

# GUIDE FOR TRADEMARKS APPLICATION

## TM's Importance

TMs are considered to be a basic asset of a Company.

Registering a word or logo that is used into business gives you the possibility to exclude anyone else from using the same TM for same or similar products or services.

The registration of a trademark gives the owner the right to use it exclusively in any way, in his products and / or services. This helps the public and other legal entities to recognize the origin of the product or service.

A trade mark may consist of any sign provided that such signs are capable of:

- distinguishing the goods or services of one undertaking from those of other undertakings;
- being represented on the Register of trade marks ('the Register'), in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor.

## How is this protection acquired?

To protect your signs in Egypt you need to file an application before the Trademarks and Industrial Designs Office (TIDO), Internal Trade Development Authority, Ministry of Trade and Industry [<http://www.itda.gov.eg>].

Another way, in case you are the owner of a TM registered in one member state of the Madrid System, is by filing an application to the WIPO (World Intellectual Property Organization)[<https://www.wipo.int/portal/en/index.html>] for the protection of said TM [[https://www.wipo.int/madrid/en/how\\_to/file/file.html](https://www.wipo.int/madrid/en/how_to/file/file.html)]. Madrid System gives you the opportunity to register your TM, currently, in 124 countries/territories, but to do so, you need to file or have a TM registered in a

country that is a member of the Madrid System [[https://www.wipo.int/madrid/en/madridgazette/remarks/2009/50/gaz\\_st3.htm](https://www.wipo.int/madrid/en/madridgazette/remarks/2009/50/gaz_st3.htm)].

### What can be protected as a TM?

Could be protected as a TM any sign that distinguishes products or services.

It could be:

- a name represented in a distinctive manner
- signatures
- words
- letters
- numerals
- designs
- symbols
- signposts
- stamps
- seals
- drawings
- engravings
- a combination of distinctly formed colors and any other combination of these elements

### What cannot be registered as a TM?

Cannot be registered as a trademark or component thereof:

- signs devoid of any distinctive character, or composed of signs or statements which only usage grants to the products, or which are the normal picture or image thereof.
- Any sign 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.
- Signs 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.
- Signs 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.

### Do I need to specify for which products/services I need to protect my TM?

TMs are registered in connection with goods and services offered by the Company - Registration of trademarks for specific classes, for specific products and services (Nice classification) 45 classes (34 for products and 11 for services). You may file an application to protect your sign in several classes. In the following link you may find all goods and services provided by Nice Agreement: <https://www.wipo.int/classifications/nice/nclpub/en/fr/>

### What's important to know before filing the application?

A TM to be protected, it must be distinctive and must not describe the goods or services that the Company sells/offers. Consumers should be able to recognise that the products/services bearing a specific sign are originated from specific Company. A TM should be able to distinguish the products/services of a company from those of any other Company.

TMs devoid of any distinctive character are barred from TM registration. Registration is not possible when it is amply evident that a sign is merely descriptive, generic, customary etc.

#### What will I need to submit with the application?

You will be requested to submit with the application four copies of a picture of the mark, which shall be identical to the picture of the mark as in the application form for registration. You may find the application forms here: <http://www.itda.gov.eg/Form-TM.aspx>.

In the application you will have to provide your name, quality, surname, nationality, address for service and, if any, elected domicile in the Arab Republic of Egypt, of the applicant; where the applicant is a legal entity, name and address for service of that entity; where the application is filed through the intermediary of an agent, name, surname, address and an authenticated power of attorney.

It is also needed to indicate the products in respect of which the registration of the mark is applied for, with the number of class or classes to which such products belong.

Applicants are also requested to provide the place where the commercial enterprise or exploitation project in respect of which the mark is or is to be used to distinguish the products thereof.

If the furnished documents are in a foreign language, they must be translated into the Arabic language.

#### How much does it cost to file an application?

- Filing a trademark application in one class 100
- Filing a trademark application in several classes 100 for the first class and 25 for each subsequent
- Recording a change of name/address before recording 70
- Recording a change of name/address after recording 170

- Publication of application 100
- Publication of registration 180
- Final registration 150 (+50) (+25) for each other class
- Recording the association of a trademark 25
- Search for one trademark in one class 200
- Renewal request “within 6 months after the deadline” 301

(for more details see Annex below)

#### For how long can a TM be protected?

The Term of protection of the TMs is up to 10 years and may be renewed for indefinite periods of 10 years upon request of its owner and every time within the last year of the protection period, against payment of the fees due for the initial registration application.

TIDO must inform the proprietor of the trademark of the expiry of the registration of a trademark at least six months before the date of expiration. However, the onus remains on proprietors to pay due diligence to the continued registration of their trademark(s) as the office shall not be held liable if it fails to give such information.

The owner of the mark may request the renewal of the protection period within six months after the date of its expiry against payment of the prescribed fees and an extra surcharge fee for the delay.

#### If I file an application, is it certain that the sign will be registered as a TM?

There are no guarantees that your application will be accepted or registered by TIDO. You need to file the correct documents, as provided by TIDO and provide all necessary documentation requested by TIDO. You also need to make sure that your sign is distinctive and that it does not fall under one of the categories of non-registrable signs; a mere generic name, drawing or picture of a product will not be registered either. Be careful not to file an application of a well-known sign; such

application will be rejected. You are also advised, to conduct research in the national database before filing the application to make sure that no identical or similar sign has been filed before for the same classes. If all these conditions are met, and no one files an opposition against your application, your sign will be registered as a TM. You must remember to renew your TM every 10 years!

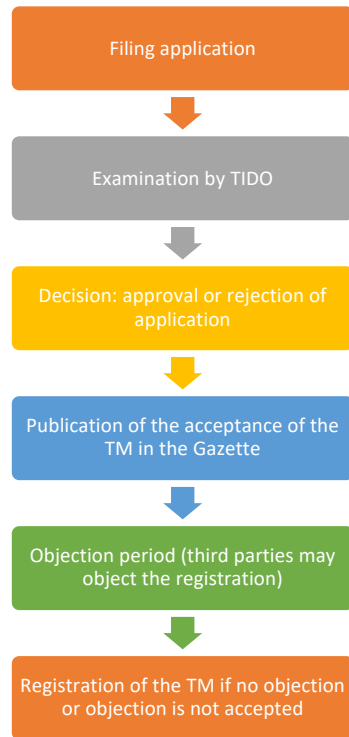
[How can a Company let people know that the TM is protected?](#)

You can use the notice “® or TM (or even “Registered Trademark”)", to alert the public that the trademark is protected. It is a powerful message to potential infringers of your trademark and a notice to customers and/or future collaborators that your Company's creations are protected. The use of such symbol is not obligatory; it is only advisable.

[Once registered can I license my TM to someone else?](#)

Of course, you can license your TM. But remember in this case to inform TIDO and make all necessary actions. This change needs to be registered and TIDO will ask you to provide specific documentation and will publish the change in the Official Gazette.

| [An overview of the application process:](#)



Number	Procedure	Fee in Egyptian Pounds
1	Application for the registration of a mark under one class	50
2	Application for the registration of a mark under multiple classes	
	(a) First category	50
	(b) Each other category for the same application	25
3	Application for the registration of a certification mark	100
4	Application for the registration of a local mark abroad (per country)	100
5	Appeal before appeal committee against decisions by the Department, under Article 77 and 78 of the Law	100
6	Publication of the mark in case of acceptance of the application for registration	50
7	Objecting acceptance of an application for the registration of a mark	250
8	Registration of a mark under one class	60
9	Registration of a mark under multiple classes	
	(a) First class	60
	(b) Each other class for the same application	50
10	Registration of a certification mark	100
11	Recording an indication that a mark is related to one or more other marks	25
12	Publication of a registered mark	50
13	Request for cancellation of a registered mark	50

14	Request for the recording of transfer of ownership, a certification mark, transfer of ownership of related marks, or grant of right to use the mark, as follows	
	- the request is submitted within three months from the date of transfer of ownership or right of use (for one mark)	100
	for each of the related marks	50
	- the request is submitted after three months from the date of transfer of ownership or right of use (for one mark)	125
	for each of the related marks	60
	- the request is submitted after six months from the date of transfer of ownership or right of use (for one mark)	150
	for each of the related marks	70
15	Publication of transfer of ownership or of indication of right of use (for	



Number	Procedure	Fee in Egyptian Pounds
	one mark)	50
	for each of the related marks	30
16	Request for the recording of a mortgage of a mark or related marks as follows:	
	- the request is submitted within three months from the date of the mortgage (for one mark)	50
	for each of the related marks	30
	- the request is submitted after three months from the date of the mortgage (for one mark)	60
	for each of the related marks	35
	- the request is submitted after six months from the date of the mortgage (for one mark)	100
	for each of the related marks	50
17	Publication of the mortgage of a mark	50
18	Request for the cancellation of a recording of the mortgage of a mark or related marks:	
	- for one mark	50
	- for each of the related marks	25
19	Publication of the cancellation of a recording of the mortgage of a mark or related marks:	
	- for one mark	50
	- for each of the related marks	15

Number	Procedure	Fee in Egyptian Pounds
20	Request for renewal of period of protection of a registered mark within the last year of that period:	
	1. for one class	50
	2. for multiple classes:	
	(a) first class	50
	(b) each other class for the same application	25
	(c) registered certification marks	100
	3. Surcharge where request is submitted within six months following the expiration of the period of protection	200
21	Request for registration of a mark after cancellation, within three years from the date of cancellation	1,000
22	Publication of renewal of period of protection for a mark or a group of related marks	50
23	Request for access to a registered mark or obtaining extracts or copies of the register where the mark is registered	55
24	Publication of one or more indication submitted in a single application	40
25	Request for recording an addition to or modification of a registered mark, certification mark, or all or some of the related marks registered in the name of the person making the request	100
	For each of the related marks, after the first mark	50
26	Publication of a mark after addition or modification	50
27	Objecting an addition to or modification of a registered mark	150
28	Submission of clichés for publication or republication of a mark	70
29	Request for amendment of statute regulating use of a certification mark	150
30	Request for an addition or change of a recording for which no fee has been fixed	20
31	Request to complete, change or correct data in any request or requests submitted by the same person for one or more marks	35
32	Request for modification of or addition to a mark or group of marks prior to registration	35
33	Request for the examination of a mark prior to the filing of the application for registration	150
34	Request for a certificate to obtain registration of a mark abroad	50
35	Request for a certificate establishing assignment of a mark	50

Stamp value to be added, according to the legislation on stamps.