

TRADEMARK RENEWAL IN NIGERIA:

A GUIDE FOR BRAND OWNERS



Introduction

A trademark is a distinctive name, sign or symbol capable of being used to identify or differentiate the goods or services of one business from those of other businesses. Trade-marks extend beyond logos or brand names but they embody the relationship between a business and its customers. Registering a trademark grants legal protection, ensuring that businesses can safeguard their brand identity and prevent unauthorised use of their intellectual property rights. However, obtaining trademark registration in Nigeria is usually not the end of the game in protecting intellectual property (IP) rights. This is because upon the registration of a trademark, which guarantees an exclusive right to the use of the mark in relation to the goods or services, the expiration period begins to count, after which it must be renewed. In other word, trademark protection is not perpetual and requires periodic renewal to remain valid. This article divulges the renewal timelines, steps for renewal, required documentation and key considerations for trademark owners.

Timelines, Steps and Required Documentation for the Renewal of Trademarks in Nigeria

In Nigeria, trademark must be registered in respect of particular goods or services, categorised into classes recognised by the Nigerian Trademarks and Designs Registry ('the Registry').¹

A registered trademark in Nigeria, whether a name, logo or any representation or mark, has a seven (7) year validity period from the date of filing,² after which an application must be filed to the Registry for its renewal. The application for renewal must be brought within three (3) months before the expiration date, though late filing of a renewal application can be brought, this will attract additional fees. A registered trademark is renewable for fourteen (14) years from the date of expiration of the original registration, with no limit to the number of renewals.

The steps involved to renew a registered trademark in Nigeria include:

1. Preparation and execution of a power of attorney designating an agent to apply on behalf of the applicant.
2. Submission of an application for trademark renewal at the Trademarks, Patents and Design registry alongside the required documentation. The required documentation for the renewal of a trademark in Nigeria includes:

1. Section 4 Trademark Act LFN 2004
2. Section 23(1)

- (a) The Trademark Certificate(s);
- (b) A Power of Attorney authorising an agent to act on behalf of the trademark owner;
- (c) Evidence of payment of the prescribed renewal fees.

3. Payment of requisite renewal fees.

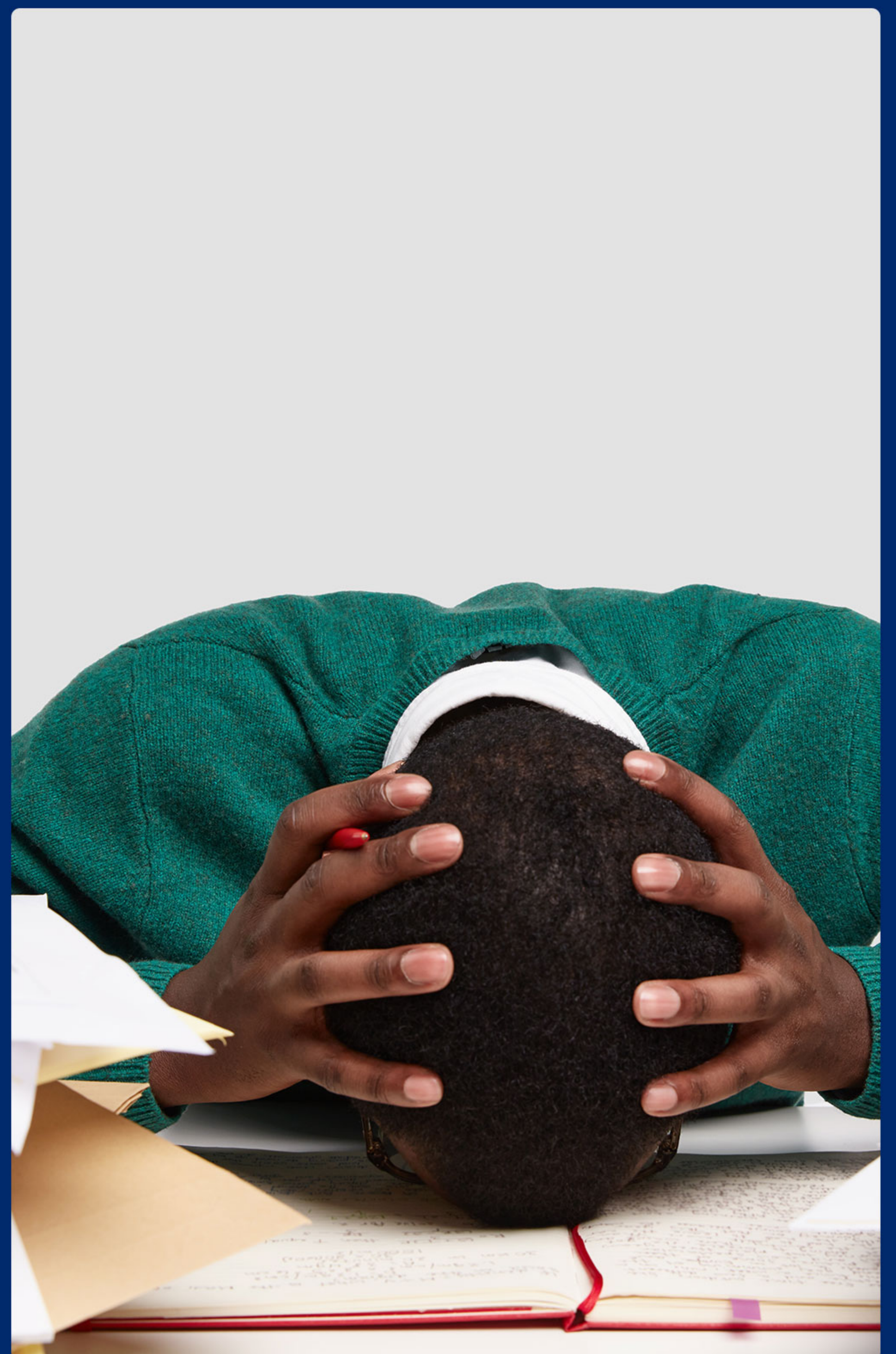
4. Upon approval, the Registry issues a Trademark Renewal Certificate, confirming the extended protection period.

The process is primarily carried out manually, though efforts to digitise services are underway. Trademark owners are advised to engage a local trademark attorneys or IP professionals to navigate potential bureaucratic delays.

Consequences of Non-Renewal

Failing to renew a trademark before or upon its expiration can lead to severe consequences, such as the mark being deemed abandoned and removal of same from the register.³ If the mark is removed from the register:

1. The trademark loses its legal protection, exposing it to registration by other businesses.
2. The original trademark owner may need to start a new registration process, for which costs may be incurred, and there is a risk of loss of priority, if a third party claims the mark.



3. Section 23(3) of the Trademark Act LFN 2004

Restoration of Trademark

Notwithstanding the foregoing, restoration of the mark is possible if done within a reasonable time, usually one (1) year after expiration. After removal, the mark remains "deemed registered" for one year for the purpose of blocking new applications by others, provided it was in bona fide use in the two years prior to removal. This one-year window also serves as the period during which restoration can be sought.

Key Considerations for Trademark Owners

1. Trademark owners should ensure to keep track of the renewal dates to prevent late or non-filing.
2. Trademark owners should consult trademark attorneys or IP professionals to handle filings, avoid errors, and ensure compliance.
3. A periodic assessment of trademark registrations should be carried out by trademark owners. This is to determine if the trademarks are still relevant to the business.

Conclusion

Trademark renewal is a crucial aspect of brand protection in Nigeria. By staying proactive with renewal timelines, ensuring proper documentation, and understanding the consequences of non-renewal, trademark owners can secure their rights and prevent unnecessary disputes. Seeking legal guidance from IP attorneys can also help navigate the renewal process smoothly, ensuring continued brand recognition and market exclusivity.

Should you require further clarification, or you have any questions, do not hesitate to contact us using any of the email addresses below.

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