Nigerian Industrial Property Office

Our Frequently Asked Questions (FAQs)

What is a trademark?

A trademark can be defined as a mark or combination of marks used to individualize the goods or services offered by a business and distinguish them from those offered by other businesses. They also enable other businesses to distinguish their products from competitors in the market. Registration of a trademark gives the owner the right to use, sell/license the trademark to the exclusion of all others. Trademarks may take the form of name, logo, word, device, letter, numeral or combination of these.

What can be registered as a trademark?

In order for a proposed trademark to be registrable, it must contain or consist of at least one of the following essential particulars –

(a) the name of a company, individual, or firm, represented in a special or particular manner;

(b) the signature of the applicant for registration or some predecessor in his business;

(c) an invented word or invented words;

(d) a word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname;

(e) any other distinctive mark

What is the general procedure for trademark registration?

After filing the application for trademark, the Registrar issues an official acknowledgement letter reflecting the official number and filing date of the application and other vital information about the proposed trademark. A search is conducted from existing and pending trademarks to confirm if the proposed trademark is available. The Registrar examines the application for registrability taking into consideration possible conflicts with prior registered or pending marks and or inherent registrability of the mark. If the Registrar finds the trademark acceptable for registration, the applicant will be furnished with a letter/notice of acceptance.

Every trademark application issued with acceptance letter must be advertised in the Nigerian Trademark Journal, and is open to opposition for a period of two (2) months from the date of advertisement.

If no objections are received within the specified two-month period or no objections are sustained the opposition process, the applicant will proceed to apply and pay the prescribed fees for registration certificate. Registrar will issue the applicant with a certificate of registration after due process.

What cannot be registered as trademark?

Deceptive and scandalous marks, designs, or marks that are likely to cause confusion are not eligible for trademark registration/protection. Also, Names of chemical substances, geographical names in their ordinary specification or any matter contrary to law or morality are ineligible for trademark registration/protection.

Do I need to conduct a trademark search before filing an application?

While there is no rule or law which mandates first conducting a trademark search before submitting a trademark application, it is undoubtedly wise and advisable to do so. The purpose of the trademark search is to uncover any sufficiently similar trademarks which may bar the admission of your trademark.

Is there any Disclaimer Practice?

At the filing stage, the trademark owner may disclaim any right to the exclusive use of any part of the mark which contains matter common to trade or otherwise of a non-distinctive character.

What are the requirements for filing a Trademark application in Nigeria?

-Trademark application must include the following information;

-The applicant's details (name, address, email and phone number)

-A representation of the mark (popularly known as logo)

-The relevant classes of Goods/services.

-A power of attorney or authorization of agent.

-The English translation of any non - English word contained in the mark. etc.

Who can file a trademark application?

Accredited trademark attorneys, agents, individuals, companies and firms can file trademark applications on behalf of trademark applicants or owners.

Must I design a logo before I can register a trademark?

No. Both words and logos are registrable as trademark. You may decide to register word only, logo only or both word and logo.

How can I make payment?

Payment can be made either online through debit/credit cards.

What is mark representation?

Representation simply means a visual sample of the trademark in the exact manner it appears.

Is a trademark registration valid for all goods and services?

No, a trademark registration is valid only for particular the class of goods or services in respect of which it is registered. However, if protection is sought to cover all the classes, the applicant will have to apply for registration in each of the desired classes.

Is a trademark registration obtained from Nigeria recognized outside Nigeria?

Trademarks registration is territorial and has legal effect only in the territory(country) where it is registered, therefore an applicant may wish to apply for registration in all the country where he desires protection.

Can a trademark be sold or rented?

Yes, trademark can be sold through a deed of assignment which must be registered with the Registrar of Trademarks to give effect to it. It can also be licensed and given effect to the Registrar of Trademarks approving a Registered User application