applicants US\$</i>	<i>National Applicants Shs.</i>	<i>Corresponding forms</i>
21a	For a search under regulations 23 and 89 in respect of one class:- without application for the Registrar’s advice under regulation 16.	65	25,000	TM No.27
21b	With application for the Registrar’s advice under regulation 16.	75	30,000	TM No.28

”; and

(d) by substituting Item 30, the following—

“

<i>Item</i>	<i>Matter or proceeding</i>	<i>Foreign Applicants US\$</i>	<i>National Applicants Shs.</i>	<i>Corresponding forms</i>
30	Publication in any other media	80	100,000	-

”

(e) by inserting immediately after Item 30, the following—

“

<i>Item</i>	<i>Matter or proceeding</i>	<i>Foreign Applicants US\$</i>	<i>National Applicants Shs.</i>	<i>Corresponding forms</i>
31	Registration or renewal of registration by a trademark agent		50,000	TM 1A
32	Extension of time under section 80	50	25000	TM 42A.

”

27. Amendment of the Second Schedule

The Second Schedule to the principal Regulations is amended by—

(a) inserting immediately after Form “TM 1”, the following—

“

Regulation 11

FORM TM 1A



THE REPUBLIC OF UGANDA

THE TRADE MARKS ACT, 2010.

APPLICATION FOR REGISTRATION/RENEWAL OF A

FEE

TRADEMARK AGENT

(To be accompanied by a copy of the advocate's enrollment certificate)

To:

Registrar of Trade Marks,
P.O. Box 6848,
Kampala.

I (name of applicant)
.....
.....
.....

of; (business address)

i Physical address (must include suite/room No., floor No. where applicable, name of building, street number, street name, city and district)
.....

ii Postal address.....

iii Email.....

iv Telephone number/s.....

v Firm name.....

Hereby apply for registration/renewal as a trademark agent(s).

Dated thisday of20

(Signature of the applicant)

.....”

(b) inserting immediately after Form “TM 25”, the following—

Regulation 89

FORM TM 27



THE REPUBLIC OF UGANDA

THE TRADE MARKS ACT, 2010

REQUEST FOR SEARCH

To:

The Registrar of Trade Marks,
P.O Box 6848,
Kampala.

Name, address, telephone number and email address of person making the request:

.....
.....
.....

I hereby request that a search be made in respect of goods and services in the following classifications:

.....
.....
.....

to ascertain whether any mark is on record that resembles the trade mark, duplicate representations of which are attached to this request.

Dated the day of.....20.....

.....
(Signature)''

- (c) inserting immediately after Form “TM 42”,
the following—

“

Regulation 80

FORM TM 42A



THE REPUBLIC OF UGANDA

THE TRADE MARKS ACT, 2010

APPLICATION FOR EXTENSION OF TIME IN
WHICH TO PERFORM AN ACT UNDER THE ACT

To:

The Registrar of Trade Marks,
P.O. Box 6848,
Kampala.

APPLICATION IS HEREBY MADE by (a).....

*(a) Here insert
the name and
trade or
business ad-
dress of the
applicant.*

..... of;

i Physical address.....

ii Postal address.....

iii Email.....

iv Telephone number/s.....

for extension of time of (b)days (s) *(b)Here insert
"number of days
requested"*
to

in respect of the following applications/trade
marks

application/trademark number/s.....

in class/es.....

all of which are or were registered in the name of *c)Here insert the
name and trade
of*
(c).....

.....of; *business address
of the
proprietor*

i Physical address.....

ii Postal address.....

iii Email.....

iv Telephone number/s.....

The grounds for extension of time are:-

Dated theday of.....20.....

(d) *(d)Signature*

(Signature) ”

PROF. EPHRAIM KAMUNTU (MP)
Minister of Justice and Constitutional Affairs

