



Trademark Registration in Zimbabwe

Introduction

The document gives procedures to be followed in the application and filing of a trademark at the Zimbabwe Intellectual Property Office (ZIPO). ZIPO was officially opened in 1894. It opened as a section under the Deeds Office, a set up still existing today. Within ZIPO are various registers maintained by the Controller of Patents, Trademarks and Designs.

What is a trademark?

A trademark is anything used to identify the source of a product or service, including alphabetic characters, numbers, a word, phrase, slogan, logo, color, smell, sound, shape, package design, or a combination of these. A trademark distinguishes the product of one competitor to the other to ensure there is no confusion .

What can be registered as a Trademark?

- Company names
- Combination of director initials
- Invented words
- Combination of words, letters and numerals
- Drawings, symbols, three dimensional signs, colors etc.

Trademark Requirements in Zimbabwe

- i. The trademark should not be deceptive or likely to cause confusion;
- ii. The trademark use should not be contrary to law; **or** which comprises or contains scandalous matter;
- iii. It should not be a prohibited mark;

As such a trademark must not be descriptive, it must be distinctiveness and not confusingly similar to another one (Adidas vs Abibas), it must not be laudatory (self-praise) and it must not be contrary to public order or morality.

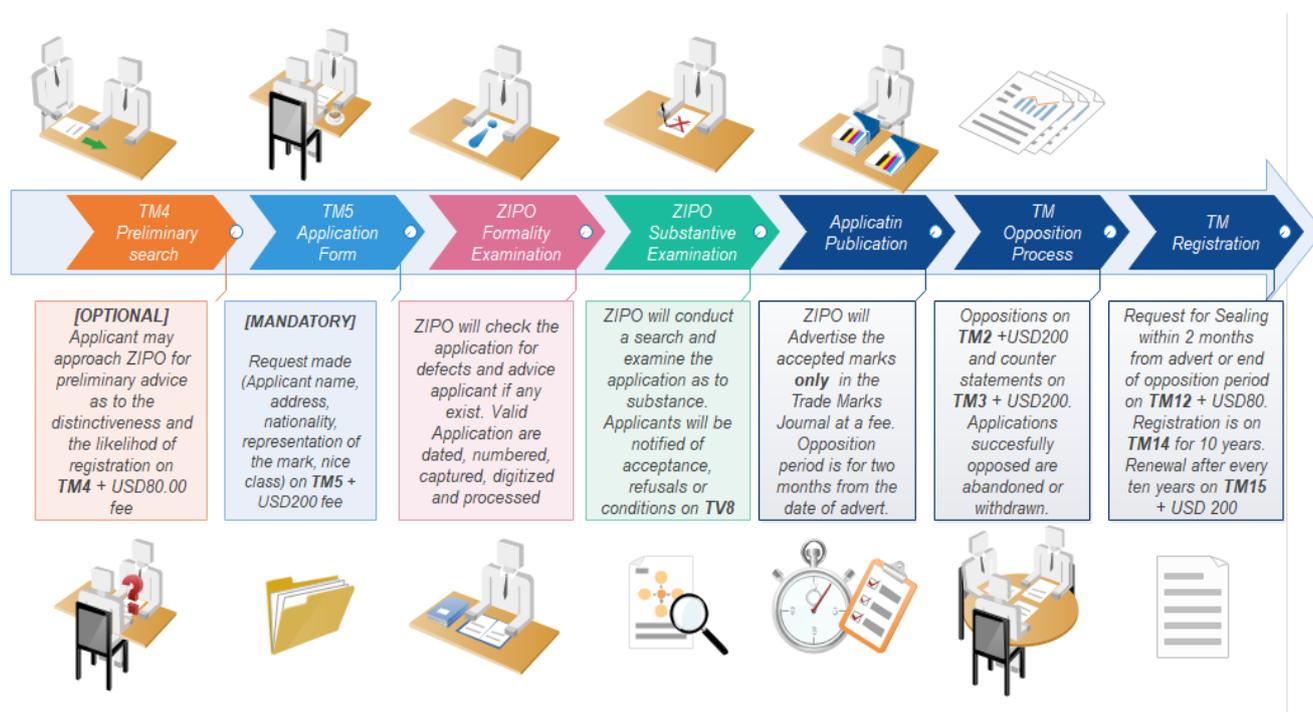
Trademark registration in Zimbabwe is possible via three routes:

The national route or what is often referred to as the Paris Convention route via the national office in this case ZIPO. Registration of a trademark via the national route is done in accordance with the Trade Marks Act [chapter 26:04] and Trade Marks Regulations [2005];

The regional route using the African Regional Intellectual Property Office (ARIPO). The trademark registration is done in accordance with the Banjul Protocol. Under the Banjul Protocol an applicant files a single application through ARIPO or the contracting states. Currently there are 10 Contracting States that are signatory to the protocol. Each application is treated separately in each territory so it can be accepted in

The international route is done using the World Intellectual Property Office (WIPO). The registration is done in accordance with Madrid Protocol or the Madrid Agreement. The Madrid System is a convenient and cost-effective solution for registering and managing trademarks worldwide. The applicant files a single application which is linked to a registered mark in the country of origin and then can pay one set of fees to apply for protection in up to 117 countries that are signatories to the protocol.

Trademark Registration Procedure in Zimbabwe



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