

# Accepted Logos Under Egypt Trademark Law

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The trademark may also refer to the country of issue, production source, source of selling, the goods' quality, category, guarantee, preparation process, or the provision of any service.

In order to register a trademark in Egypt, the word and/or image element will have to fulfill certain criteria.

## **1. Names represented in a distinctive manner:**

It must take a distinctive manner i.e. to be put in a particular form, with certain colors or with a special drawing/design creating certain characteristics to the trademark to differentiate it from other marks.

## **2. Letters and numbers:**

The trademark may take a specific form of letters or numbers to distinguish the products.

## **3. Drawings, pictures and engravings:**

The trademark might be a certain symbol that refers to a special form, whether derived from nature as a tree or a flower or a pyramid, or the form of an animal or buildings, ships, cars to distinguish and highlight the property of the products.

## **4. Covers and shape or color of product/goods:**

The use of a three-dimensional mark has recently spread, especially for the cover of products/goods related to drinks, toys, electrical and electronic appliances. These 3D shapes are often subject to infringement and counterfeiting from their competitors.

The trademark, in whatever form it is, must identify the product sufficiently to avoid confusion with other marks that are placed on similar products or services. It is also important to have a legitimate trademark which does not violate the law or public order and good morals.

Some trademarks are not considered legally protected, such as marks that are devoid of any specific properties or qualities, or photographs of people. Article 67 of the Egyptian Trademark Law gives the following list of marks that cannot be used or protected:

- Marks devoid of any distinctive character, or composed of signs or statements which only usage grants to the products, or which is the normal picture or image thereof.
- Any mark which is contrary to public order or morality.
- Public armorial bearings, flags and other emblems pertaining to the State or any other state, regional or international organizations, as well as any imitations thereof.
- Marks which are identical with, or similar to, symbols of religious character.

- Symbols of the Red Cross or Red Crescent, or any other emblem of the same character, as well as any imitations thereof.
- The portrait of an individual or his armorial bearings, except with his consent.
- Designations of honorary degrees which the applicant is unable to prove his right thereto.
- Marks and geographical indications which are likely to mislead or confuse the public or which contain false descriptions as to the origin of products, whether goods or services, or their other qualities, as well as the signs that contain an indication of a fictitious, imitated or forged trade name.

It is recommended to conduct a search prior to filing a trademark to check its availability. The search result takes around 4 - 7 working days. This step may avoid the applicant from having his trademark refused if it has been applied for or registered earlier by someone else.

Upon availability, the trademark then can be filed with the Trademark Office.

To file a trademark, an application should be filed with the applicant's name, address and nature of business specifying the class with the list of goods/services, with a copy of the trademark. A legalized Power of Attorney should also be submitted. The mark can be applied for in one or more classes.

Upon examination, the Registry may apply certain conditions and require the applicant to undertake modifications on the mark in order to define and clarify it so as to avoid confusion with a mark already registered, or a mark for which a registration application has already been filed. Such decision shall, within 30 days of its issue, be communicated to the applicant in writing. The Department may reject the application should the applicant fail, within six months of the notification, to introduce the amendments required.

The applicant may appeal the decision of the Department within 30 days from the communication of such a decision. Appeals are considered by a committee composed of three members, one of whom is a member of the Council of State.

If the trademark is accepted, the Department shall have the decision published in the Gazette of Trademarks and Industrial Designs. Within 60 days after this, any interested party may submit an application opposing the trademark in writing to the Department. The Department shall then send a copy of the opposition to the applicant, within 30 days from the receipt of such a notification.

The applicant then has 30 days to reply, failing which he will be considered to have withdrawn his application.

In the absence of any opposition, registration of the mark is then approved by a decision of the Department, which is published in the Trademarks and Industrial Designs Gazette. Registration will take effect from the date of filing the application. The Department will give the owner of the mark a certificate containing the information published in the Gazette, which can serve as proof that the mark has been registered and is protected.