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## SUPPLEMENT

### Act

No. 16—The Plant Variety Protection Act, 2014.

General Notice No. 830 of 2014.

### STATUTORY NOTICE

IN EXERCISE of powers conferred upon the Minister by Section 45, Part III, of the **Water Act, Cap. 152**; this statutory notice is hereby made this 19th Day of November, 2014, De-gazetting **Buwenge Town Council** from being a Water Supply and Sewerage Authority for the area coinciding with the boundaries of **Buwenge Town** and in exercise of powers conferred upon him by Section 46 of the **Water Act, Cap. 152**, the Minister hereby declares the area coinciding with **Buwenge Town** and **Kagoma Rural Growth Centre** as a Water Supply and Sewerage Area and appoints **National Water and Sewerage Corporation** as the Authority in charge of Water Supply and Sewerage Services in that Area.

PROF. EPHRAIM KAMUNTU,  
*Minister of Water and Environment.*

General Notice No. 831 of 2014.

### STATUTORY NOTICE

IN EXERCISE of powers conferred upon the Minister by Section 45, Part III, of the **Water Act, Cap. 152**; this statutory notice is hereby made this 19th Day of November, 2014, De-gazetting **Bugiri Town Council** from being a Water Supply and Sewerage Authority for the area coinciding with the boundaries of **Bugiri Town** and in exercise of powers conferred upon him by Section 46 of the **Water Act, Cap. 152**, the Minister hereby declares the area coinciding with **Bugiri** and **Buwuni Towns** as a Water Supply and Sewerage Area and appoints **National Water and Sewerage Corporation** as the Authority in charge of Water Supply and Sewerage Services in that Area.

PROF. EPHRAIM KAMUNTU,  
*Minister of Water and Environment.*

General Notice No. 832 of 2014.

### THE ADVOCATES ACT, CAP. 267.

#### NOTICE OF APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Nyesiga Angela who is stated to be a holder of a Bachelor of Laws Degree from Makerere University, Kampala, having been awarded on the 24th day of January, 2013 and a Diploma in Legal Practice awarded by the Law Development Centre on the 4th day of April, 2014, for the issuance of a Certificate of Eligibility for entry of her name on the Roll of Advocates for Uganda.

Kampala,  
30th December, 2014.

MARGARET APINY,  
*Secretary, Law Council.*

General Notice No. 833 of 2014.

### THE MINING ACT, 2003.

(The Mining Regulations, 2004).

#### NOTICE OF APPLICATION FOR A MINING LEASE

IT IS HEREBY NOTIFIED under section 42(2) of the Mining Act, 2003, that an application for a mining lease has been lodged with the Commissioner for the Geological Survey and Mines Department by M/S African Panther Resources (U) Ltd, of P. O. Box 7686 Kampala.

The area which forms the subject of the application for mining lease is located in Kikagati Sub County, Isingiro District and covers Two hundred (200) hectares.

Dated at Entebbe, this 24th December, 2014.

EDWARDS KATTO,  
*Commissioner, for the Geological Survey  
and Mines Department.*

General Notice No. 834 of 2014.

### ELECTRICITY REGULATORY AUTHORITY

Plot 15, Shimoni Road, Nakasero, P.O. Box 10332, Kampala.

Tel: +256 414 341 852 / 646, Fax +256 414 341 624

Email: [info@era.or.ug](mailto:info@era.or.ug), Website: [www.era.or.ug](http://www.era.or.ug)



NOTICE OF INTENDED APPLICATION FOR A  
LICENSE FOR THE ESTABLISHMENT OF A 9.4  
MW HYDRO POWER PLANT PROPOSED TO BE  
ESTABLISHED ON RIVER MPANGA IN  
KAMWENGE DISTRICT.

The Electricity Regulatory Authority (ERA) has under Section 29 of the Electricity Act, 1999, Cap. 145, received a Notice of Intended Application for a License from **Mpanga Hydro Uganda Limited** for the Generation and Sale of electricity from a Hydro power plant proposed to be established on River Mpanga in Kamwenge District. The location of the major scheme components is as follows;

	Longitude	Latitude
Proposed Intake	00°04'20.37" N	30°19'30.14" E
Proposed Powerhouse	00°03'52.71" N	30°19'14.43" E

Mpanga Hydro Uganda Limited intends to undertake detailed feasibility studies and other activities leading to the development of the above-mentioned project whose proposed total installed capacity is 9.4 MW. The generated power will be sold to the Uganda Electricity Transmission Company Limited and fed into the National grid.

Interested persons are invited to inspect the Application/ Notice from the addresses below:

1. Electricity Regulatory Authority, ERA House, Plot 15, Shimoni Road, Nakasero, Kampala.
2. The Office of the RDC, Kamwenge District.
3. The Office of the LCV Chairperson, Kamwenge District.
4. The Office of the Chief Administrative Officer, Kamwenge District.

Pursuant to Section 30 of the Electricity Act, 1999, Cap. 145, the Electricity Regulatory Authority hereby invites the general public to make comments and lodge objections (if any) in respect of the notice to the Authority, not later than 30 days from the date of publication of this notice.

The general public is requested to submit their comments in respect of the Application/Notice by hand delivery, email, fax or any other recorded delivery to the office of the Authority for the attention of:

The Secretary,  
Electricity Regulatory Authority,  
ERA House, Plot 15, Shimoni Road, Nakasero,  
P.O. Box 10332, Kampala.  
Tel: +256 414 341 185, +256 757 341 646,  
Fax: +256 414 341 624  
Email: [info@era.or.ug](mailto:info@era.or.ug)

MANAGEMENT

General Notice No. 835 of 2014.

**ELECTRICITY REGULATORY AUTHORITY**  
Plot 15, Shimoni Road, Nakasero, P.O. Box 10332, Kampala.  
Tel: +256 414 341 852 / 646, Fax +256 414 341 624  
Email: [info@era.or.ug](mailto:info@era.or.ug), Website: [www.era.or.ug](http://www.era.or.ug)



**NOTICE OF INTENDED APPLICATION FOR A  
LICENSE FOR THE ESTABLISHMENT OF A 9 MW  
HYDRO POWER PLANT PROPOSED TO BE  
ESTABLISHED ON RIVER NYAMWAMBA IN  
KASESE DISTRICT.**

The Electricity Regulatory Authority (ERA) has under Section 29 of the Electricity Act, 1999, Cap. 145, received a Notice of Intended Application for a License from **Mpanga Hydro Uganda Limited** for the Generation and Sale of electricity from a Hydro power plant proposed to be established on River Nyamwamba in Kasese District. The location of the major scheme components is as follows;

	Longitude	Latitude
Proposed Intake	00°14'17.26" N	29°58'42.73" E
Proposed Powerhouse	00°13'25.36" N	29°59'52.93" E

Mpanga Hydro Uganda Limited intends to undertake detailed feasibility studies and other activities leading to the development of the above-mentioned project whose proposed total installed capacity is 9 MW. The generated power will be sold to the Uganda Electricity Transmission Company Limited and fed into the National grid.

Interested persons are invited to inspect the Application/ Notice from the addresses below:

1. Electricity Regulatory Authority, ERA House, Plot 15, Shimoni Road, Nakasero, Kampala.
2. The Office of the RDC, Kasese District.
3. The Office of the LCV Chairperson, Kasese District.
4. The Office of the Chief Administrative Officer, Kasese District.

Pursuant to Section 30 of the Electricity Act, 1999, Cap. 145, the Electricity Regulatory Authority hereby invites the general public to make comments and lodge objections (if any) in respect of the notice to the Authority, not later than 30 days from the date of publication of this notice.

The general public is requested to submit their comments in respect of the Application/Notice by hand delivery, email, fax or any other recorded delivery to the office of the Authority for the attention of:

The Secretary,  
Electricity Regulatory Authority,  
ERA House, Plot 15, Shimoni Road, Nakasero,  
P.O. Box 10332, Kampala.  
Tel: +256 414 341 185, +256 757 341 646,  
Fax: +256 414 341 624  
Email: [info@era.or.ug](mailto:info@era.or.ug)

MANAGEMENT

General Notice No. 836 of 2014.

**THE TRADE MARKS ACT.**

(Cap. 83).

**NOTICE.**

NOTICE IS HEREBY GIVEN that any person who has grounds to oppose the registration of any of the marks advertised herein may within sixty days from the date of this *Gazette*, lodge a Notice of opposition on Trade Mark Form No. 6 together with a fee of Shs. 4000 in case of National applicants or US\$ 250 in case of Foreign applicants. The period of lodging Notice of opposition may be extended in suitable cases by the Registrar as he thinks fit upon such terms as he may direct. Formal opposition should not be lodged until after reasonable notice has been given by letter to the applicant so that he may have an opportunity to withdraw his application before the expense of opposition

proceedings is incurred. Failure to give such notice will be taken into account in considering any application by the opponent for an order for costs if the opposition is uncontested by the applicant. Representations of the marks herein advertised can be inspected at the office of the Registrar of Trade Marks, Amamu House, Plot No. 5B George Street, P.O. Box 6848, Kampala.

(541) *Representation of Mark*



(210) APPLICATION NO. 2014/49664 IN PART "A".

(220) *Date of filing application*— 08th April, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Clothing, shoes, hats; socks, gloves (clothing); scarfs; boots for sports; sports shoes, waterproof clothing; jackets (clothing); anfi-sweat underwear; coats, jackets (clothing); sportswear; liveries; uniforms; leather shoes; ski boots, cold weather gloves, ski gloves, belts (clothing).

(511) *Class*: 25

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— SWISSGEAR SARL, HALDENSTRASSE 5, 6340 BAAR, Switzerland.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*— Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

# GYPROC

(210) APPLICATION NO. 2014/49943 IN PART "A".

(220) *Date of filing application*— 27th May, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Building materials made wholly or principally of common metal; metallic partitioning comprised of a metal frame with plasterboard lining, the metal predominating; plates, strips, extrusions and shape sections, all of common metal and for use in building; screws, nails, fixing devices, clips, bolts, fasteners; hinges and pivots.

(511) *Class*: 6

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— BPB United Kingdom Limited, Saint-Gobain House, Binley Business Park, Coventry, CV3 2TT, United Kingdom.

(740) *Address for Agent/Representative*—Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*— SIPI LAW ASSOCIATES, Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

# GYPROC

(210) APPLICATION NO. 2014/49944 IN PART "A".

(220) *Date of filing application*— 27th May, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Insulating materials; materials for stopping and preparations for sealing joints; adhesive tapes other than for stationery and not for medical or household purposes; expansion joint fillers; washers of rubber or vulcanized fiber; jointing compounds.

(511) *Class*: 17

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— BPB United Kingdom Limited, Saint-Gobain House, Binley Business Park, Coventry, CV3 2TT, United Kingdom.

(740) *Address for Agent/Representative*—Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*— SIPI LAW ASSOCIATES, Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

# RED FOX

(210) APPLICATION NO. 2014/50194 IN PART "A".

(220) *Date of filing application*— 25th June, 2014.

(310) (320) (330) Priority Claim— 1291026 11/06/2014 BX.

(510) *Nature of goods/services*— Seeds; live plants and natural flowers, layering products.

(511) *Class*: 31

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— DUMMEN GROUP B.V., Coldenhovelaan 6, 2678 PS De Lier, Netherlands.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*— Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

# WE BARE BEARS

(210) APPLICATION NO. 2014/49761 IN PART "A".

(220) *Date of filing application*— 25th April, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Entertainment services, namely providing entertainment programs and content via television, satellite, the internet, wireless networks and other electronic communication networks; providing non-downloadable online publications; providing a website featuring audio visual content, entertainment information and online games; providing on-line music, not downloadable, providing on-line videos, not downloadable, presenting live entertainment performances; amusement park services; production of films, television and digital entertainment content.

(511) Class: 41

(526) Disclaimer

(591) Restriction to Colours

(646) Association

(731) Name of applicant and Address— The Cartoon Network, Inc., 1050 Techwood Drive, NW, Atlanta, Georgia, 30318, U.S.A.

(740) Address for Agent/Representative—P.O. Box 4180, Kampala, Uganda.

(750) Address for Service— Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) Representation of Mark

## MIGHTY MAGISWORDS

(210) APPLICATION NO. 2014/49758 IN PART "A".

(220) Date of filing application— 25th April, 2014.

(310) (320) (330) Priority Claim

(510) Nature of goods/services— Audio and audio visual recordings; portable audio speakers, compact disc players, personal stereos, electronic docking stations, headphones, earphones, personal computers and tablet computers, mouse pads, computer mice, computer keyboards, USB flash drives, karaoke machines, walkie-talkies, telephones, calculators, rulers, computers, cameras (photographic), film (photographic), decorative magnets, digital photo frames; protective helmets for sports, snorkel tubes, swim masks, swim goggles; eyeglasses, sunglasses, frames and cases therefor; downloadable audio, video, audiovisual and image files; computer software, video game cartridges, video game software, computer joystick, downloadable software for mobile devices, memory cards for video game machines; bags for personal electronic devices, namely cell phones, laptops, tablet computers, digital cameras, digital audio players and electronic book readers, protective sleeves, covers and cases for cell phones, laptops, tablet computers, digital cameras, digital audio players and electronic book readers, cell phone face plates, straps and charms.

(511) Class: 9

(526) Disclaimer

(591) Restriction to Colours

(646) Association

(731) Name of applicant and Address— The Cartoon Network, Inc., 1050 Techwood Drive, NW, Atlanta, Georgia, 30318, U.S.A.

(740) Address for Agent/Representative—P.O. Box 4180, Kampala, Uganda.

(750) Address for Service— Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) Representation of Mark

## GET 'EM TOMMY!

(210) APPLICATION NO. 2014/49756 IN PART "A".

(220) Date of filing application— 25th April, 2014.

(310) (320) (330) Priority Claim

(510) Nature of goods/services— Audio and audio visual recordings; portable audio speakers, compact disc players, personal stereos, electronic docking stations, headphones, earphones, personal

computers and tablet computers, mouse pads, computer mice, computer keyboards, USB flash drives, karaoke machines, walkie-talkies, telephones, calculators, rulers, computers, cameras (photographic), film (photographic), decorative magnets, digital photo frames; protective helmets for sports, snorkel tubes, swim masks, swim goggles; eyeglasses, sunglasses, frames and cases therefor; downloadable audio, video, audiovisual and image files; computer software, video game cartridges, video game software, computer joystick, downloadable software for mobile devices, memory cards for video game machines; bags for personal electronic devices, namely cell phones, laptops, tablet computers, digital cameras, digital audio players and electronic book readers, protective sleeves, covers and cases for cell phones, laptops, tablet computers, digital cameras, digital audio players and electronic book readers, cell phone face plates, straps and charms.

(511) Class: 9

(526) Disclaimer

(591) Restriction to Colours

(646) Association

(731) Name of applicant and Address— The Cartoon Network, Inc., 1050 Techwood Drive, NW, Atlanta, Georgia, 30318, U.S.A.

(740) Address for Agent/Representative—Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(750) Address for Service— SIPI LAW ASSOCIATES, Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(541) Representation of Mark

## CENTURO

(210) APPLICATION NO. 2014/50420 IN PART "A".

(220) Date of filing application— 24th July, 2014.

(310) (320) (330) Priority Claim

(510) Nature of goods/services— Vehicles; apparatus for locomotion by land, air or water, motors and engines, for land vehicles, motor land vehicles, namely, two wheelers, motorcycles, racing bikes, mopeds, scooters and motorbikes, parts and accessories thereof all included in class 12.

(511) Class: 12

(526) Disclaimer

(591) Restriction to Colours

(646) Association

(731) Name of applicant and Address— Mahindra & Mahindra Limited, Mahindra Towers, G.M. Bhosale Marg, P.K. Kurne Chowk. Worli, Mumbai 400018, India.

(740) Address for Agent/Representative—P.O. Box 4180, Kampala, Uganda.

(750) Address for Service— Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) Representation of Mark

## SOAP FOR HOPE

(210) APPLICATION NO. 2014/50816 IN PART "A".

(220) Date of filing application— 12th September, 2014.

(310) (320) (330) Priority Claim



(510) *Nature of goods/services*—Charitable services, namely, providing a program to allow those in need to recycle soap for distribution, sale, or personal use.

(511) *Class*: 41

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—Sealed Air Corporation (US), 200 Riverfront Boulevard Elmwood Park New Jersey, 07407, U.S.A.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## HYATT REGENCY

(210) APPLICATION NO. 2014/49674 IN PART "A".

(220) *Date of filing application*—8th April, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*—Hotels; resort hotels; motels; temporary accommodations; travel agency services for the reservation of hotel accommodations; specialized hotel services rendered as part of a program for frequent hotel guests; restaurant, bar and cocktail lounge services; snack bar services; catering for the provision of food and beverages; providing banquet and social function venues for special occasions; providing conference, exhibition and meeting venues; rental of chairs, tables, table linen and glassware for conference, exhibition, meeting and social functions and banquets; rental of meeting rooms.

(511) *Class*: 43

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—HYATT INTERNATIONAL CORPORATION, 71 S. WACKER DRIVE, 14TH FLOOR, CHICAGO ILLINOIS 60606, U.S.A.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## GOLD PASSPORT

(210) APPLICATION NO. 2014/49676 IN PART "A".

(220) *Date of filing application*—8th April, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*—Hotels; resort hotels; motels; temporary accommodations; travel agency services for the reservation of hotel accommodations; specialized hotel services rendered as part of a program for frequent hotel guests; restaurant, bar and cocktail lounge services; snack bar services; catering for the provision of food and beverages; providing banquet and social function venues for special occasions; providing conference, exhibition and meeting venues; rental of chairs, tables, table linen and glassware for conference, exhibition, meeting and social functions and banquets; rental of meeting rooms.

(511) *Class*: 43

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—HYATT INTERNATIONAL CORPORATION, 71 S. WACKER DRIVE, 14TH FLOOR, CHICAGO ILLINOIS 60606, U.S.A.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Paul Asiimwe, Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## VENOFER

(210) APPLICATION NO. 2014/50502 IN PART "A".

(220) *Date of filing application*—06th August, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*—Pharmaceutical, veterinary and sanitary products.

(511) *Class*: 5

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—Vifor (International) AG (Vifor (International) Ltd) (Vifor (International) Inc.), Rechenstrasse 37, 9014, St Gallen, Switzerland.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Paul Asiimwe, Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## GOCARD

(210) APPLICATION NO. 2014/49961 IN PART "A".

(220) *Date of filing application*—30th May, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*—Photographic, cinematographic and optical apparatus and instruments; apparatus and instruments for the recording, transmission, broadcasting, reception, storage, display or reproduction of sound, images and data; computers, computer programs, computer software, computer software applications for smart phones and tablet devices; computer chips, apparatus and instruments for the encoding and decoding of electrical signals; remote control units; smart cards; encoded cards; aerials; satellite dishes; cables; optical fibres; switches; adapters; connectors; plugs; sockets and outlets; junction boxes; tapes, discs and cartridges all bearing or for the recording of data, sound or images; cinematographic films prepared for exhibition; audio and/or video recordings; multi-media communication, recording, transmission, broadcasting, storage, display, reception and reproduction devices, data processing equipment; computer software and apparatus and instruments for use in connection with the Internet; electronic publications; antennas; parts (and fittings) for all the aforesaid goods.

(511) *Class*: 9

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—MIH INTELPROP HOLDINGS LIMITED, IFS Court, Twenty Eight, Cybercity, Ebene, Mauritius.

(740) *Address for Agent/Representative*—Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Sipi Law Associates, Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## GOTENNA

(210) APPLICATION NO. 2014/49963 IN PART "A".

(220) *Date of filing application*—30th May, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*—Photographic, cinematographic and optical apparatus and instruments; apparatus and instruments for the recording, transmission, broadcasting, reception, storage, display or reproduction of sound, images and data; computers, computer programs, computer software, computer software applications for smart phones and tablet devices; computer chips, apparatus and instruments for the encoding and decoding of electrical signals; remote control units; smart cards; encoded cards; aerials; satellite dishes; cables; optical fibres; switches; adapters; connectors; plugs; sockets and outlets; junction boxes; tapes, discs and cartridges all bearing or for the recordal of data, sound or images; cinematographic films prepared for exhibition; audio and/or video recordings; multi-media communication, recording, transmission, broadcasting, storage, display, reception and reproduction devices, data processing equipment; computer software and apparatus and instruments for use in connection with the Internet; electronic publications; antennas; parts (and fittings) for all the aforesaid goods.

(511) *Class: 9*

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—MIH INTELPROP HOLDINGS LIMITED, IFS Court, Twenty Eight, Cybercity, Ebene, Mauritius.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Paul Asiimwe, Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## GOCARD

(210) APPLICATION NO. 2014/49962 IN PART "A".

(220) *Date of filing application*—30th May, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*—Voice, data, sound and image communication services; multi-media communication services; telecommunications services; radio, television, satellite and cable

broadcasting services; news agency services; transmission, provision and display of information for business or domestic purposes from a computer stored databank; broadcast of live performances and events; hiring, rental and leasing of communication apparatus and instruments; subscription television and Internet broadcasting services; provision of web sites; provision of forums and portals; providing access to and leasing access time to computer data bases; provision and dissemination of information relating to all the aforesaid services.

(511) *Class: 38*

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—MIH INTELPROP HOLDINGS LIMITED, IFS Court, Twenty Eight, Cybercity, Ebene, Mauritius.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Paul Asiimwe, Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## GOTENNA

(210) APPLICATION NO. 2014/49964 IN PART "A".

(220) *Date of filing application*—30th May, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*—Voice, data, sound and image communication services; multi-media communication services; telecommunications services; radio, television, satellite and cable broadcasting services; news agency services; transmission, provision and display of information for business or domestic purposes from a computer stored databank; broadcast of live performance; and events; hiring, rental and leasing of communication apparatus and instruments; subscription television and Internet broadcasting services; provision of web sites; provision of forums and portals; providing access to and leasing access time to computer data bases; provision and dissemination of information relating to all the aforesaid services.

(511) *Class: 38*

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—MIH INTELPROP HOLDINGS LIMITED, IFS Court, Twenty Eight, Cybercity, Ebene, Mauritius.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Paul Asiimwe, Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*



**Eat Well, Live Well.**

(210) APPLICATION NO. 2013/48334 IN PART "A".

(220) *Date of filing application*—27th September, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*—Meat, fish poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; eggs, milk; dairy products; edible oils and fats; soups; soup stocks; preparations for making soups; instant soup mixes; bouillon; concentrated bouillon; broth; concentrated broth; instant soup mixes with noodles; soups with pastas; instant soup mixes with pastas; instant soup mixes with rice; dried meat; frozen meat; cooked meat; dried fish; frozen fish; cooked fish; dried shellfish; frozen shellfish; cooked shellfish; dried seafood; frozen seafood; cooked seafood; dried poultry; frozen poultry; cooked poultry; canned meat; canned vegetables; canned fish; yoghurt; cheese; butter; margarine; vegetable salads; processed nuts; seasoned nuts; tofu; food products made from fish; food products made from poultry; food products made from meat; food products made from seafood; food products made from shellfish; food products made from vegetables.

(511) *Class*: 29

(526) *Disclaimer*—Registration of this mark shall give no right to the exclusive use of the words "EAT WELL" or the words "LIVE WELL" separately except as represented.

(591) *Restriction to Colours*

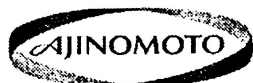
(646) *Association*

(731) *Name of applicant and Address*—AJINOMOTO CO. INC., 15-1, Kyobashi 1-chome, Chuo-ku, Tokyo, Japan.

(740) *Address for Agent/Representative*—Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Sipi Law Associates, Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*



Eat Well, Live Well.

(210) APPLICATION NO. 2013/48336 IN PART "A".

(220) *Date of filing application*—27th September, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*—Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; preparations made from cereals; bread, pastry and confectionery, sorbets; ice creams; frozen yoghurt (confectionery ices); chocolate bars; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; tea based beverages; coffee based beverages; soluble coffee; seasoned salt; mixed seasonings; preparations made from flour; soy sauce; seasonings; flavourings except for essential oils; flavour enhancers except for essential oils; pepper; salad dressings; mayonnaise; noodles; instant noodles; noodles with soup; cereals; pastas; porridge; risotto; meat tenderisers for household use; seasoned breading mixes for deep fry use for meat, poultry, seafood and vegetables; seasoned batter mixes for deep fry use for meat, poultry, seafood and vegetables; seasonings having monosodium glutamate as its principal ingredients; seasonings having monosodium glutamate and

nucleotides as its principal ingredients; candy; chocolate; cooked or frozen noodles with soup; cooked or frozen sweet rice cake; cooked or frozen dumplings; oyster sauce; curry sauce and paste; marinade sauce; teriyaki sauce; chili sauce; cooked and frozen rice balls; cooked or frozen congee or rice porridge; cooked, frozen or instant fried noodle; cooked and frozen Chinese dim sum; cooked and frozen stir fried rice; sushi.

(511) *Class*: 30

(526) *Disclaimer*—Registration of this mark shall give no right to the exclusive use of the words "EAT WELL" or the words "LIVE WELL" separately except as represented.

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—AJINOMOTO CO. INC., 15-1, Kyobashi 1-chome, Chuo-ku, Tokyo, Japan.

(740) *Address for Agent/Representative*—Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Sipi Law Associates, Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## ITUNES

(210) APPLICATION NO. 2014/49843 IN PART "A".

(220) *Date of filing application*—09th May, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*—Sales promotion services; promoting the goods and services of others; conducting market research; design, creation, preparation, production, and dissemination of advertisements and advertising material for others; media planning services; administration of consumer loyalty programs; arranging and conducting incentive rewards programs to promote the sale of goods and services; providing business, consumer, and commercial information over computer networks and global communication networks; business services, namely, providing computer databases regarding the purchase and sale of a wide variety of products and services of others; retail store services; online retail store services provided via the Internet and other electronic and communications networks; retail store services in the field of books, magazines, periodicals, newsletters, journals and other publications on a wide range of topics of general interest; retail store services in the field of entertainment featuring movies, television programs, cultural events, sporting events, electronic games, computer software applications, musical works, and audio and audiovisual works; retail store services featuring computers, consumer electronics, telecommunications apparatus, mobile phones, handheld digital electronic devices, computer software, and accessories, peripherals, and carrying cases for such products; product demonstrations; subscription services, namely, providing subscriptions to text, data, graphics, images, audio content, video content, electronic publications, computer software applications, electronic games, and other multimedia content, provided via the Internet and other electronic and communications networks; analysis of advertising response and market research; online music subscription services, namely, providing downloadable pre-recorded music and video for a fee or pre-paid

subscription via the Internet or pre-bundled with computing devices information; arranging and conducting of commercial, trade, and business conferences, shows, and exhibitions; information, advisory and consultancy services relating to all the aforesaid.

(511) *Class:* 35

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—APPLE INC., 1 Infinite Loop, Cupertino, California 95014, United States of America.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

**ORANGE**

(210) *APPLICATION NO.* 2014/49880 IN PART "A".

(220) *Date of filing application*—15th May, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*—Electrical and electronic communications and telecommunications apparatus and instruments; communications and telecommunications apparatus and instruments; electrical and electronic apparatus and instruments all for processing, logging, storing, transmission, retrieval or reception of data; apparatus and instruments for recording, transmission, amplifying or reproduction of sound, images, information or encoded data; electrical control, testing (other than in-vivo testing), signalling, checking (supervision) and teaching apparatus and instruments; optical and electro-optical apparatus and instruments; communications servers; computer servers; VPN [visual private network] operating hardware; WAN [wide area network] operating hardware; LAN [local area network] operating hardware; computer hardware; computer network hardware; computer hardware for providing secure remote access to computer and communications networks; ethernet hardware; image processing apparatus, instruments and equipment; cameras; photographic apparatus, instruments and equipment; video projectors; multimedia projectors; bar code scanners and readers; television and radio apparatus and instruments; telecommunication, radio and television broadcasting transmitters and receivers; apparatus for access to broadcast or transmitted programmes; holograms; computers; peripheral equipment for computers; programmed-data-carrying electronic circuits; discs, tapes and wires all being magnetic data carriers; printed circuit boards; blank and pre-recorded magnetic cards; data cards; memory cards; smart cards; cards containing microprocessors; integrated circuit cards; electronic identification cards; telephone cards; telephone credit cards; credit cards; debit cards; cards for electronic games designed for use with telephones; CD ROMs; magnetic, digital and optical data carriers; magnetic, digital and optical data recording and storage media (blank and pre-recorded); USB flash drives; devices for playing downloadable music files; portable media players; satellite transmitters and receivers; telecommunications and broadcasting satellites; radio telephone beacons and telephone masts; electric wires and cables; optical

cables; fibre-optic cables; resistance wires; electrodes; telecommunications systems and installations; terminals for telephone networks; telephone switchboards; telecommunications signal input, storage, conversion and processing apparatus; telephone equipment; equipment for fixed, transportable, mobile, hands-free or voice-activated telephones; multimedia terminals; interactive terminals for displaying and ordering goods and services; secure terminals for electronic transactions including electronic payments; apparatus for processing electronic payments; paging, radio paging and radio-telephone apparatus and instruments; telephones, mobile telephones and telephone handsets; facsimile machines; personal digital assistants (PDAs); electronic notepads; electronic notebooks; electronic tablets; electronic handheld units for the wireless receipt, storage and/or transmission of data messages and electronic payments; mobile electronic devices that enable the user to keep track of or manage personal information; satellite navigational apparatus, instruments and systems; accessories for telephones and telephone handsets; adapters for use with telephones; battery chargers for use with telephones; desk or car mounted units incorporating a loudspeaker to allow a telephone handset to be used hands-free; in-car telephone handset cradles; headphones; hands free devices for telephone handsets and other mobile electronic devices; bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; cell phone straps; computerised personal organisers; aerials; batteries; micro processors; key boards; modems; calculators; display screens; electronic global positioning systems; electronic navigational, tracking and positioning apparatus and instruments; monitoring (other than in-vivo monitoring) apparatus and instruments; radio apparatus and instruments; video films; audio-visual apparatus and equipment; electrical and electronic accessories and peripheral equipment designed and adapted for use with computers and audio-visual apparatus; computer games cartridges; parts and fittings for all the aforesaid goods; computer programs; computer software; VPN [virtual private network] operating software; WAN [wide area network] operating software; LAN [local area network] operating software; USB operating software; computer software supplied from the Internet; computer software for synchronizing data between computers, processors, recorders, monitors and electronic devices and host computers; cloud computing software; network operating systems programs; computer operating systems programs; computer software for providing secure remote access to computer and communications networks; computer security software; computer firewall software; software for ensuring the security of electronic mail; downloadable ringtones for mobile phones; electronic publications (downloadable) provided on-line from computer databases or the Internet; computer software and telecommunications apparatus (including modems) to enable connection to databases, local area networks and the Internet; computer software to enable teleconferencing, videoconferencing and videophone services; computer software to enable searching and retrieval of data; computer software for accessing databases, telecommunications services, computer networks and electronic bulletin boards; computer games software; interactive multimedia computer games programs;



virtual reality games software; downloadable music files; photographs, pictures, graphics, image files, sound bites, films, videos and audio-visual programmes (downloadable) provided on-line or from computer databases or the Internet or Internet websites; computer software for use in remote monitoring; software for GPS navigation.

(511) *Class*: 9

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*— TM 31416, 31415, 31822 and 32674.

(731) *Name of applicant and Address*— Orange Brand Services Limited, 3 More London Riverside, London, SE1 2AQ, United Kingdom.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*— Paul Asiimwe, Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## TRELLIDOR

(210) APPLICATION NO. 2014/50660 IN PART "A".

(220) *Date of filing application*—20th August, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*—Metal burglar proofing for doors and windows, rigid metal grids; expandable metal grids, metal doors, windows and frames, expandable doors and windows, retractable doors and windows, sliding doors and windows, all of metal, metal safety doors and windows, metal components, parts, fittings and accessories for the doors and windows in the class, metal locks, bolts, flat bolts, sliding bolts.

(511) *Class*: 6

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— TRELLICOR (PTY) LIMITED, 20 ABERDARE DRIVE, PHOENIX INDUSTRIAL PARK, DURBAN, SOUTH AFRICA.

(740) *Address for Agent/Representative*—4th Floor Rwenzori Towers Nakasero Road, P.O. Box 24665, Kampala, Uganda.

(750) *Address for Service*— ENSafrica Advocates, 4th Floor Rwenzori Towers Nakasero Road, P.O. Box 24665, Kampala, Uganda.

(541) *Representation of Mark*

## FOCUS

(210) APPLICATION NO. 2014/50501 IN PART "A".

(220) *Date of filing application*— 06th August, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*— Apparatus and instruments for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; plumbers' and engineers' hardware included in this class, including but not restricted to, installations for water supply, storage and distribution, taps, mixer taps, cocks and valves; cisterns, baths, showers, lavatories and other water supply installations; parts of, components and fittings for the foregoing goods.

(511) *Class*: 11

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— Cobra Brands (Proprietary) Limited, 20 Wright Street, Fectoria, Krugersdorp, Gauteng, South Africa.

(740) *Address for Agent/Representative*—Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*— SIPI LAW ASSOCIATES, Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## GLUCOVANCE

(210) APPLICATION NO. 2014/50983 IN PART "A".

(220) *Date of filing application*— 10th October, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*— 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.

(511) *Class*: 5

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— MERCK SANTE S.A.S., 37 rue saint Remain, 69008, LYON, FRANCE.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*— SIPI LAW ASSOCIATES, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*

## LINENS FOR LIFE

(210) APPLICATION NO. 2014/50956 IN PART "A".

(220) *Date of filing application*— 03rd October, 2014.

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*— Charitable services, namely, providing a program to allow those in need to recycle and re purpose used bed linens, bath linens, and towels for personal use, for distribution and for sale.

(511) *Class*: 41

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— SEALED AIR CORPORATION (US), 200 Riverfront Boulevard, Elmwood Park, NJ 07407, U.S.A.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*— SIPI LAW ASSOCIATES, P.O. Box 4180, Kampala, Uganda.



(541) *Representation of Mark***ROTAM-VET**

(210) APPLICATION NO. 2014/50273 IN PART "A".

(220) *Date of filing application*— 9th July, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds; natural plants and flowers; foodstuffs for animals; malt not for human consumption; food supplements for animals; additives for animal foodstuffs (not for medical purposes).(511) *Class*: 31(526) *Disclaimer*(591) *Restriction to Colours*(646) *Association*(731) *Name of applicant and Address* — ROTAM AGROCHEM INTERNATIONAL COMPANY LIMITED, 26/F, E-Trade Plaza, 24 Lee Chung Street, Chai Wan, Hong Ko, Hong-Kong.(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.(750) *Address for Service*— PAUL ASIIMWE, SIPI LAW ASSOCIATES, P.O. Box 4180, Kampala, Uganda.(541) *Representation of Mark***FOCUS**

(210) APPLICATION NO. 2014/50500 IN PART "A".

(220) *Date of filing application*— 06th August, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Unwrought and partly wrought common metals and their alloys, building materials of metal; chains (except driving chains for vehicles); cables of metal (non-electric); metallic pipes and tubes; ironmongery and hardware of metal (small); valves of metal (other than parts of machines)(511) *Class*: 6(526) *Disclaimer*(591) *Restriction to Colours*(646) *Association*(731) *Name of applicant and Address*—Cobra Brands (Proprietary) Limited, 20 Wright Street, Fictoria, Krugersdorp, Gauteng, South Africa.(740) *Address for Agent/Representative*— Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.(750) *Address for Service*— Paul Asiimwe, Jocasa House, Flat 5, Plot 14 Nakasero Road, P.O. Box 4180, Kampala, Uganda.(541) *Representation of Mark*


(210) APPLICATION NO. 2014/49547 IN PART "A".

(220) *Date of filing application*— 24th March, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*—Preparations for cleaning, care and beautification of the skin, nails and hair; Hair dyes; tints for the hair; Hair styling products; Hair lotions; Hair care products: Soaps; Perfumery; Fragrances; perfume; eau de toilette; eau de parfum; Cosmetics; Decorative cosmetic products; Eye make-up remover; Make-up remover; Nail polish remover; Make-up; BB cream; Cosmetic powder; Rouge; Tinted face cream; Tinted body cream; Concealer; Blemish sticks; Highlighter for the beautification of the skin; Tattoo pens; Mascara; Powder to increase eyelash volume; Eye shadow powder; eye shadow cream; Foundation for eye shadow; Eyebrow powder; Eyebrow cream; Eyebrow pencils; Liquid eye liner; powder eye liner; eye liner pencils; eye liner gel; Kayal; Lip gloss; Lip balm; Lipsticks; Lipliner; Nail polish; Express dry drops for nail polish; Artificial finger nails; Nail pencil for french manicure; Nailwhite pencils; Nail whiteners; Nail polish correction pens; Nail care pens; Nail gel; Primer for preparation of gel manicure; Cleanser; Nail polish base coat; Nail polish top coat; Nail hardener; Oils for treatment of nails and cuticles; Stickers for beautification, care and protection of finger nails; French manicure tip guides; Products for sculpturing and making of false fingernails [cosmetics]; Nail polish with metallic or other effects; Glitter; Cosmetic powder; Gems and accessories for the decoration of finger nails; Nail care products (included in class 3); Products for sculpturing and making of gel nails [cosmetics]; Hand creams; Glitter spray; Body tattoos; False eyelashes.

(511) *Class*: 3(526) *Disclaimer*(591) *Restriction to Colours*(646) *Association*(731) *Name of applicant and Address*— Bora Creations S.L. Calle Rey Sancho, 7, Local 3, 07180 Santa Ponsa, Mallorca, Spain.(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.(750) *Address for Service*— Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.(541) *Representation of Mark*


(210) APPLICATION NO. 2014/49549 IN PART "A".

(220) *Date of filing application*— 24th March, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*—Combs; Hair brushes; Body brushes; Nail brushes; Cosmetic sponges; cosmetic brushes; Applicators for cosmetics; Glassware; Porcelain not included in other classes.

(511) *Class*: 21(526) *Disclaimer*(591) *Restriction to Colours*(646) *Association*

(731) *Name of applicant and Address*— Bora Creations S.L. Calle Rey Sancho, 7, Local 3, 07180 Santa Ponsa, Mallorca, Spain.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*



(210) APPLICATION NO. 2013/48482 IN PART "A".

(220) *Date of filing application*—25th October, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*—Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, 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 hardware and software; computer application software for mobile phones; computer software for enabling secure financial transactions, namely, the transfer of money between financial institutions; payments to individuals; the payment of bills; the management of financial accounts; and the purchasing of prepaid airtime, text and data bundles using a mobile device.

(511) *Class*: 9

(526) *Disclaimer*—Registration of this mark shall give no right to the exclusive use of the word "CASH" separately except as represented.

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—ECONET SERVICES LIMITED, C/O DTOS Limited, 10 Floor, Raffles Tower, 19 Cybercity Ebene, Mauritius.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

Kampala,  
14th May, 2014.

AGABA GILBERT,  
Registrar of Trademarks.

(541) *Representation of Mark*

**ILIFE**

(210) APPLICATION NO. 2014/49569 IN PART "A".

(220) *Date of filing application*—26th March, 2014.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*—Computers; computer hardware and computer software; hand held computers; computer terminals; personal digital assistants; electronic organisers; electronic notepads; apparatus for recording, transmission and reproduction of sounds, images, or other data; magnetic data carriers; mobile digital electronic devices, telephones; computer gaming machines; microprocessors; memory boards; monitors; displays; keyboards; cables; modems; printers;

videophones; disk drives; cameras; computer software; prerecorded computer programs for personal information management; database management software; character recognition software; telephony management software; electronic mail and messaging software; paging software; database synchronisation software; computer programs for accessing, browsing and searching online databases; computer software and firmware for operating systems programs; data synchronisation programs, and application development tool programs; electronic handheld devices for the wireless receipt; storage and/or transmission of data, particularly messages, and devices that enable the user to keep track of or manage personal information; software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld devices from a data store on or associated with a personal computer or a server; software for the synchronisation of data between a remote station or device and a fixed or remote station or device; computer hardware and peripherals; facsimile machines; answering machines; telephone-based information retrieval systems; adapters; adapter cards; connectors and drivers; blank computer storage media, fonts, typefaces, type designs and symbols; chips, discs and tapes bearing or for recording computer programs and software; random access memory, read only memory; solid state memory apparatus; electronic communication equipment and instruments; telecommunications apparatus and instruments; computer and electronic games; related computer equipment for use therewith; multimedia products comprising or for use with any of the aforesaid goods; interactive products comprising or for use with any of the aforesaid goods; computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, storing and organising audio, video and still images; computer software for DVD authoring; video editing apparatus; computer hardware and software for use in video and motion picture film production; computer hardware and software for use in video editing; audio-visual computer hardware and software; multimedia computer software; computer software for interactive games; digital music (downloadable) provided from MP3 web sites on the Internet; MP3 players; digital music (downloadable) from the Internet; video cameras; camcorders; image creation apparatus; computer programs relating to the creation of graphic images on a computer; computer programs relating to the creation of photographic images on a computer; apparatus for making prints from video images; apparatus for making sound on discs; apparatus for making sound on tapes; Data storage programs, servers, parts and fittings for all the aforesaid goods.

(511) *Class*: 09

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*—APPLE INC., 1 Infinite Loop, Cupertino, California 95014, United States of America.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*—Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

Kampala,  
22nd July, 2014.

EVA MUDONDO,  
Registrar of Trademarks.

# ADVERTISEMENTS

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

### NOTICE.

#### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 127, Plot No. 5, Land at Buwaga.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Isaka Mbugaelamula (deceased), of P.O. Box Buwaga, a Special Certificate, the Title, which was originally issued having been lost.

Kampala, CHRISTINE KATWESIGE,  
5th December, 2014. *for Commissioner of Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

### NOTICE.

#### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Mawogola Block 109, Plot No. 12, Land at Matete.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Zedekiya Luninze Kyesimba Mangasi, of P.O. Box Kasana, Sabawali, Buddu, a Special Certificate, the Title which was originally issued having been lost.

Masaka, GALIWANGO HERMAN NSUBUGA,  
9th December, 2014. *for Commissioner of Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

### NOTICE.

#### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

*Leasehold Register*—Volume 2907, Folio 12, Hoima Municipality Block Circular Road, Plot No. 32, Land at Circular Road.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Mugenyi Simon Rweese, of P.O. Box, a Special Certificate, the Title which was originally issued having been lost.

Kampala, BIGIIRA JOHNSON,  
15th December, 2014. *for Commissioner of Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

### NOTICE.

#### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 107, Plot No. 2085, Land at Nakabago.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Adam Suleman Karungi, of P.O. Box 8103, Kampala, a Special Certificate, the Title which was originally issued having been lost.

Mukono, LOUELLA ATARO,  
9th December, 2014. *for Commissioner of Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

### NOTICE.

#### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

*Leasehold Register*—Volume 3779, Folio 25, Mawogola Block 176, Plot No. 59, Land at Lutunku.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Haji Sikaya Kasalire, of P.O. Box, Lutunku, Sembabule, a Special Certificate, the Title which was originally issued having been lost.

Masaka, GALIWANGO HERMAN NSUBUGA,  
3rd December, 2014. *for Commissioner of Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

### NOTICE.

#### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

*Leasehold Register*—Volume 2907, Folio 13, Bugahya Block, Circular Road, Plot No. 28-30, Land at Circular Road.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Eng. Sam Rwadeba Rweese, of P.O. Box, a Special Certificate, the Title which was originally issued having been lost.

Kampala, BIGIIRA JOHNSON,  
15th December, 2014. *for Commissioner of Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

### NOTICE.

#### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Buddu Block 613, Plot 3, at Mujunju, Measuring 8.10 Hectares.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Joseph Musibira, of Busowe, Kirumba Gomb. Kyotera, Masaka, the Registered Proprietor, a Special Certificate of Title, under the above mentioned Block and Plot, the Certificate of Title which was originally issued having been lost.

Masaka, GALIWANGO HERMAN NSUBUGA,  
4th December, 2014. *for Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

### NOTICE.

#### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 253, Plot 845, Land at Lukuli.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Sendaula Yasin Mutuzo Emilly, P.O. Box Lukuli, a Special Certificate, the Title which was originally issued having been lost.

Kampala, KARUHANGA JOHN,  
24th July, 2014. *for Commissioner Land Registration.*

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 76 Volume CVII dated 24th December, 2014.*

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**Act 16**

*Plant Variety Protection Act*

**2014**

**THE PLANT VARIETY PROTECTION ACT, 2014**

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**THE PLANT VARIETY PROTECTION ACT, 2014**

**An Act to provide for the promotion of development of new plant varieties and their protection as a means of enhancing breeders innovations and rewards through granting of plant breeders rights and for other related matters.**

DATE OF ASSENT: 21st June, 2014.

*Date of Commencement:* 24th December, 2014.

BE IT ENACTED by Parliament as follows—

**PART I—PRELIMINARY****1. Application of the Act.**

(1) This Act applies to—

- (a) plant varieties under both in situ and ex situ conditions;
- (b) derivatives of the plant varieties;
- (c) plant breeders; and
- (d) export of seeds of plant varieties.

(2) This Act does not affect the following—

- (a) the traditional method of access, use or exchange of knowledge, technologies and plant varieties by local and between local communities;

- (b) the sharing of benefits based upon the customary practices of the local communities concerned, except that paragraph 2 (a) shall not apply to any person or persons not living in the traditional and customary way of life relevant to the conservation and sustainable use of biodiversity; and
- (c) the access to plant varieties, indigenous knowledge, innovation or technology solely for educational purposes.

## **2. Purpose of the Act.**

The purpose of this Act shall be to—

- (a) recognize and protect the rights of breeders over the varieties developed by them;
- (b) promote appropriate mechanisms for a fair and equitable sharing of benefits arising from the use of plant varieties, knowledge and technologies;
- (c) provide appropriate institutional mechanisms for the effective implementation and enforcement of the rights of breeders;
- (d) promote improvements in the productivity, profitability, stability and sustainability of cropping systems through yield enhancement and maintenance of plant varieties; and
- (e) promote the supply of good quality seed or planting material to farmers in order to strengthen the food security of the nation.

## **3. Interpretation.**

In this Act, unless the context otherwise requires—

“assignee” means the person to whom rights have been assigned by a breeder;

“breeder” means—

- (a) a person who bred or discovered in relation to the use of a plant variety and developed the plant variety;
- (b) the employer of the person to whom paragraph (a) applies or any person who has commissioned the person's work; or
- (c) the successor in title of the first person mentioned in paragraphs (a) and (b), as the case may be;

“breeder’s right” means the right of the breeder provided for in this Act;

“committee” means a committee established by section 4;

“court” means the High Court of Uganda;

“currency point” has the value assigned to it in the First Schedule;

“derivative” means a product developed or extracted from plant varieties; a derivative may include such products as oils, resins, gums, protein;

“ex-situ conditions” means the conditions in which plant varieties are found outside their natural habitats;

“innovation” includes—

- (a) any new alteration, modification, improvement of collective and cumulative knowledge or technology;
- (b) the use of properties and processes of any plant varieties or any part of a plant variety;
- (c) any, or enhanced use as a result of cumulative knowledge or technology,

whether documented, recorded, oral, written or in whatever manner otherwise existing;

“in-situ conditions” means the conditions in which plant varieties are found in their ecosystems and natural habitats and, in the case of domesticated or cultivated species, in the cultural contexts in which their specific properties have been developed;

“Minister” means the Minister responsible for agriculture;

“Office” means the Plant Variety Protection Office established under section 9;

“prior informed consent” means the giving by a collector of complete and accurate information, and based on that information, the prior acceptance of that collector by the Office and the concerned breeder collect plant varieties;

“plant variety” means a plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a breeders’ right are fully met, can be—

- (a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;
- (b) distinguished from any other plant grouping by the expression of atleast one of the said characteristics; and
- (c) considered as a unit with regard to its similarity for being propagated unchanged.

“protected variety” means the variety that is the subject of a breeder’s right;

“Registrar” means the registrar of plant varieties;

“register” means the register of plant varieties;

## PART III—ADMINISTRATION

**4. Plant Variety Protection Committee**

(1) There shall be established a Plant Variety Protection Committee constituted by the Minister.

(2) In constituting the Committee, the Minister shall—

- (a) where there exists a nationally recognized association of professionals in a specific field, consult the respective association; and
- (b) in any other case take into consideration professional and public interests.

(3) The Committee shall have the chairperson who shall be a person elected by the Committee from among its members.

(4) The chairperson shall hold office for three years and shall be eligible for re-election.

(5) A member of the Committee shall hold office for three years and shall be eligible for re-appointment.

(6) A member of the Committee may, in writing addressed to the Minister, resign from the Committee or may be removed from office by the Minister for a reasonable cause.

(7) The members of the Committee shall be paid such allowances, as the Minister shall determine after consultation with the Minister responsible for finance.

**5. Functions of the Committee**

The functions of the Committee are to—

- (a) advise the Minister on policies relating to plant varieties;
- (b) approve plant varieties to be registered;
- (c) recommend and review the policy of the Office; and
- (d) perform any other duties assigned to it by this Act.



**6. Meetings of the Committee**

The Second Schedule to this Act shall have effect in respect of meetings of the Committee.

**7. Liability of staff etc**

A Committee member, officer or other staff of the office shall not, in his or her personal capacity, be liable to civil proceedings in respect of an act or omission done in good faith in the exercise of his or her functions under this Act

**8. Liability of staff for damages**

Notwithstanding section 7, the officer or other staff may be liable to pay compensation to any person for injuries to him or her, his or her property caused either wholly or partially by the exercise of the functions of the office under this Act or any other law.

**9. Establishment of a Plant Variety Protection Office**

There is established a Plant Variety Protection Office in the Ministry of Agriculture, Animal Industry and Fisheries.

**10. Registrar**

(1) The Office shall be headed by a Registrar, who shall be responsible for maintaining a register of plant varieties which are entitled to protection under this Act.

(2) The Registrar shall be responsible for the day to day administration of the Office.

(3) The Registrar shall be answerable to the Commissioner for crop protection in the implementation of the provisions of the Act.

**11. Functions of the Office**

The functions of the Office are to—

- (a) receive and examine applications for the registration of plant breeders' rights;

- (b) assign the testing of the applicant's variety to the National Seed Certification Services unit in the Ministry responsible for agriculture or any relevant body;
- (c) publish applications of the plant breeders' rights in the Gazette;
- (d) publish any objection against an application of the plant breeders' rights and conduct a hearing of the objection;
- (e) register and issue certificates for plant breeders' rights;
- (f) maintain the register for the plant breeders' rights;
- (g) protect breeders' rights; and
- (h) co-ordinate with relevant stakeholders in the implementation of this Act.

## **12. Designation of Officers**

The Minister shall designate—

- (a) a Registrar of plant varieties who shall exercise and perform the functions of the office under this Act; and
- (b) examiners, officers and other staff as may be necessary for carrying out the provisions of this Act.

## **PART VI—PLANT BREEDERS' RIGHTS**

## **13. Rights of plant breeders**

Plant breeders' rights, in respect of a new variety are—

- (a) the exclusive right to sell, including the right to license other persons to sell and export plant varieties and reproductive material of plants of that variety; and
- (b) the exclusive right to produce, including the right to license other persons to produce, reproductive material of plants of that variety for sale.

**14. Dependant varieties**

(1) The holder of plant breeders' rights shall have, in relation to any variety which is dependent on the protected variety, the same rights as the holder has under section 13 in relation to the protected variety.

(2) For the purposes of this Act, one variety is dependant on another if—

- (a) its nature is such that repeated production of the variety is not possible without repeated use of the other variety; or
- (b) it is essentially derived from the other variety and the other variety is not itself essentially derived from a third variety.

(3) For the purposes of subsection (2), a variety shall be taken to be essentially derived from another variety, if—

- (a) it is predominantly derived from—
  - (i) the initial variety, or
  - (ii) a variety that is itself predominantly derived from the initial variety, while retaining the expression of the essential characteristics resulting from the genotype or combination of gene-types of the initial varieties,
- (b) it is clearly distinguishable from the initial variety by one or more characteristics which are capable of a precise description; and
- (c) except for the differences which result from the act of deviation, it conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

(4) For the purposes of subsection (3), deviation may, for example, be by—

- (a) the selection of—
  - (i) a natural or induced mutant,
  - (ii) a somaclonal variant, or
  - (iii) a variant individual from plants of the initial variety;
- (b) back-crossing, or
- (c) transformation by genetic engineering.

(5) Sub-section (1) does not apply where the existence of the dependent variety was common knowledge immediately before the coming into force of this Act.

### **15. Exemptions of the rights of breeders**

Notwithstanding that plant breeders' rights subsist in respect of a variety, a person may—

- (a) propagate, grow and use parts of the variety for purposes other than commerce;
- (b) sell plants, seed or propagating material of plants of that variety as food or for another use that does not involve growing of the plants or the production of plants of that variety;
- (c) being a farmer, exchange seed, plants or propagating material of plants of that variety with another farmer for purposes other than commerce;
- (d) use propagating material of a plant by way of allowing it to sprout and then eating it, or using it in the preparation of food, before it has developed further;
- (e) use the protected variety in further breeding, research or education for non-commercial purposes; or

- (f) use the existing germplasm available with national gene banks or plant genetic resource centres for research material.

**16. Application for breeders' rights**

(1) Subject to this Act, a breeder of a new plant variety may make an application to the Office under section 9 for plant breeders' rights in respect of the new variety.

(2) A breeder of a new variety or his or her successor, has the right to make an application for plant breeders rights in respect of that variety, whether or not the breeder is a citizen or foreigner, or is resident or not and whether the variety was bred locally in Uganda or outside Uganda.

(3) Where two or more persons are entitled to make an application for plant breeder's rights in respect of a new variety, whether by reason that they bred the plant variety jointly or independently, those persons or some of those persons may make a joint application for those rights.

(4) Where two or more persons breed a new plant variety jointly, one of those breeders or a successor of one of those breeders shall not make an application for plant breeders' rights in respect of that variety other than jointly with, or with the consent in writing of the other person, or any other person jointly entitled to make application for those rights.

(5) Applications made under this section shall be in the prescribed form.

**17. Restrictions to plant breeders' rights**

(1) Where the Minister considers it necessary in the public interest that the plant breeders' rights in respect of a new variety shall be subject to conditions restricting the rights of the breeders, conditions may be imposed under the following circumstances—

- (a) where anti-competitive practices of the rights holder are identified;
- (b) where food security or nutritional or health needs are affected or threatened;
- (c) where a high proportion of the plant variety offered for sale is being imported;
- (d) where the requirements of the farming community for propagating material of a particular variety are not met; or
- (e) where it is considered important to promote public interest for socio-economic reasons and for developing indigenous and other technologies.

(2) Where restrictions are imposed on plant breeders rights—

- (a) the grantee shall be given a copy of the instrument setting out the conditions of the restriction including the maximum duration of the restriction;
- (b) a public notice shall be given;
- (c) the compensation to be awarded to the holder of the right shall be specified; and
- (d) the rights holder may appeal against the compensation or restriction.

(3) Notwithstanding anything in this section, the relevant Government authority shall have the right to convert the exclusive plant breeders' rights granted under this Act to non-exclusive plant breeders' rights.

(4) A plant breeder shall be entitled to appeal any decision made under this section within three months of such decision.



**18. Rights not extended to acts requiring authorisation**

(1) The breeder's right shall not extend to acts concerning any material of the protected variety, or of a variety that requires authorization of the owner, which has been sold or otherwise marketed by the breeder or with his or her consent in Uganda, or any material derived from that material, unless those acts—

- (a) involve further propagation of the variety in question; or
- (b) involve an export of material of the variety, which enables the propagation of the variety, into Uganda which does not protect varieties of the plant genus or species to which the variety belongs, except where the exported material is for final consumption purposes.

(2) For the purposes of this section, "material" means, in relation to a variety—

- (a) propagating material of any kind;
- (b) harvested material, including entire plants or parts of plants; and
- (c) a product made directly from the harvested material.

(3) Where duration is not included, the breeder may notify the Minister of the end of the duration.

**19. Terms of protection of plant breeders' rights**

Subject to this Act, plant breeders' rights in respect of a plant variety shall subsist—

- (a) for a period of twenty years in the case of annual crops; or
- (b) for a period of twenty five years for trees, vines and other perennials commencing on the day of filing of the application.

**20. Remedies for infringement of rights**

(1) Infringement of plant breeders' rights, shall be actionable at the instance of the holder of the rights.

(2) In any proceedings for the infringement of plant breeders' rights, relief shall be available by way of damages, injunction or any other relief that court may grant.

(3) A defendant in proceedings for an infringement of plant breeders' rights in respect of a variety shall apply by way of counter-claim for the revocation of plant breeders' rights on the ground that—

(a) the variety was not new; or

(b) facts exist which, if they had been known by the office before the grant of those rights, would have resulted in the refusal of the grant.

(4) If, in any action or proceedings for infringement of plant breeders' rights in respect of a plant variety in which a defendant has applied by way of counter-claim for the revocation of those rights on the grounds referred to in subsection 3 (a) or (b), the court is satisfied that the ground exists, the court may revoke those rights.

(5) Where, in proceedings for an infringement of plant variety rights, the court, on an application by the defendant by way of counter-claim revokes the plant breeders' rights, the court shall order the defendant to serve the Office a copy of the order revoking the plant breeders' rights.

**21. Naming of protected plant varieties**

(1) The decision of whether to accept or reject the name of a plant variety shall vest in the Committee.

(2) If any person uses the registered name of a protected variety for sale, or marketing of a different variety within the same class, the use of the name shall be a wrong and actionable in proceedings by the holder of the rights where—

- (a) the name is registered in respect of a variety;
- (b) the name so nearly resembles the registered name as to be likely to deceive or cause confusion.

## **22. Filing of applications**

(1) The registrar shall receive an application filled in respect of plant breeders' rights on being satisfied that—

- (a) the application is in the prescribed form,
- (b) the prescribed application fees have been paid, and
- (c) the national variety testing and evaluating requirements prescribed in the regulations made under this Act have been complied with.

(2) Where the Registrar receives an application, the Registrar shall, within six months, present the application to the Plant Variety Protection Committee.

(3) The Committee shall meet to take a decision on the application within six months.

(4) The Registrar shall inform the applicant of the decision of the committee, stating the grounds, in case of rejection.

## **23. New varieties**

(1) A variety shall be taken to be new if, at the time of filing of the application for a breeders' right, propagating or harvested material of the variety has not been sold or disposed of to others by or with the consent of the breeder, for purposes of commercial exploitation of the variety—

- (a) in Uganda earlier than one year before the filing date; and
- (b) in any country other than Uganda in which the application has been filed earlier than four years; or,

- (c) in the case of trees or vines, earlier than six years before that date.

(2) A variety existing at the commencement of this Act and created within the previous four years shall be taken to satisfy the condition of novelty defined in subsection (1) even where the sale or disposal to others described in that subsection took place earlier than the time limits defined in that subsection.

#### **24. Distinct variety**

(1) A variety shall be taken to be distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of filing of the application.

(2) The filing of an application for granting of a breeders' right or for entering of another variety in an official register of varieties, in any country, shall be taken to render that other variety a matter of common knowledge from the date of the application, if the application leads to the granting of a breeder's right or to the entering of the other variety in the official register of varieties.

#### **25. Uniform variety**

A variety shall be taken to be uniform if it has characteristics that are consistent from plant to plant.

#### **26. Stable variety**

A variety shall be taken to be stable if its relevant characteristics remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each cycle.

#### **27. Grant not limited to protection of same variety**

The grant of a breeders' right shall not be refused or limited in duration on the ground that protection for the same variety has not been applied for, or has been refused or has expired in any other country or intergovernmental organization.

**28. Characteristics of plant varieties originating from outside Uganda**

For the purposes of this Act, where a plant variety in respect of which an application has been accepted has origin from outside Uganda, the variety shall not be taken to have a particular characteristic unless—

- (a) statistically valid, multi-locational variety trials have been carried out in Uganda for at least—
  - (i) three growing seasons for annuals; or
  - (ii) two breeding cycles for perennials have demonstrated that the variety has the specific characteristics as claimed by the applicant;
- (b) the Plant Variety Protection Committee is satisfied that—
  - (i) statistically valid trials on the variety carried out outside Uganda have demonstrated that the variety has that specified characteristic;
  - (ii) the natural environment outside the country under which the statistically valid trials were carried out is similar to the environment in Uganda;
  - (iii) a test growing of the variety carried out at a place outside Uganda has demonstrated that the variety has that characteristic;
  - (iv) the test growing of the variety carried out in the country is equivalent to that carried out outside Uganda;
  - (v) if a test growing of the variety in Uganda that would be sufficient to demonstrate whether the variety has that characteristic would take longer than two years; and

- (vi) the concerned breeder submits to the extent possible the pedigree of the variety indicating the identity of the folk varieties used as parents.

**29. Test growing of plant varieties**

(1) Where, in dealing with an application in respect of a plant variety, the Committee considers it necessary that there should be a test growing, or a further test growing of the variety, test growing shall be performed by the variety testing and evaluation institution—

- (a) for the purpose of determining whether the plant variety is distinct, homogenous or stable; or
- (b) for the purpose of determining whether the variety will, if grown in the country, exhibit the claimed distinctiveness, homogeneity and stability.

(2) The applicant shall supply seeds or sufficient reproductive material of plants, of the variety, as the case may be and with any necessary information, to enable the variety to be test grown for the purpose referred to in subsection (1).

(3) After the completion of the test growing of a plant variety, any plants or reproductive material of plants used, in or resulting from the test growing, shall be surrendered to the applicant for the plant breeders' rights in respect of that plant variety.

**30. Withdrawal of application**

(1) The applicant may withdraw an application at any time before the publication of the application.

(2) Where an application is withdrawn after publication in the Gazette, but before the grant of the plant breeders' rights, the Office shall publish that withdrawal at the cost of the applicant.



**31. Provisional protection**

(1) Where an application for plant breeders' rights in respect of a variety has been accepted, the applicant shall, for the purpose of protecting the breeders' rights, be taken to be the grantee of the plant breeders' rights in respect of that plant variety during the period commencing on the date of filing of the application and ending—

- (a) at the disposal of the application; or
- (b) if the Registrar has given the applicant notice at the expiration of the prescribed period, whichever occurs first.

(2) The use of new plant materials for testing shall be restricted to research purposes.

**32. Objection to grant of rights**

(1) Where official advertisement of an application for plant breeders' rights in respect of a plant variety or of the variation of an application is done, any person who considers—

- (a) that the commercial or public interests would be affected by the grant of those rights to the applicant; or
- (b) that the application in relation to that variety does not fulfill the prescribed criteria for grant of plant breeders rights may within six months after publication of the application, or any further time before the application is disposed of, lodge with the Office a written objection to the grant of those rights setting out particulars of the objection.

(2) Where an objection to the grant of plant breeders' rights is lodged under subsection (1), the Office shall cause a copy of that objection to be given to the applicant for those rights.

(3) Any person may inspect an application or an objection filed, during office hours and is entitled, upon payment of the prescribed fees, to be given a copy of the application or of the objection.

**33. Grant of rights**

(1) Subject to this section, an application for plant breeders' rights in respect of a plant variety shall be granted, if the Committee is satisfied that—

- (a) there has been no objection filed;
- (b) the plant variety is new, distinct, uniform and stable;
- (c) the variety has satisfied the requirements of section 16;
- (d) those rights have not been granted to another person; and
- (e) there has been no earlier application for those rights that has not been withdrawn or disposed of.

(2) If the Committee is not satisfied with the conditions in subsection (1), the Committee shall refuse to grant those rights to the applicant.

(3) The Committee shall not grant or refuse to grant plant breeders' rights in respect of a plant variety, unless a period of six months has elapsed since the publication of the application in the Gazette, and in a newspaper of wide circulation, or if the application has been varied in a manner that the Committee considers to be significant, or, a period of six months has elapsed since the publication of particulars of the variation.

(4) The Committee shall not refuse to grant plant breeder's rights unless he or she has given the applicant for the rights a reasonable opportunity to make a written submission to the registrar in relation to the application.

(5) Where an objection to the grant of plant breeders' rights has been lodged, the Registrar shall not grant the rights unless it has given the person who lodged the objection a reasonable opportunity to make a written submission to the Committee in relation to the objection.

(6) Plant breeders' rights shall be granted and the breeder issued with a plant breeders' certificate by the Committee which shall be prescribed by the Minister in the regulations.

(7) Where plant breeders' rights are granted to more than one person, those rights shall be granted to those persons jointly.

(8) Where plant breeders' rights are granted to a public or private institution, the rights shall accrue to the institution represented by the designated person or persons or the breeder.

(9) Where the Registrar refuses to grant plant breeders' rights in respect of a plant variety, the Committee shall, within thirty days after refusal, give written notice of the refusal to the applicant setting out the grounds for the refusal.

(10) Any person may in agreement with the substantive holder of the rights use plants or propagating material of plants as an initial source of variation for the purpose of developing another new variety.

### **34. Entry of rights into register**

When the Office grants plant breeders' rights in respect of a plant variety, the Registrar shall enter in the register—

- (a) the description, or descriptions and photograph, of the plant variety;
- (b) the name of the variety;
- (c) the pedigree of the variety where possible;
- (d) the name and address of the breeder;
- (e) the address for the service of documents on the breeder;
- (f) the date and time on which the right was granted;
- (g) description of the communities or localities in the country entitled to farmers' rights where applicable; and
- (h) other particulars relating to the grant as the Registrar considers appropriate.

**35. Publication of rights**

Where the plant breeders' rights have been granted, the Registrar shall within thirty days after granting those rights publish them in the Gazette and a newspaper of wide circulation.

**36. Appeal against decision**

(1) A person aggrieved by any decision made under this Act regarding an application for plant breeders' rights may appeal to the Minister within sixty days of such a decision.

(2) Where an appellant under this section is not satisfied with the decision of the Minister, he or she may institute proceedings before the court in respect of the Minister's decision.

**37. Nature of rights**

(1) Plant breeders' rights are personal property and are capable of assignment, transmission or transfer.

(2) An assignment of plant breeders' rights does not have effect unless it is in writing, signed by or on behalf of the assignor, with notice to the Registrar.

**38. Assignment of rights**

(1) Where plant breeders' rights are assigned or transmitted to a person, that person shall, within thirty days after acquiring those rights, inform the Registrar in writing that he or she has acquired those rights, giving particulars of the manner in which the rights were acquired.

(2) The Registrar if satisfied that the rights have been so assigned or transmitted, shall amend the register and enter the name of that person on the register as the grantee of those rights.

(3) Where in accordance with subsection (2), the Registrar enters on the register as the grantee of plant breeders' rights the name of a person who claims to have acquired those rights, the Registrar shall, within thirty days after entering the name on the register, give written notice to the person and to the person who was the grantee before the entry was made stating that the entry has been made.

(4) Where the Office is not satisfied that plant breeders' rights have been assigned or transmitted to a person who has informed the Office in accordance with subsection (1) that those rights have been assigned or transmitted to the claimant, the Office shall forthwith give written notice to the claimant stating that the Office is not satisfied; and

- (a) setting out the grounds on which the Office is not satisfied; and give written notice to the grantee of those rights;
- (b) setting out particulars of the information given by the claimant, stating that the Office is not satisfied and setting out the grounds on which the Office is not satisfied.

(5) A person who informs the Office in accordance with subsection (1) that the plant breeders rights have been assigned or transmitted to him or her shall give written notice to the Office of an address in Uganda for the service of documents in accordance with this Act.

(6) Where the address of the assignee is different from that on the register, the Registrar shall amend the register so that the address given is entered in the register as the address for service of documents on the assignee for the purpose of this Act.

(7) Where the Registrar is not satisfied that those rights have been assigned or transmitted to that person, he or she shall notify that person.

(8) The Minister may refuse a transfer of a plant breeder's rights in public interest.

**39. Supply of reproductive material**

(1) Plant breeders' rights in respect of a plant variety are subject to the condition that the breeder shall comply with any notice given to the breeder by the Registrar under this Act.

(2) Where plant breeders' rights are granted in respect of a plant variety, the Office may give the breeder a written notice requiring the breeder, to cause a specified quantity of propagating material of plants of that variety to be delivered, at the expense of the breeder, to a specified genetic resource centre within fourteen days or any other time that may be allowed by the registrar of receiving of the notice or any further time that is allowed by the Registrar.

(3) The quantity of propagating material of plants of a variety specified in the notice under subsection (2) shall be the quantity that the Registrar considers sufficient to enable that variety to be kept in existence if there were no other propagating material of plants of that variety.

(4) Where the propagating material of plants is delivered to a genetic resources centre in accordance with the condition imposed on plant breeders' rights by subsection (1), the Registrar shall, subject to subsection (6), cause that material to be stored at a genetic resources centre.

(5) The delivery and storage of the propagating material of plants in accordance with this section does not affect the ownership of the material but that material shall not be dealt with other than for the purposes of this Act.

(6) The propagating material of plants stored at a genetic resources centre may only be used by the Registrar for the purposes of this Act.

(7) Without limiting subsections (5) and (6), where, in accordance with this section, the propagating material of plants is stored at a genetic resources centre as gazetted by the Minister according to section 45, the material shall not form part of the collection of the National Genebank, and shall not be used for the purposes of that collection, until a decision on the application is taken.

(8) Once the variety is accorded recognition, the propagating material may be used for the purposes of further research and breeding upon notification of the holder of rights in respect of the material.

(9) Where plant breeders' rights are granted in respect of a plant variety, the Registrar may give the breeder written notice requiring the breeder to cause to be delivered to the Registrar a specimen of a plant of the variety suitable for deposition by the Registrar in a herbarium within fourteen days of the notice or any additional time that may be allowed by the Registrar.

(10) Where a specimen of a plant is delivered in accordance with the conditions imposed on plant breeders' rights by section 13, the Registrar shall cause the specimen to be deposited in a herbarium.

#### **40. Maintenance of reproductive material**

(1) Every holder of breeders' rights shall ensure that throughout the period for which the rights are exercisable, he or she is in a position to produce to authorized reproductive material which is capable of producing the variety to which the rights relate with the morphological and physiological and other characteristics, such as molecular identity, taken into account when the rights were granted in respect of the variety.

(2) The holder of breeders' rights has the obligation to stock the market with propagating material at reasonable prices and he or she may do this himself or herself or may grant such licenses as are necessary to stock the market with propagating material on reasonable terms and conditions.

#### **41. Revocation of rights**

(1) The Committee shall revoke the breeders' rights in respect of plant variety—

- (a) if the Committee discovers that the plant variety was not new;



- (b) if facts exist which, if they had been known before the grant of those rights would have resulted in the refusal of the grant; and
- (c) in public interest.

(2) The Committee may revoke the breeders' rights in respect of the plant variety if the Committee is satisfied that the breeder or the person to whom those rights have been assigned or transmitted has failed to comply with this Act.

(3) Any person whose interests are affected by the grant of breeders' rights in respect of a plant variety may apply to the Committee for the revocation of those rights in accordance with this section.

(4) The Committee shall consider any application under subsection (8) for the revocation of breeders' rights.

(5) The decision of the Committee not to revoke the rights shall be communicated to the applicant by written notice within fourteen days after the decision is taken, setting out the grounds of the refusal for the revocation of the rights.

(6) Where the Committee revokes breeders' rights in respect of a plant variety in accordance with this section, the Committee shall after the decision is taken give written notice of the revocation to the breeder setting out the grounds for the revocation within fourteen days after the decision is taken giving reasons for the revocation.

(7) The Committee shall not revoke breeders' rights under this section unless the Committee has given the breeder and the person, if any, to whom the Committee believes those rights have been assigned or transmitted, particulars of the grounds of the proposed revocation and given the breeder and any such person a period of twenty one days to make a written submission to the Committee in relation to the proposed revocation.

(8) Where the breeder is not satisfied with the final decision of revocation, he or she may make an application to court for a review of the revocation of the rights within sixty days from the date of receipt of the revocation notice.

(9) The revocation of breeders' rights in respect of a plant variety in accordance with this section takes effect—

- (a) at the expiration of the period within which an application may be made to court for a review of the revocation under subsection 8; or
- (b) if an application is made to court, at the time when the application is withdrawn or finally determined by the court.

#### **42. Surrender of rights**

(1) Subject to subsection (2), a breeder may at any time, upon giving notice to the Office, offer to surrender his or her rights.

(2) The Office shall, after receiving the notice of surrender, give public notice of the offer and give all interested parties an opportunity to make written submissions to the Registrar in relation to the offer, and may, if the Registrar thinks fit, accept the offer and revoke those rights.

(3) Where proceedings in respect of breeders' rights are pending in a court, the office shall not accept an offer for the surrender or revocation of those rights, except by leave of court or by consent of the parties to the proceedings.

#### **43. Royalty to conservation and development**

(1) Where the variety is available with restrictions for further research and breeding, a percentage (1.1%) of the sales from the seed of the new variety shall constitute the royalty.

(2) Where a variety is available without restrictions for further research and breeding, a percentage (0.5%) of the sales from seed shall constitute the royalty.

(3) The royalty shall be paid to the Community Genefund in accordance with the procedures outlined by the Office.

#### **44. Placement of completed application form in public registry**

(1) Upon completion of the application, the Office shall place or cause to be placed, the application in a public registry for thirty years, or publish or cause it to be published in the Gazette and a newspaper of wide circulation.

(2) Any person may consult the public registry and comment on the application within the period specified in subsection (1).

(3) The Office shall disseminate information to the local community concerned and other interested parties.

#### **45. Genetic resource centres**

The Minister may from time to time declare or gazette genetic resource centre, as suitable centres for storage and maintenance of germplasm material for purposes of this Act.

### **PART IV—MISCELLANEOUS**

#### **46. Contravention**

Any activities carried out in contravention of this Act and the regulations made under this Act shall be illegal, and any claims upon plant varieties obtained or used outside this Act shall not be recognised.

#### **47. Dispute settlement**

Where a conflict arises concerning any matter related to this Act, unless otherwise provided for, it shall be settled administratively through the Office and finally through the courts of law.

**48. Regulations**

(1) The Minister may make regulations for giving full effect to the provisions of this Act.

(2) Without prejudice to the general effect of sub-section (1), Regulations made under this Act may also subject to this Act prescribe—

- (a) the procedure for processing applications;
- (b) the forms to be used under this Act;
- (c) the fees payable in respect of anything to be done under this Act;
- (d) what amounts to commercial use under section 15; and
- (e) any other matter that needs to be prescribed.

(3) Without prejudice to the rights of person to proceed in court for the enforcement of the rights under this Act, the regulations may under this section prescribe—

- (a) that any contravention of the regulations may be punishable by a fine not exceeding one hundred currency points or imprisonment not exceeding six months or both and may prescribe higher penalties for repeated contravention;
- (b) that the court convicting a person for an offence under the regulations shall order the person—
  - (i) to pay compensation to the community affected by the offence;
  - (ii) that anything involved in the commission of the offence shall be forfeited to the state or destroyed;

- (iii) that the court shall order the cancellation of the permit for access of the offender;
- (iv) that the offender shall cause to be published in international media and secretariats of relevant international authorities.

**SCHEDULES.**

FIRST SCHEDULE

CURRENCY POINT

*Section 48(3)(a)*

One currency point is equivalent to twenty thousand Uganda shillings.

## SECOND SCHEDULE

*Section 6*

## MEETINGS OF THE COMMITTEE AND OTHER MATTERS

**1. Meetings of the Committee.**

(1) The Committee shall meet for the discharge of business at least two times every year or upon a request in writing to the chairperson by at least three members of the Committee.

(2) The Committee shall meet at such time and place as the Chairperson may appoint.

(3) The chairperson may also call a special meeting of the Committee.

(4) A meeting of the Committee shall be convened by a notice to each member issued and signed by the secretary, at least fourteen days before the meeting except that a shorter notice may be given for a special meeting.

**2. Quorum**

The quorum at a meeting of the Committee shall be five members for the transaction of ordinary business, and all the members for review of the previous decision of the Committee.

**3. Minutes of meetings of the committee.**

(1) The secretary shall cause to be recorded and kept, minutes of all meetings of the Committee in a form approved by the Committee.

(2) The minutes recorded under this paragraph shall be submitted to the Committee for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the chairperson and the secretary in the presence of the members present at the latter meeting.

**4. Decisions of the Committee.**

(1) The decisions of the committee shall be by majority vote.

(2) Each member shall have one vote and chairperson shall not have a casting vote except in the circumstance where for whatever reason the Constitution of the committee amounts to an even number.

(3) The secretary shall have no voting powers.



**5. Decision by circulation of papers.**

(1) Subject to subparagraph(2), a decision of the committee may be made by circulation of the relevant papers among members of the Committee and the expression of their view in writing except that any member is entitled to require that the decision be deferred until the subject matter has been considered at a meeting of the committee.

(2) A decision made by circulation of papers under this paragraph is not valid unless supported by five members of the committee.

**6. Validity of meetings not affected by vacancy etc.**

The validity of any proceedings of the committee shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

**7. Disclosure of interest.**

(1) If a person is present at a meeting of the committee at which a matter is the subject of consideration and in which that person or his or her spouse or nominee is interested in a private capacity, he or she shall, as soon as practicable after the commencement of the meeting disclose that interest and shall not, unless the committee directs otherwise, take part in any consideration or discussion or vote on any question relating to the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

**8. Service of documents and other notices.**

A notice or other document may be served on the committee by delivering it to the office of the secretary or by sending it by prepaid registered post addressed to the secretary.

**9. Committee may regulate procedure.**

Except as otherwise provided under this Act, the committee may regulate its own procedure.