

Trademark registration in Southern Sudan

by Shernaz DeSa - s.desa@tamimi.com -

February 2013

Following the end of the civil war in Sudan in 2005 and the separation of North and South Sudan the continuous worry for trademark owners is the protection of their rights in Southern Sudan.

North Sudan continues to be governed by the earlier Trademark Law through the national Trademark Office.

Unfortunately to date there are no laws in Southern Sudan regulating Intellectual Property and needless to say the Trademark Laws of North Sudan no longer prevail. The Ministry of Justice in Southern Sudan has issued directives to officials at the Trademark Office that they adopt certain procedures known as the "Reservation of a Trademark" until issuance of a trademark law. The implication is that Southern Sudan follows a Cautionary Notice approach to the protection of trade marks at the present time.

At present procedures to be followed in respect of the "Reservation of a Trademark" are as follow:

1. A written application needs to be submitted to the Registrar indicating the trademark to be protected, as well as prints of the mark in question.
2. The Registrar will conduct a search in the database of the Registry to ascertain whether the mark is registered or not.
3. If the relevant mark is not registered, the mark will be "reserved" in the applicant's name, and no other person will be allowed to use the said mark.

It is also to be noted that no official fees have been fixed at this time for the "Reservation of a Trademark" procedure.

As a result of the absence of a specific law dealing with the protection of trademarks in Southern Sudan we are unable to comment on the legal effect or value of the "Reservation of a Trademark" procedure.