

STATUTORY INSTRUMENT

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The Trade Marks Regulations, 2024

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SCHEDULE

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The Trade Marks Regulations, 2024

THE TRADE MARKS ACT, 2014 (ACT NO. 8 OF 2014) Short title

In exercise of the powers conferred on him by section 59 of the Trade Marks Act 2014 (Act No. 8 of 2014), the Minister hereby makes the following Regulations -

PART I—PRELIMINARY

1. In these Regulations unless the context otherwise requires- Interpretation.

"Act" means the Trade Marks Act, 2014 (Act No. 8 of 2014);

"agent" means an agent duly authorised to the satisfaction of the Registrar;

"Agreement" means the Madrid Agreement concerning the international registration of trade marks;

"basic application" means an application for the registration of a trade mark, filed with the Registrar under the Act, which is used as the basis to file an international application;

"basic registration" means the registration of a trade mark, made by the Registrar under the Act, which is used as the basis to file an international application;

"Contracting Party" means any country or intergovernmental organisation party to the Protocol;

"Contracting Party of the holder" means the Contracting Party of the Office of origin or, where a change in ownership has been recorded in the International Register, the Contracting Party in respect of which the new holder meets the requirements under Article 2 of the Protocol;

"designated Contracting Party" means a Contracting Party for which an extension of protection has been requested under Article 3ter(1) or (2) of the Protocol, as the case may be, or in respect of which such extension has been recorded in the International Register;

"designation", means a request for the extension of protection under Article 3ter (1) or (2) of the Protocol, as the case may be including such extension as recorded in the International Register;

"document" means a document required by the Act or by these Regulations to be filed with the Registrar and shall be, subject to directions that may be given by the Registrar, typewritten, lithographed or printed in English, in legible roman characters with black ink upon strong paper, on one side of the paper only, of A4 standard size and shall have on the left hand side a margin of at least 35 mm;

"fee" means fees to be paid in pursuance of the Act and specified in the First Schedule;

"filing" means the filing of an application, notice or other document to its being delivered to the registrar at the Office;

"form" means a form contained in Schedule 2, whether in paper form or in electronic form authorised by the Registrar for electronic services, used in all cases to which they are applicable, but may be modified or amended to the extent necessary in the circumstances of a particular case;

"international application" means an application for the registration of a trade mark in the International Register; page 2 Comments to Trade Marks Act 2014 Regulations concerning the Madrid System;

"International Bureau" means the International Bureau of the World Intellectual Property Organisation;

"International Register" means the register of the International Bureau;

"international registration" means the registration of a trade mark in the International Register;

"invalidation" means a final decision by competent authority revoking or invalidating the effects of an international registration in Sierra Leone in respect of all or some of the goods or services covered by the designation of Sierra Leone;

"Minister" means the Minister responsible for justice;

"Nice Classification" means the system of classification under the Nice Agreement;

"Office" means the office of the Registrar of Trade Marks;

"Office of origin" means the Office through which the international application is filed in accordance with Article 2 (2) of the Protocol;

"Protocol" means the Protocol relating to the Madrid Agreement concerning the international registration of trade marks, adopted in Madrid on June 27, 1989, including its amendments;

"registered user" means a registered user of a trade mark;

"Regulations under the Protocol" means the Regulations under the Madrid Protocol;

"specification" means the statement of goods or services in respect of which a trade mark is registered or proposed to be registered;

"transformation" means an application resulting from transformation where a trade mark was the subject of an international registration prior to that registration being cancelled;

"Tribunal" means the Intellectual Property Tribunal to be established under an Intellectual Property Agency Act.

PART II-TRADE MARKS APPLICATION AND REGISTRATION

Registration of trade mark.

2. (1) Subject to sections 2, 3 and 4 of the Act, an application for the registration of a trade mark shall -

- (a) be made as specified in Form TM 1 in the Second Schedule;
- (b) be in respect of goods or services listed in the applicable class or classes of the Nice Classification;
- (c) be contained in a durable graphic reproduction of the trade mark;

- (d) be accompanied by 3 additional reproductions of the trade mark identical to the trade mark on the applications and shall in all cases be noted with such particulars, signed by the applicant or his authorised agent, as may be required by the Registrar;

(2) An application to register the same mark in different classes shall be treated as separated and distinct applications and in all cases where a trade mark is registered under the same official number for goods or services in more than one class, the registration in respect of the goods or services included in each separate class shall be taken to be a separate registration for the purposes of the Act and shall be accompanied by an application fee and registration fee upon meeting the criteria, as stipulated under sections 4 and 5 of the Act and as specified in the First Schedule.

(3) Upon receipt of an application for the registration of a trade mark made under Regulation (1), the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters in italics "SL", "M", slant, the 4-digit numbers of the year in which the initial papers were received, and a 5-digit number allocated in the sequential order in which applications are received.

(4) Where corrections or other documents are later filed on different dates, the Registrar shall mark the actual dates of receipt for documents which are later filed with him or for which corrections were made in the appropriate place of the application for the grant of a trade mark.

(5) An application number allocated under sub-regulation shall be quoted in all subsequent communications concerning the application.

3. (1) Where the Registrar considers a reproduction of a trade mark unsuitable, he may, require a suitable reproduction to be substituted. Reproduction of trade mark.

(2) Where a drawing or other reproduction cannot be given in the manner required under sub-regulation (1), a specimen or copy of the trade mark may be sent either of full size or on a reduced scale and in such a Form as the Registrar may consider appropriate.

Series of trade marks.

4. Where an application is made for the registration of a series of trade marks under subsection (1) of section 2 of the Act, a representation of each trade mark of the series shall be included in the application form in the manner prescribed in Regulations 1, 2, and 3 in duplicate, if any, and in each of the accompanying Form TM 1.

Transliteration and translation of trade mark.

5. Where a trade mark consists of or contains a word or words in characters other than Roman, the application and the additional reproductions of the trade mark, shall be accompanied, unless the Registrar otherwise directs, by a sufficient transliteration and translation to the satisfaction of the Registrar.

Declaration of priority and translation of earlier application.

6. (1) Where priority is claimed in an application for a registration of a trade mark, a declaration in terms of Schedule, Article 4 of Paris Convention as provided for in the Act, shall indicate -

- (a) a certified copy of the application earlier filed;
- (b) the date of the earlier application; and
- (c) the country in which the earlier application was filed or, where the earlier application is a regional or an international application, the office with which it was filed and the country or countries for which it was filed.

(2) Where at the time of filing the declaration referred to in sub-regulation (1), a certified copy of the application earlier filed is not found, that copy shall be furnished within 3 months from the date on which the application containing the declaration was filed provided that the Registrar may extend the time limit referred to in this sub-regulation for an additional period of 3 months, if the applicant supplies evidence that, due to circumstances beyond his control, he was not able to comply with the prescribed time limit.

(3) Where the priorities of 2 or more earlier applications are claimed, in accordance with sub-regulation (1), the indication relating to those earlier applications may be included in a single declaration.

7. Where an applicant to register a trade mark dies before the trade mark applied for has been entered in the register, the Registrar, after the expiration of the prescribed period of advertisement and the determination of any opposition, may on being satisfied of the applicant's death enter in the register, in place of the name of such deceased applicant, the name, address and description of the person owning the trade mark, on such ownership being proved to the satisfaction of the Registrar.

8. (1) The withdrawal of an application for a trade mark shall be made by a written declaration signed by the applicant or his or her authorised agent and submitted to the Registrar.

(2) The application fee shall not be refunded if an application is withdrawn.

9. Subject to subsection (2) of section 6 of the Act, if the Registrar accepts the application he shall notify the applicant in writing, requesting him to pay the publication fee within one month from the date of the notification and subject to the payment of the publication fee within the period prescribed, the Registrar shall proceed to publish the application setting out -

- (a) the filing date and, where applicable, the priority date;
- (b) the representation of the trade mark;
- (c) the goods or services in respect of which the registration of the trade mark is requested, with an indication of the corresponding class or classes of the Nice Classification;
- (d) the name and address of the applicant; and
- (e) the name and address of the agent, if any.

Opposition of registration of trade mark.

10. (1) A person who wishes to oppose the registration of trade mark shall, subject to subsection (3) of section 6 of the Act, file with the Registrar, a notice of opposition within 3 months but not exceeding 9 months in all from the date of publication in the Gazette.

(2) A notice of opposition under sub-regulation (1) shall, subject to subsection (4) of section 6 of the Act, be -

- (a) as specified in Form TM 2 in the Second Schedule;
- (b) accompanied by the fee as specified in the First Schedule; and
- (c) accompanied by supporting evidence, if any.

(3) A counter-statement required under subsection (5) of section 6 of the Act shall be given in writing as specified in Form TM 2B in the Second Schedule, within one month, not exceeding 3 months in all from the date the notice of opposition is received by the applicant, stating the grounds upon which the applicant relies for his application and accompanied by supporting evidence, if any.

(4) A person who wishes to request for a statement from the Registrar on grounds of decision in accordance with subsection (6) of section 6 of the Act shall be made as specified in Form TM 3 in the second schedule.

Registration of trade mark, publication of reference, certificate.

11. (1) Subject to paragraph (a) and (b) of section 7 of the Act, where an application for the registration of a trade mark -

- (a) has not been opposed within the prescribed time limit; or
- (b) has been opposed and the opposition has been rejected,

the Registrar shall register the trade mark and issue to the applicant a certificate of registration as specified in Form TM 4 in the Second Schedule, upon payment of the registration fee as specified in the First Schedule.

(2) The Registrar shall allocate to each trade mark he registers the same number as the number allocated under Regulation 2.

(3) The registration of a trade mark shall include -

- (a) a representation of the trade mark;
- (b) the number of the trade mark;
- (c) the name and address of the registered owner;
- (d) the name and address of the agent, if any;
- (e) the filing date and date of registration;
- (f) if priority has been claimed and the claim has been accepted, the country or countries in which or for which the earlier application was filed; and
- (g) the list of goods or services in respect of which the registration of the trade mark had been made with an indication of the corresponding class or classes of the Nice Classification.

(4) The publication of a reference to the registration of a trademark under subsection (2) of section 6 of the Act shall contain the particulars specified in sub-regulation (3).

12. (1) A request for renewal of the registration of a trade mark under subsection (1) of section 11 of the Act shall be -

Renewal of registration of trade mark.

- (a) made during the 6 months period preceding the expiry of the registration;
- (b) signed by the registered owner or his authorised agent; and
- (c) made as specified in Form TM 5 in the Second Schedule.

(2) Where the owner is late in applying for the renewal of a registration of a trade mark under subsection (2) of section 11 of the Act, he shall pay a surcharge as specified in the First Schedule.

(3) The Registrar shall communicate with the registered proprietor stating that the renewal form and fee have been received and that the registration will in due course be renewed

(4) The renewal of the registration of a trade mark shall be recorded in the register and shall be published in the Gazette.

(5) The Registrar shall mark the original certificate as renewed and provide the next date of expiry.

Notice
before
removal of
trade mark
from register.

13. (1) At a date not less than one month and not more than 3 months before the expiration of the last registration of a trade mark, if an application for renewal accompanied by the prescribed fee has not been received, the Registrar shall notify the registered proprietor in writing of the approaching expiration.

(2) At a time, not less than 14 days and not more than one month before the expiration of the last registration of a trade mark, the Registrar may, if no fee has been received, send a notice in writing to the registered proprietor at his trade or business address as well as at his address for service, if any

Restoration
of trade mark
removed from
register for
non-payment
of fee.

14. Subject to subsection (2) of section 11 of the Act and Regulation 13 an application to restore a trade mark removed from the register for non-payment of fees shall be made in accordance with Form TM 6 and the payment of fees as specified in the First Schedule.

Invalidation
of registration
of trade mark.

15. (1) An application under subsection (1) of section 12 of the Act to invalidate the registration of a trade mark, shall be in a prescribed form as the Registrar may consider appropriate together with the payment of the fee as specified in the First Schedule.

(2) A copy of the application under sub-regulations (1) shall be served on the owner of the registered trade mark by the applicant and filed with the Registrar.

(3) The invalidation of a registered trade mark shall be effective from the date of registration.

(4) The invalidation of a registered trade mark shall be published in the Gazette.

16. (1) An application under subsections (1) and (2) of section 14 of the Act, to remove a trade mark from the register on grounds of non-use, shall be made as specified in Form TM 7 in the First Schedule together with the payment of the fee as specified in the First Schedule.

Removal
on ground
of non-use.

(2) A copy of an application under sub-regulation (1) shall be served on the owner of the registered trade mark by the applicant and filed with the Registrar.

(3) The removal of a trade mark from the register on the grounds of non-use shall be published by notice in the Gazette.

17. A request for reinstatement of a lapsed trade mark shall be made to the Registrar in writing within 2 months of the lapse of rights over the trade mark, subject to the payment of the reinstatement fee as specified in the First Schedule.

Reinstatement
of lapsed
trade mark
rights.

18. (1) Subject to section 5 of the Act or any other law, the Registrar may refuse to accept an application upon which any of the following appear -

Unregistrable
trade mark.

- (a) the words "patent", "patented", "by letters patent", "registered", "registered trade mark", "registered design", "copyright", "certified", "guaranteed", "to counterfeit this is a forgery" or words to like effect;

- (b) the words "Sierra Leone" "Red Cross" or "Geneva Cross" and representations of the Geneva and other crosses in red, or of the Swiss federal cross in white on a red ground or silver on a red ground, or such representations in a similar colour or colours of an internationally recognised sign;
- (c) representations of the armorial ensigns of Sierra Leone or a device so nearly resembling them as to be likely to lead to mistake, or of the national flag, or any words, letters, or devices likely to lead persons to think that the applicant has Government patronage or authorisation; and
- (d) a representation of armorial bearings, insignia, a decoration or a flag of a state, administration, city, town, place, society, body corporate, institution or person.

(2) Where there appears in an application, a representation of a cross in a colour, not being one of those mentioned in paragraph (b) of sub-regulation (1), the Registrar may require the applicant, as a condition of acceptance to undertake not to use the cross device on red, in white on a red ground or silver on a red ground or in similar colour or colours.

(3) Where a representation of arms, insignia, a decoration or a flag appears on a trade mark, the Registrar may call for such justification, including such consent as he may consider necessary as the circumstances of the case may require.

Collective
trade marks.

19. Regulations 1 to 21 shall apply, with the necessary modifications, to collective trade marks subject to the following -

- (a) an application for registration of a collective trade mark shall not be accepted unless, in the application for registration, the trade mark is designated as a collective trade mark, and the application is accompanied by a copy of the rules governing the use of the trade mark, duly certified by the applicant;
- (b) the rules governing the use of the collective trade mark shall -
 - (i) define the common characteristics or quality of the goods or services which the collective mark shall designate and the conditions under which, and the persons by whom, it may be used,
 - (ii) provide for the exercise of effective control of the use of the trade mark in compliance with those rules, and
 - (iii) determine adequate sanctions for any use contrary to the said rules;
- (c) a copy of the rules governing the use of the trade mark shall be appended to the registration of a collective trade mark;
- (d) the publication of a reference to the registration of the collective trade mark, in accordance with sub-regulation (1) of Regulation 21, shall include a summary of the rules appended to the registration;
- (e) request for the consent of the Registrar to alter the deposited regulations for use of a collective or certification mark as prescribed in Form TM 10 in the Second Schedule

- (f) notification of changes effected in the rules governing the use of the trade mark shall be in writing;
- (g) notification of changes shall be recorded in the register and published in the Gazette and all changes in the rules shall be regarded as having no effect until such recording; and
- (h) for the purposes of use of the collective trade mark under subsection (1) of section 9 of the Act the registered owner of a collective trade mark may use the trade mark himself provided it is also used by other authorised persons in accordance with the rules governing such use.

Rectification
or correction
of register.

20. (1) An application to-

- (a) correct an error or enter a change in name or description of the registered owner of a trade mark in the register;
- (b) alter a trade or business address in the register;
- (c) strike out any goods or classes of goods from those in respect of which a mark is registered;
- (d) enter a disclaimer or memorandum relating to a trade mark which does not extend to the rights given by the existing registration of the trade mark;
- (e) alter a trade mark or series of trade mark in the register, shall be made in accordance with subsection 6 of section 22 of the Act together with the payment of fees and in the appropriate form as specified in the Second Schedule.

(2) A party who wish to oppose an application in accordance with sub-regulation (1) shall apply together with the payment of fees by notice of opposition with statement of case in a prescribed form as the Registrar considers appropriate.

PART III - INTERNATIONAL REGISTRATION UNDER THE MADRID PROTOCOL

21. (1) A communication, including an international application, for transmittal to the International Bureau through an intermediary of the Registrar shall be in English. Language.

(2) A communication concerning an international application or an international registration addressed to the International Bureau by the Registrar shall be in English.

(3) The Intellectual Property Office of Sierra Leone shall accept international applications in English only and the language of communication with World Intellectual Property Organisation is English

(A) INTERNATIONAL APPLICATIONS ORIGINATING FROM SIERRA LEONE

22. (1) A natural person or legal entity that is a national of Sierra Leone, is domiciled in or has a real and effective industrial or commercial establishment in Sierra Leone, is entitled to file an international application with the Registrar provided the basic application or basic registration, as the case may be, used as a basis to file the international application is in the name of that natural person or legal entity. Entitlement to file international application.

(2) An applicant shall provide, at the request of the Registrar, such evidence as may be necessary to satisfy the Registrar that he is entitled to file the application in accordance with sub-regulation (1).

Examination of international applications where Sierra Leone is office of origin.

23. Where an international application is filed with the Registrar for transmittal to the International Bureau, the Registrar shall verify that the Intellectual Property Office of Sierra Leone may be considered as the Office of origin for that application and that the relevant particulars appearing in the international application correspond to those appearing in the basic application or basic registration, as the case may be, in accordance with the provisions of the Protocol and the Regulations under the Protocol.

Handling fee.

24. A prescribed fee shall be due and payable to the Registrar in connection with the filing of an international application originating in Sierra Leone.

Irregularities with the international application, remedied before Registrar.

25. (1) Where an international application does not comply with the prescribed requirements, the Registrar shall give the applicant the opportunity to submit the requested information and pay the handling fee.

(2) Where an applicant does not provide the requested information or the payment of the handling fee within the stipulated time determined by the Registrar, the international application is considered abandoned and the Registrar shall not forward this to the International Bureau.

Certification by Registrar.

26. Where an international application complies with the prescribed requirements, the Registrar shall certify the international application, also indicating the date of its receipt and forward the international application to the International Bureau.

Irregularities with the international application, remedied before World.

27. (1) The Registrar shall respond to the International Bureau, as appropriate, to any irregularities issued under Rules 11 to 13 of the Regulations under the Protocol, within the time limit given by the International Bureau.

(2) Where the irregularity has to be remedied by the Office of origin, the Registrar shall consult with the applicant and give a short time limit to provide the requested information and where the information is received within the given time limit, the Registrar shall forward this to the International Bureau.

28. Classification of goods and services of an international application shall be subject to paragraph (xiii) of sub-regulation (4) of Rule 9 of the Regulations under the Protocol where the decision of the International Bureau shall be final. Classification of goods and services.

29. (1) Where, in accordance with Article 6 of the Protocol, the basic application or the basic registration resulting from such application or registration, ceases to have effect, the Registrar shall inform the International Bureau accordingly, in accordance with Rule 22 of the Regulations under the Protocol, requesting the cancellation of the international registration. Ceasing of effect of basic application or basic registration.

(2) Where the facts and decisions of the basic registration or basic application affect the international registration only with respect to some of the goods and services, the Registrar shall indicate those goods and services which are affected by the facts and decisions or those which are not affected by the facts and decisions.

(B) INTERNATIONAL REGISTRATIONS WHERE SIERRA LEONE IS A DESIGNATED CONTRACTING PARTY.

30. (1) An international registration designating Sierra Leone shall have the same effects as from the date of the international registration or of the subsequent designation of Sierra Leone, as the case may be, as an application for the registration of a trade mark filed directly with the Registrar under the Act. Effects of international registration.

(2) The date of filing would be the date of the international registration where Sierra Leone is designated in the international registration or the date of the subsequent designation where Sierra Leone is designated subsequently to the international registration.

(3) The indication of classes of goods and services set out in the international registration, in which Sierra Leone is designated, shall not bind the Registrar with regard to the determination of the scope of the protection of the trade mark.

(4) Where a refusal is not notified by the Registrar to the International Bureau in accordance with the Protocol and the Regulations under the Protocol, or if a refusal has been so notified but has been subsequently withdrawn, or if a statement of grant of protection is sent by the Registrar, the protection of the trade mark in Sierra Leone shall be the same as if the trade mark had been registered directly by the Registrar on the date of the international registration or of the subsequent designation of Sierra Leone, as the case may be.

Examination
of
international
registrations.

31. (1) The Registrar shall examine a trade mark that is the subject of international registration designating Sierra Leone in relation to section 5 of the Act.

(2) Where an element of a trade mark would be in a language other than English, and the holder has not declared that it has no meaning, a translation into English is required and where such translation is not included in the international registration, the Registrar would issue an ex officio provisional refusal under Regulation 35.

Collective
trade marks.

32. (1) Section 8 of the Act shall apply mutatis mutandis to collective trade marks in international registrations designating Sierra Leone.

(2) Where the regulations governing the use of collective trade mark have not been submitted directly to the Registrar, the Registrar shall issue an ex officio provisional refusal under Regulation 35.

Ex-officio
provisional
refusal of
protection.

33. (1) Where the Registrar finds that, in accordance with the Act, an international registration designating Sierra Leone cannot be accepted or can be accepted with conditions only, the Registrar shall, before the expiry of the refusal period specified in Article 5(2)(a) of the Protocol, notify the International Bureau of a provisional refusal of protection, complying with the requirements of the Protocol and the Regulations under the Protocol.

(2) The holder of an international registration shall enjoy the same remedies as if the trade mark had been filed for registration directly with the Registrar.

(3) A provisional refusal of the international registration designating Sierra Leone shall be notified to the International Bureau, together with a statement of all grounds, before the expiry of one year from the date on which the notification of the extension has been sent to Sierra Leone by the International Bureau.

(4) The holder may respond to the provisional refusal by requesting a review or a hearing before the Registrar within a period of 3 months counted from the date of the notification to the holder sent by the International Bureau.

(5) Where the holder has no address for service in Sierra Leone, the request for review shall be submitted in writing through a duly appointed representative domiciled in Sierra Leone together with a power of attorney and section 17 of the Act shall apply mutatis mutandis.

(6) Where the holder does not respond to the provisional refusal within the given time limit, the designation of Sierra Leone is deemed abandoned.

34. (1) Where Sierra Leone has been designated in an international registration and where the Registrar finds no grounds for refusal, the international Registrar shall publish the international registration for oppositions. Publication, opposition of international registration.

(2) A person who opposes the protection of an international registration designating Sierra Leone (the opponent) may file with the Registrar, a notice of opposition within the period of 3 months from the date of publication.

(3) The provisions of the Act relating to opposition of international registration shall apply mutatis mutandis to opposition.

Provisional
refusal based
on
opposition.

35. (1) Where a notice of opposition is filed with the Registrar in respect of an international registration designating Sierra Leone, the Registrar shall, before the expiry of the refusal period specified in Article 5(2)(a) of the Protocol, notify that fact to the International Bureau as a provisional refusal based on an opposition, complying with the requirements of the Madrid Protocol and the Regulations under the Protocol.

(2) The holder of the international registration concerned shall enjoy the same remedies as if the mark had been filed for registration directly with the Registrar.

(3) The holder may file his counter statement within a period of 3 months, counted from the date of the notification to the holder sent by the International Bureau.

(4) Section 17 of the Act shall apply mutatis mutandis where the holder has no address for service in Sierra Leone, the counter statement must be submitted in writing through a duly appointed representative domiciled in Sierra Leone together with a power of attorney.

(5) Where the holder does not file a counter statement within the given time limit, the designation of Sierra Leone is deemed abandoned.

(6) After giving both parties opportunities to present their arguments, the Registrar shall make his decision on the opposition and the possible protection of the international registration in Sierra Leone.

Statement
of grant of
protection,
no grounds
for refusal.

36. Where the procedures before the Office have been completed, the Registrar has not found grounds to refuse protection has not received a notice of opposition and, as a result, has not notified a provisional refusal in accordance with Rule 18ter of the Regulations under the Protocol, the Registrar shall, as soon as possible and before the expiry of the refusal period applicable under Article 5(2) of the Protocol, send to the International Bureau a statement to the effect that protection is granted to the trade mark in Sierra Leone, in accordance with the relevant provisions of the Regulations under the Protocol.

37. Where the Registrar has notified the International Bureau of a provisional refusal of protection in accordance with Rule 17 of the Regulations under the Protocol and the procedures before the Office having been completed, the trade mark is either totally or partially protected, the Registrar shall send to the International Bureau, in accordance with the relevant provisions of the Regulations under the Protocol, -

Statement
of grant of
protection
following
notification
of provisional
refusal.

- (a) a statement to the effect that the provisional refusal is withdrawn and that protection of the trade mark is granted in Sierra Leone for all the goods and services for which protection has been requested; or
- (b) a statement indicating the goods and services for which or the conditions under which protection of the trade mark is granted in Sierra Leone.

38. Where the Registrar has sent to the International Bureau, a notification of total provisional refusal in accordance with Rule 18ter of the Regulations under the Protocol and, the procedures before the Office having been completed, the Registrar has decided to confirm such refusal of protection of the trade mark in Sierra Leone for the goods and services for which protection has been requested, the Registrar shall send to the International Bureau, a statement to that effect, in accordance with the relevant provisions of the Regulations under the Protocol.

Confirmation
of total
refusal.

39. (1) A person aggrieved with any decision made by the Registrar in respect to international registrations designating Sierra Leone may appeal therefrom to the Tribunal within a period of 2 months from the date of the decision of the Registrar.

Appeals.

(2) A decision or judgment of the Tribunal following the appeal filed under subsection (1) shall be communicated to the International Bureau as a further decision, in accordance with Regulation 21.

Further
decision
affecting
protection of
trade mark.

40. Where a notification of provisional refusal has not been sent by the Registrar within the applicable time limit under Article 5(2)(a) of the Protocol or where following the sending of a statement in accordance with Rules 16 to 18 of the Regulations under the Protocol, a further decision taken by the Registrar or the Tribunal, affects the protection of a trade mark in Sierra Leone, the Registrar shall, to the extent that he is aware of that decision, without prejudice to Rules 19 or 21 of the Regulations under the Protocol send to the International Bureau a further statement indicating the status of the trade mark and, where applicable, the goods and services for which the trade mark is protected in Sierra Leone.

Invalidation.

41. Section 12 of the Act shall apply mutatis mutandis where, upon a final decision, the Tribunal pronounces the invalidation of the effects of an international registration in Sierra Leone, the Registrar shall, provided that he is made aware of that decision, notify the International Bureau in accordance with the relevant provisions of the Protocol and the Regulations under the Protocol.

Replacement.

42. (1) Where -

- (a) a trade mark registered in Sierra Leone is also the subject of an international registration and the protection resulting therefrom extends to Sierra Leone;
- (b) the same person is recorded as holder of the registration in Sierra Leone and of the international registration;
- (c) goods and services listed in the national registration are also listed in the international registration in respect of Sierra Leone; and
- (d) the extension of that international registration to Sierra Leone took effect after the date of registration of the trade mark in Sierra Leone, the holder of the international registration may request the Registrar to take note of that international registration in the Trade marks Registry.

(2) A request filed with the Registrar in accordance with sub-regulation (1), shall be made as specified in Form as the Registrar may consider appropriate and shall be subject to the payment of the prescribed fee in the First Schedule.

(3) Replacement of the national registration by an international registration is deemed to be automatic when the conditions under Article 4bis (1) of the Protocol are met and replacement is not depending on an action by the holder or the Registrar, the effective date of replacement is the date of the international registration or the subsequent designation.

(4) The Registrar may examine the request referred to in sub-regulation (2) for compliance with the conditions under Article 4bis (1) of the Protocol.

(5) Where the Registrar has taken note of an international registration in accordance with sub-regulation (1), the Registrar shall notify the International Bureau accordingly and such notification shall indicate -

- (a) the number of the international registration in question;
- (b) where only some of the goods and services listed in the international registration are concerned, those goods and services;
- (c) the filing date and number of the application for registration of the trade mark in Sierra Leone;
- (d) the registration date and number of the registration in Sierra Leone;
- (e) the priority date, if any, of the registration in Sierra Leone; and
- (f) information relating to other rights acquired by virtue of the registration in Sierra Leone.

(6) A national registration or registrations shall not be cancelled or otherwise affected by the fact that they are deemed to be replaced by an international registration or that the Registrar has taken note in its Registry of the latter.

(7) Where all the goods and services listed in the national registration or registrations are not listed in the international registration, the scope of replacement shall be limited to the goods and services listed in the international registration.

Trans-
formation.

43. (1) Where an international registration designating Sierra Leone is cancelled at the request of the Office of origin in accordance with Article 6(4) of the Protocol, for all or some of the goods and services listed in the international registration, an application may be made to the Registrar, within 3 months from the date on which the international registration was cancelled, by the person who was the holder of the international registration at the date of its cancellation, for registration of the same trade mark ("an application resulting from transformation"), for goods and services covered by the list of goods and services contained in the international registration.

(2) Subject to sub-regulations (3) and (4), the provisions applicable to a trade mark application filed directly with the Registrar shall apply mutatis mutandis to an application resulting from transformation.

(3) An application resulting from transformation shall -

- (a) be made as specified in Form TM1 and shall, in addition, include -
 - (i) a statement that the application is made by way of transformation;
 - (ii) the international registration number of the international registration which has been cancelled;
 - (iii) the date of the said international registration or the date of the subsequent designation, as appropriate;

(iv) the date on which the cancellation of the international registration was recorded; and

(v) where applicable, the date of any priority claimed in the international application and recorded in the International Register;

(b) be subject to the payment of the prescribed transformation fees in the First Schedule.

(4) Where a trade mark that is the subject of an international registration has become protected in Sierra Leone on or before the date on which the international registration was cancelled and, provided that all the requirements relating to an application resulting from transformation have been met;

(a) that trade mark shall be registered by the Registrar and the date of registration shall be the date of the cancelled international registration or the date of the subsequent designation, as appropriate; and

(b) that registration shall enjoy any priority enjoyed by the cancelled international registration.

(5) Where a trade mark that is the subject of an international registration has not yet become protected in Sierra Leone on or before the date on which the international registration was cancelled, any procedures or measures already undertaken on or before the date on which an application resulting from transformation is filed for the purpose of the international registration shall be considered as having been undertaken for the purposes of the application resulting from transformation and the filing date of the application resulting from transformation shall be the date of the international registration or the date of the subsequent designation, as appropriate.

Renewal of international registrations designating Sierra Leone.

44. International registrations which, in accordance with Article 7 of the Protocol, have been renewed in respect of Sierra Leone as a designated Contracting Party shall continue to have effect in Sierra Leone.

Recording in International Register.

45. (1) A recording made in the International Register concerning an international registration, shall, to the extent that it applies to Sierra Leone as a designated Contracting Party, have the same effect as if it had been recorded by the Registrar in the Trade Marks Registry.

(2) Where, under the laws of Sierra Leone, the Registrar considers that the recording referred to in sub-regulation (1) has no effect in Sierra Leone, the Registrar shall, where so provided for in the Regulations under the Protocol, send a communication to the International Bureau to this effect, in accordance with Rules 26 and 27 of the Regulations under the Protocol.

Declaration that a change in ownership in international registration has no effect in Sierra Leone.

46. (1) Where Sierra Leone is notified by the International Bureau of a change in ownership of an international registration affecting Sierra Leone, the Registrar may declare that the change in ownership has no effect in Sierra Leone and the effect of such a declaration shall be that, with respect to Sierra Leone as the designated Contracting Party, the international registration concerned shall remain in the name of the transferor.

(2) The declaration referred to in paragraph (1) shall indicate -

- (a) the reasons for which the change in ownership has no effect;
- (b) the corresponding essential provisions of the Act, and
- (c) whether such declaration may be subject to review or appeal.

(3) A declaration referred to in sub-regulation (1) shall be sent to the International Bureau before the expiry of 18 months from the date on which the notification was sent to the Sierra Leone.

(4) The holder of the international registration may request a review of the declaration by the Registrar within a period of 3 months, counted from the date of the notification sent by the International Bureau.

(5) Where the holder has no address for service in Sierra Leone, the request for review must be submitted in writing through a duly appointed representative domiciled in Sierra Leone together with a power of attorney and section 17 of the Act shall apply *mutatis mutandis*.

(6) A final decision relating to a declaration made in accordance with paragraph (4) shall be notified to the International Bureau.

47. (1) Where Sierra Leone is notified by the International Bureau of a limitation of the list of goods and services in an international registration affecting Sierra Leone, the Registrar may declare that the limitation has no effect in Sierra Leone and the effect of such a declaration shall be that, with respect to Sierra Leone as the designated Contracting Party, the limitation shall not apply to the goods and services affected by the declaration.

(2) The declaration referred to in paragraph (1) shall indicate -

- (a) the reasons for which the limitation has no effect;
- (b) where the declaration does not affect all the goods and services to which the limitation relates, those which are affected by the declaration or those which are not affected by the declaration;
- (c) the corresponding essential provisions of the Act; and

Declaration that a limitation of goods and services in an international registration has no effect in Sierra Leone.

- (d) whether such declaration may be subject to review or appeal.

(3) A declaration referred to in sub-regulation (1) shall be sent to the International Bureau before the expiry of 18 months from the date on which the notification was sent to Sierra Leone.

(4) The holder of the international registration may request a review of the declaration by the Registrar within a period of 3 months, counted from the date of the notification sent by the International Bureau.

(5) Section 17 of the Act shall apply mutatis mutandis where the holder has no address for service in Sierra Leone, the request for review shall be submitted in writing through a duly appointed representative domiciled in Sierra Leone together with a power of attorney.

(6) A final decision relating to a declaration made in accordance with paragraph (4) shall be notified to the International Bureau.

Declaration that the recording of a licence has no effect in Sierra Leone.

48. (1) Where Sierra Leone is notified by the International Bureau of the recording of a licence in respect of an international registration designating Sierra Leone, the Registrar may declare that such recording has no effect in Sierra Leone.

(2) The declaration referred to in paragraph (1) shall indicate -

- (a) the reasons for which the recording of the license has no effect;
- (b) where the declaration does not affect all the goods and services to which the license relates, those which are affected by the declaration or those which are not affected by the declaration;
- (c) the corresponding essential provisions of the Act; and

- (d) whether such declaration may be subject to review or appeal.

(3) The declaration referred to in sub-regulation (1) shall be sent to the International Bureau before the expiry of 18 months from the date on which the notification was sent to Sierra Leone.

(4) The holder of the international registration may request a review of the declaration by the Registrar within a period of 3 months, counted from the date of the notification sent by the International Bureau.

(5) Section 17 of the Act shall apply mutatis mutandis where the holder has no address for service in Sierra Leone, the request for review must be submitted in writing through a duly appointed representative domiciled in Sierra Leone together with a power of attorney.

(6) A final decision relating to a declaration made in accordance with sub-regulation (4) shall be notified to the International Bureau.

49. (1) Upon receiving a notification from the International Bureau of a correction of an international registration where Sierra Leone is designated, the Registrar may declare in a notification of provisional refusal to the International Bureau that it considers that protection cannot, or can no longer, be granted to the international registration as corrected.

Corrections in International Register.

(2) The Registrar shall send such declaration within a time limit of one year counted from the date of sending the correction to Sierra Leone by the International Bureau.

50. (1) A request for division of an international registration designating Sierra Leone shall -

Division of international registration.

- (a) be presented to the Registrar as specified in Form TM1;

- (b) contain the information prescribed in the Regulations under the Protocol; and
- (c) be accompanied by the prescribed fee as specified in the First Schedule.

(2) Where a request does not comply with the requirements in sub-regulation (1), the Registrar shall give the holder the opportunity to submit the prescribed information or pay the prescribed fee and where the holder does not provide the information or pay the fee within the stipulated time determined by the Registrar, the request for division shall be considered abandoned and the Registrar shall not forward it to the International Bureau.

(3) Where the Registrar finds that the request for division meets the requirements in sub-regulation (1), the Registrar shall submit the request to the International Bureau.

(5) The Registrar shall respond to any irregularities notified by the International Bureau concerning the request for division prescribed in sub-regulation (1), within the given time limit and where necessary, consult with the holder.

(6) The Registrar shall update his Trade Marks Registry with the new international registration number for the divisional international registration.

(7) The Registrar shall continue processing of the international registration and of the divisional international registration and notify to the International Bureau of relevant decisions concerning the scope of protection for the international registration and of the divisional international registration.

Merger of international registration resulting from recording of division of international registration.

51. (1) A request for merger of international registrations resulting from the recording of division of an international registration designating Sierra Leone must be presented to the Registrar.

(2) The request in sub-regulation (1), shall -

- (a) contain the information prescribed in the Regulations under the Protocol; and
- (b) be accompanied by the prescribed fee as specified in the First Schedule.

(3) Where the request does not comply with the requirements in sub-regulation (2), the Registrar shall give the holder the opportunity to submit the prescribed information or pay the prescribed fee and where the holder does not provide the information or pay the fee within the stipulated time determined by the Registrar, the request for merger shall be considered abandoned and the Registrar shall not forward it to the International Bureau.

(4) Where the Registrar finds that the request for merger meets the requirements in sub-regulation (2), the Registrar shall submit the request to the International Bureau.

(5) The Registrar shall respond to any irregularities notified by the International Bureau concerning the request for merger prescribed in sub-regulation (1), within the given time limit and where necessary, consult with the holder.

(6) The Registrar shall update his Trade Marks Registry with the new international registration number for the merged international registrations.

PART IV - REGISTRATION OF AN AGENT

52. (1) Subject to section 17 of the Act a person may be represented by an agent in respect of a matter if - Registration of agent.

- (a) an appointment of the agent in respect of the matter has been filed with the Registrar as specified in Form TM 8B; and
- (b) the agent is admitted to practice before the Registrar.

(2) The Registration of an agent shall be as specified in Form TM8 in the Second Schedule.

(3) Unless the Registrar otherwise directs, where a person is represented by an agent-

- (a) the agent may attend upon the Registrar in place of the person; and
- (b) the agent may sign any document under the Act on behalf of the person.

(4) The Registrar may admit a person to practice before the office as an agent if the person -

- (a) resides in and is a citizen of Sierra Leone;
- (b) is an advocate, barrister and solicitor practising in Sierra Leone; or
- (c) has a recognised university degree or masters in Intellectual Property or a technical field and is conversant with industrial property matters.

(5) An application along with the annual fee for admission to practice before the office shall be submitted to the Registrar.

(6) The Registrar shall maintain a register in which the persons admitted to practice before the office are recorded.

(7) A person admitted to or registered as agent before the office shall -

- (a) pay an annual fee to maintain his admission or status as an agent;
- (b) not required to pay an annual fee for the first year of admission or registration as an agent.

(8) A person's admission as an agent expires on the anniversary of his admission unless the annual fee for the upcoming year has been paid.

53. (1) The Registrar may revoke a person's admission to practice before the office if the person has been - Revocation of admission as agent.

- (a) convicted of an offence involving dishonesty or fraud; or
- (b) found to be guilty of misconduct by a competent authority.

54. A person who purports to act as an agent under this Regulation without being admitted to practice before the office commits an offence and is liable, on conviction, to a fine not exceeding NLE 6,000.00 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment. Offence, acting as agent without admission.

PART V-ASSIGNMENTS AND TRANSMISSIONS.

55. Where a person becomes entitled by assignment or transmission to a registered trade mark he may conjointly with the registered proprietor, apply to the Registrar, as specified in Form TM 11 to register his title. Joint application for entry of assignment or transmission.

56. Where a person becomes so entitled but no conjoint application is made, he shall apply to the registrar, as specified in Form TM 12, to register his title. Application for entry of assignment or transmission by subsequent proprietor.

57. (1) An application for entry of assignment or transmission shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which that person claims, and the instrument shall be produced for inspection by the Registrar, preferably at the time of application. Particulars to be stated in application.

(2) The full names of the partners in a partnership shall be given in the body of the application.

(3) The Registrar may in any case require and retain an attested copy of any instrument produced for inspection in proof of title, but the copy shall not be open to public inspection.

Case
accompanying
application.

58. Where in the case of an application under this Regulation the applicant does not claim under any document or instrument which is capable in itself of giving proof of his title, he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be proprietor of the trade mark is based and showing that the trade mark has been assigned or transmitted to him and if the Registrar so requires, the case shall be verified by a statutory declaration.

Proof of
title.

59. The Registrar may call on a person who applies to be registered as proprietor of a registered trade mark for proof or additional proof of title as the Registrar may require.

Application
for entry of
assignment
without
goodwill.

60. (1) An application relating to an assignment of a trade mark in respect of any goods or services shall state whether -

- (a) the trade mark was, at the time of the assignment, used in a business in any of those goods or services; and
- (b) the assignment was made otherwise than in connection with the goodwill of that business.

(2) Where both the circumstances under sub regulation (1) exist, the applicant shall furnish the Registrar with evidence that the applicant has complied with the directions issued under Regulation 64.

(3) Where the Registrar is not satisfied that the directions have been fulfilled, he shall not proceed with the application.

(4) The period within which a corporation may be registered as the subsequent proprietor of a registered trade mark, upon application made under Regulation 56 shall be 6 months from the date of advertisement in the Gazette of the registration of the

trade mark or such further period not exceeding 6 months as the Registrar may allow, on application being made to him in the prescribed form by the applicant for registration of title or the registered proprietor, as the case may be, at any time before or during the period for which the extension can be allowed.

61. Where the Registrar is satisfied as to the title of a person claiming to be registered, he shall cause that person to be registered as proprietor of the trade mark in respect of the relevant goods or services and shall enter in the register, that person's name, trade or business address, or description and other particulars of the assignment transmission.

Entry in
register
upon
assignment
or
transmission.

62. Where following an application under sub-regulation (1) of Regulation 50 and as a result of a division and separation of the goods or services of a registration or a division and separation of places or markets, different persons become registered separately under the same official number as subsequent proprietors of a trade mark, each of the resulting separate registration in the names of those different persons shall be taken to be a separate registration for all the purposes of the Act.

Separate
registrations.

63. (1) A person who desires to obtain a certificate shall send to the Registrar, with the application in the prescribed Form TM 12, a statement of the case in duplicate setting out the circumstances, together with a copy of any instrument or proposed instrument effecting the assignment or transmission.

Certificate
or approval
of certain
assignment
and
transmissions.

(2) The Registrar may call for evidence or further information as may be considered necessary, and the statement of case shall be amended if required to include all the relevant circumstances and shall if required be verified by a statutory declaration.

(3) The Registrar shall, after hearing if required by the applicant or any other person whom the Registrar may consider to be interested in the transfer, consider the matter and issue a certificate or a notification in writing, of approval or disapproval, as the case may be.

(4) Where a statement of case is amended, 2 copies of the statement in its final form shall be left with the Registrar.

(5) The Registrar shall seal a copy of the statement of case in its final form to the certificate or notification.

Registrar's directions for publication of assignment without goodwill of trade mark in use.

64. (1) An application to the Registrar shall be made by an assignee as specified form and shall state the date on which the assignment was made.

(2) The application shall give particulars of the registration in the case of a registered trade mark and, in the case of an unregistered trade mark, shall show the trade mark and give particulars of the registered trade mark that has been assigned with it.

(3) The Registrar may call for evidence and further information with regard to an application under sub-regulation (2), if the Registrar is satisfied with the evidence and further information, he shall issue directions in writing with respect to the publication of the assignment.

(4) A request to the Registrar for an extension of the period, within which an application may be made, shall be in the prescribed form and may be made at any time before or during the period for which extension can be allowed.

(5) An extension of the period which the Registrar may allow shall not exceed 3 months.

Name or representation of a person on a trade mark.

65. Where the name or representation of a person appears as a trade mark, the Registrar shall, if he requires, before proceeding to register trade mark, be furnished with consent from that person or, in the case of a person recently dead, from his legal representatives, and in default of that consent the Registrar may refuse to register that trade mark.

PART VI - MISCELLANEOUS.

66. Where in a particular case the Registrar is satisfied that the circumstances justify an extension of the time for doing an act or taking a proceeding under these Regulations, not being a time expressly provided in the Act or prescribed by sub-regulation (4) of Regulation 60 or sub-regulation (5) of 64, the Registrar may extend the time upon such notice to other parties, and proceedings on it, and upon such terms as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceedings.

Extension of time.

67. (1) Before exercising adversely to a person a discretionary power given to the Registrar by the Act or these Regulations, he shall, if so required, give that person an opportunity to be heard.

Exercise of discretionary power by Registrar in hearing.

(2) An application for a hearing shall be made within one month from the date of notification by the Registrar of any objection to an application or the date of any other indication that the Registrar proposes to exercise a discretionary power.

(3) Upon receiving the application made under sub-regulation (2) the Registrar shall give the person applying 14 days' notice of a time when he may be heard.

(4) Within 7 days from the date when the notice would be delivered in the ordinary course of post, the person applying shall notify the Registrar whether or not he intends to be heard on the matter.

(5) The decision of the Registrar in the exercise of a discretionary power under this Regulation shall be notified to the person affected.

Exercise of discretionary power by Registrar in dispensing with evidence.

68. Where under these Regulations a person is required to do an act or thing, or to sign a document, or to make a declaration on behalf of himself, or a body corporate, or a document or evidence is required to be produced to or left with the Registrar, or at the office, and it is shown to the satisfaction of the Registrar that from any reasonable cause that person is unable to do the act or thing, or to sign the document, to make the declaration, or that the document or evidence cannot be produced or left, the Registrar may, upon the production of such other evidence, and subject to such terms as the Registrar may think fit, dispense with such act or thing, signature, declaration, document or evidence.

Amendments of documents and correction of procedural irregularities.

69. Pursuant to sections 22 and 24 of the Act, a document or drawing or other representation of a trade mark may be amended, and any irregularity in procedure which in the opinion of the Registrar may be excused without detriment to the interests of any person may be corrected, if the Registrar thinks fit, and on such terms as the Registrar may direct.

Certificates by Registrar.

70. (1) The Registrar may give a certificate as to an entry, matter or thing which the registrar is authorised or required by the Act or these Regulations to make or do, upon receipt of a request for the certificate as stipulated in Form TM13 from a person who, if the Registrar thinks fit so to require, can show an interest in the entry, matter or thing to the Registrar's satisfaction.

(2) Except in a case falling under Regulation 46, the Registrar shall not be obliged to include in the certificate a copy of a trade mark, unless the Registrar is furnished by the applicant with a copy of the mark suitable for the purpose.

Trade marks registered without limitation of colour.

71. Where a trade mark is registered without limitation of colour, the Registrar may grant a certificate of its registration for the purpose of obtaining registration outside Sierra Leone either in the colour in which it appears upon the register or in any other colour or colours.

72. (1) Where the Registrar issues a document for use in Certificates obtaining registration abroad, the registrar shall include in the document a copy of the trade mark and may require the person obtaining registration to furnish a registration copy of the trade mark suitable for the purpose; and if the person fails to do so, the Registrar may refuse to issue the document.

(2) The Registrar may include in the document such particulars concerning the registration of a trade mark as he deems fit and may omit from the document reference to any disclaimers appearing in the register, but in the last mentioned case the document shall be marked: "For use in obtaining registration outside Sierra Leone only".

73. A statutory declaration required by the Act and these Regulations, or used in a proceedings under them, shall be made and subscribed -

Person before whom declaration is to be taken.

- (a) in the Sierra Leone, before a Justice of the Peace, or a Commissioner or other officer, authorised by law in any part of the Sierra Leone to administer an oath for the purpose of a legal proceeding;
- (b) in any other part of the Commonwealth, before a court, judge, Justice of the Peace, or an officer authorised by law to administer an oath for the purpose of legal proceedings; and
- (c) outside the Commonwealth, before a foreign service officer of Sierra Leone, a Commonwealth consul, diplomatic agent, a notary public, a judge or magistrate.

74. A document purporting to have affixed, impressed or subscribed to it or on it the seal or signature of a person authorised by this Regulation to take a declaration in testimony that the declaration was made and subscribed before that person may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.

Notice of seal or signature of officer taking declaration to prove itself.

Searches.

75. (1) A person may request the Registrar to cause a search to be made in respect of specified goods or services classified in any class of the Nice Classification to ascertain whether a mark is on record at the date of the search which resembles a trade mark of which duplicate representations accompany the form.

(2) The Registrar shall cause the search to be made and the person making the request to be informed of the result of the search.

Appeals to the court.

76. Where a person intends to appeal to court, the appeal shall be made by motion in the usual way, and no such appeal shall be entertained unless notice of the motion is given within 60 days from the date of the decision appealed against or within such further time as the Registrar shall allow.

Application to the court.

77. An application to the court under the Act shall be served on the Registrar.

Order of the court.

78. (1) Where an order has been made by the court in any case under the Act, the person in whose favour the order is made, or such one of them, if more than one, as the Registrar may direct, shall immediately leave at the office an office copy of the order, together with prescribed form if required.

(2) Where the order of the court requires a rectification or alteration of the register, the Registrar shall give effect to the order.

(3) Where an order is made by the court under the Act, the Registrar may, if he thinks that the order should be made public, publish it in the Gazette.

Revocation of Cap 244 and Cap 245.

79. Subject to paragraph (a) of subsection (3) of section 60 of the Act, the trade marks Rules are hereby revoked.

SCHEDULE

FIRST SCHEDULE

FEES

<i>Item</i>	<i>Matter or proceeding</i>	<i>Foreign Applicants US\$</i>	<i>National LE Applicants</i>	<i>Corresponding forms</i>
1	Application for registration or transformation of trade mark for ONE class	100	1,000	TM No 1
1a	Application of SERIES of trade marks for ONE class	150	1,500	TM. No. 1
1b	Application of defensive trade mark for ONE class	100	1,000	TM. No. 1
1c	Application for certification of goods or services included in ONE class	100	1,000	TM. No.
1d	Same application to register one certification trade mark for different classes (per every class)	150	1,500	TM. No.
2	Request for Notice of Opposition to application for registration of trade mark			TM. No. 2
	Each application	150	1,500	

3	Counter- statement on notice of opposition for each application	150	1,500	TM. No. 2B
3a	Request for statement on grounds of decision by Registrar	250	2,500	TM. No. 3
4	Registration of trade mark for ONE class	250	2,500	TM. No. 1
4a	Registration of SERIES of trade marks in ONE class :- For every other mark of the series	250 20	2,500 250	TM. No. 1
4b	Registration of certification of trade mark in ONE class	250	2,500	TM. No.
4c	Registration upon application at the same time of one certification trade mark not included in one class	250	2,500	TM. No.1
4d	Registration of defensive trade mark included in ONE class	300	3,000	TM. No.1

5	Each addition to the registered entry of a trade mark	30	300	TM. No.
5a	Application to dissolve the association between registered trade marks	250	2,500	TM. No. 1
6	Application to register a user of a registered trade mark in respect of goods or services within the specification thereof	250	2,500	TM. No. 12
6a	Application to register the same registered user of more than one registered trade mark of the same registered proprietor For every other mark statement and on the case	250 30	2,500 300	TM. No. 12
6b	Application by proprietor of single trade mark to vary the entries of a registered user thereof	250	2,500	TM. No. 9 /9B
6c	Application by the proprietor of more than one trade mark to vary the entries of registered user thereof:	250	2,500	TM. No. 9/ 9B

	For every other mark in the application:	30	300	
6d	Application by proprietor or registered user of single trade mark for cancellation of entry of registered user there of	250	2,500	TM. No. 9/9B
6e	Application by proprietor or registered user of more than one trade mark for cancellation of entries of registered user thereof	250	2,500	TM. No. 9/9B
	For every other mark for which the same user is registered, included in the application	30	300	
6f	Application to cancel entry of registered user of single trade mark	250	2,500	TM. No.9/9B
6g	Notice of intention to intervene in in proceeding for verification or cancellation of entries of a registered user of trade marks	40	400	TM No.

7	First registration certified in the same certificate	150	1,500	TM No.
	Every other registration certified in the same certificate	20	200	
8a	Joint application for entry of assignment or transmission of	400	4,000	TM 9
8b	Application to register a subsequent proprietor in case of an assignment or transmission of a single trade mark:-			
	Within 6 months from the date Of acquisition of proprietorship	75	750,000	TM No. 12
	After expiration of 6 months from the date of acquisition of proprietorship	250	2,500,000	
	After expiration of 12 months from the date of acquisition of proprietorship.	300	1,200,000	

8c	Application to register a subsequent proprietor of more than one trade mark standing in same name, the devolution of the title being the same in each case:-if made within six months from the date of acquisition of proprietorship.		TM No.12
	For the first mark	75	350
	Every other mark	30	300
	After the expiration of six months from the date of acquisition of proprietorship		
	For the first mark	250	1000
	Every other mark	20	200
	After the expiration of 12 months from the date of acquisition.		
	Every other mark	20	200

8d	Extension of time for directions for publication of assignment without good will of trade mark in use			Reg. 64
	not exceeding one month	55	550,000	
	not exceeding two months	75	750,000	
	not exceeding three months	250	2,500,000	
9	Request for recognition of or replacement with international registration			TM No. Reg. 40
	For first trade mark	250	2,500	
	Every other trade mark	150	1,500	
10	Request for merger of international registration resulting from recording of division of international registration	100	1,000	TM. No. Reg 49

11	Application to change name or description of proprietor or registered user of a single trade mark (no prior change)	30	250,000	TM No. 9
11a	Application to change name or description of proprietor or registered user of more than one trade mark standing in the same name (no prior change)			TM No. 9
	For the first mark	40	350	
	Every other mark of the series	30	200	
11b	Altering one or more entries of the trade name or business of a trade mark where the address in each case is the same and is altered in the same way.			TM No. 9B
	First entry	30	250	
	Every other entry	20	200	

11c	Application to alter more than one registered trade mark of the same proprietor being identical marks, the additional or alteration to be made in each case being the same:-			
	For the first mark	250	1,000	
	For every mark	55	300	
11d	Application for leave to intervene in proceedings for rectification of register or removal of trade mark	300	350	TM. No.
11e	Notice of opposition to alter registered trade marks			TM. Reg. 20 (2)
	For each application opposed	250	1,000	
12	Renewal of registration of trade mark or trade marks at expiration of last registration	250	1,000	TM No 5

12a	Renewal of registration of series of trade marks at expiration of last registration			TM No. 5
	For the first mark of the series	250	1,000	
	For every other mark of the series	30	300	
12b	Renewal of registration of same certification trade mark with the same date in more than one class in respect of every class	250	1,000,000	TM No. 5
13	Expiration of registration surcharge late fees for renewal	65	450	TM No. Reg. 12(2)
14	Application for invalidation of registration of trade mark	100	1,000	Reg. 16
15	Reinstatement fee for trade mark lapsed rights	100	1,000	TM. No. Reg. 18
16	Restoration of trade mark	250	1,000	TM No. 6

17	Every entry in register of rectification or alteration not otherwise changed	55	350,000	TM No.
18	Application for removal of trade mark from register	300	1,000,000	TM No. Reg. 20
19	Request not charged for correction of clerical errors for permission to amend application	40	250,000	TM No.
20	Request for entry of disclaimer or memorandum in the register	40	250,000	TM No.
21	Request to Registrar to permit alteration of the deposited Regulations			TM No.
	For each Regulations same registration	65	400	
	For substantially the same Regulations of each other registration altered in same way and in the same request	20	200	

22	Notice of opposition to convention of the specification of a registered trade mark For one mark Every other mark of same proprietor same specification	250 30	1,000 400	TM No.
23	Request for search for one class without application for Registrar's advice With application for the Registrar's advice	65 75	250 350	TM No. Reg 75
24	Request for preliminary advice for each trade mark submitted in one class	40	400	TM No.
25	Request for certificates by Registrar For one trade mark For series of trade mark	45 75	250 550	TM No. 13 Reg. 70

26	Request for cancelling one or more entries of address for service of registered proprietor or registered user of trade mark where the address in each case is same, on application made after the registration in each case:- For the first entry Every other entry	30 20	200 100	TM No. Reg. 20
27	Inspection of register on notice of opposition, counter statement or decision in connection with any opposition or application for rectification of register relating to any trade mark, Every quarter of an hour	20	100	TM No.

28	Request for permission to search amongst the classified representation of trade marks Every quarter of an hour	20	100	
29	Registration of Agent	150	1,500	TM. No. 8
29a	Annual agent fees	100	1,000	
30	Fees for each publication within stipulated time Surcharge fees at expiration of time	100 50	1,000 500	
31	For office copy of documents			
	Per page	10	50	
32	For copy of photographic of documents per page	20	100	
33	Certifying office copies or photographic or printed matter	40	200	

FORM TM 1
THE REPUBLIC OF SIERRA LEONE
THE TRADE MARKS ACT, 2014
APPLICATION FOR REGISTRATION OF TRADE MARK IN THE
REGISTER

(Regulation 2 (1), 18 and 43(3))

Application is hereby made for Registration in Part *.....of the Register of the

accompanying Trade Mark in Class.....in respect of

(a).....

.....

.....

.....in the name of (b)

..... whose trade or business

is (c)

.....

trading as (d)..... by whom

it is proposed to be used and who claim(s) to be its proprietor(s).

(f).....

.....

.....

Dated the.....day of.....20....

(g).....

Note: One representation of the trade mark must be set out in the box below.

2. Application is hereby made for the above trade mark as (check one):

a trade mark other than a trade mark listed below

a registration of trade mark

Series of trade marks

a defensive trade mark (if a defensive trade mark is applied for a statement of case and statutory declaration as required under r. 36(1) must accompany this application)

a collective trade mark (if a collective trade mark is applied for a copy of the rules governing the use of the trade mark must accompany this application)

3. *

Goods/Services

Class

4. Additional information, if any*

5. Proposed proprietor

Name:

Trade or business address:

Trading style (if any):

* Applicant may use separate sheet where necessary Date

Date:

Signature:

To: The Registrar of Trade Marks.
30 Roxy Building, Walpole Street,
Freetown

FORM TM 2

THE REPUBLIC OF SIERRA LEONE THE TRADE MARKS ACT, 2014 NOTICE OF OPPOSITION TO APPLICATION (Regulation 10 (2) & 20 (2))

In the matter of the following application:

Application Number:

Applicant:

.....

Name and address of objector:

.....

Address for service of objector:

.....

I, the objector named above, give notice that I oppose the above application.

The following is a statement of the grounds upon which I object:

.....

Date:

Signature:

To: The Registrar of Trade Marks.
30 Roxy Building, Walpole Street,
Freetown.

Note: This notice must be filed in duplicate.

FORM TM2B

THE REPUBLIC OF SIERRA LEONE

THE TRADE MARKS ACT, 2014

COUNTER STATEMENT ON OPPOSITION OF APPLICATION

(Regulation 10 (3))

To: The Registrar of Trade
Freetown.

In the matter of

(Insert the names of parties to the matter)

The following is the counter statement on notice of opposition

(stating grounds the applicant relies for his application accompanied by supporting evidence)

.....

.....

Dated this day of 20.....

.....

.....

Applicant/respondent.

FORM TM3

THE REPUBLIC OF SIERRA LEONE

THE TRADE MARKS ACT, 2014

REQUEST FOR STATEMENT FROM REGISTRAR ON GROUNDS OF
DECISION

(Regulation 10, 34 & 35)

To: The Registrar of Trade

Freetown.

In the matter of

(Insert the names of parties to the matter) the Registrar is hereby requested to state in writing the grounds of his decision, and the materials used by him in arriving at the decision.

Dated this day of 20.....

.....

Applicant.....

FORM TM 4
CERTIFICATE OF REGISTRATION OF TRADE MARK
 Regulations 11(1) & 19

Trade Mark:

Registration details:

Part of Register trade mark is registered in:

Trade Mark No.

.....

Class or classes:

.....

Goods/Services:

.....

Registered proprietor:

.....

Effective date of registration:

.....

The trade mark shown above has been registered under the Trade Marks Act.
 The registration expires on

.....

Sealed at my direction.

Date:

Signature of Registrar:

FORM TM 5
 THE REPUBLIC OF SIERRA LEONE
 THE TRADE MARKS ACT, 2014
 RENEWAL OF REGISTRATION OF TRADE MARK
(Regulations 12)

To: Registrar of Trade Marks.

Freetown

(a) I, (We) of

..... hereby pay

the prescribed fee of Leones for Renewal

of Registration of the Trade Mark No. in Class which I am
 directed to pay by

(b)

..... the
 registered

proprietor.

Date this day of 20

.....

Applicant (Signature)

*This form will be returned if it is filed more than three months before the expiration
 of the last registration.

FORM TM 6

THE REPUBLIC OF SIERRA LEONE

THE TRADE MARKS ACT, 2014

APPLICATION FOR RESTORATION OF TRADE MARK REMOVED FROM
REGISTER FOR NON-PAYMENT OF FEE

(Regulation 14(1))

To: Registrar of Trade Marks,

Freetown

In pursuance of the notices issued by the Registrar, I (we) hereby transmit the
additional fee for the restoration to the Register of the Trade mark

No.....in Class.....

Date this.....day of 20.....

.....

FORM TM 7

THE REPUBLIC OF SIERRA LEONE

THE TRADE MARKS ACT, 2014

APPLICATION FOR RECTIFICATION OF THE REGISTER OR REMOVAL OF A
TRADE MARK AND REMOVAL OF NON-USE MARK FROM THE REGISTER.

*(Regulation, 20)**(To be accompanied by a copy and a Statement of Case in duplicate)*

To: Registrar of Trade Marks,

Freetown

IN THE MATTER OF the Trade Mark No.

registered in the

name of.....in Class

.....I(We)(a)

.....hereby apply that

the entry in the Register in respect of the above mentioned Trade Mark may be removed (b) rectified in the following manner

.....

..... The grounds of my

(our) application are as follows:-

..... No action

concerning the Trade Mark in question is pending in the Court. Address for Service in the Sierra Leone Protection in these proceedings:

Dated this day of, 20.....

.....

Applicant.

- (a) Here state full name and address.
- (b) Strike out the word (or words) that is (are) not applicable.
- (c) Signature

FORM TM 8

THE REPUBLIC OF SIERRA LEONE
THE TRADE MARKS ACT, 2014

REGISTRATION OF AN AGENT
(Regulations 52)

To: The Registrar of Trade marks
Freetown

I apply to be admitted in practice as an agent for matters relating to intellectual property under the jurisdiction of the Registrar

(state facts and evidence based on requirements in accordance with Regulations 50 (4))

Dated this day of 20.....

Applicant signature

FORM TM 8B

THE REPUBLIC OF SIERRA LEONE
THE TRADE MARKS ACT, 2014

FORM OF AUTHORISATION OF AGENT IN A MATTER UNDER THE ACT
(Regulations 52)

To: The Registrar of Trade marks
Freetown

*I (we) have
appointed

(a) of
.....

to act as my (our) agent for the purposes of (b) and request that

all notices, requisitions and communications relating thereto may be sent to such agent at the above address. I (we) hereby revoke all previous authorisations, if any, in request of the same matter or proceeding.

I (we) hereby declare that I am (or we) a (c).....

Dated this day of 20.....

(d).....

Address (e).....

(To be struck out of the person appointing the Agent desires his own address to be treated as the address for service after registration)

I (or we) also authorize the said (a)

.....to complete the prescribed form requesting the entry of an address for

service as part of any registration obtained under the above authorization.

Dated this day of 20.....

(d).....

Address (e).....

.....

**The full name of all partners in a firm must be inserted, and the kind and country of incorporation of bodies corporate stated.*

(a) Here state name and address of agent.

(b) Here state the particular matter or proceeding for which the agent is appointed giving the reference number of business.

(c) Here state nationality

(d) To be signed by the person appointing the agent.

(e) Here insert the full trade or business address of the person appointing the agent.

.....by or from (e)

.....

(f)..... who was the registered proprietor of the said Trade Mark, in circumstances that are stated fully in the accompanying Statement of Case, for the approval by the Registrar of the aforesaid (c) assignment (transmission).

Dated this day of 20.....

(f).....

(a) Insert here the name and trade or business address of the transferee who claims.

(b) Insert here the date which must precede the appointed day.

- (c) Strike out the words that are not applicable.
- (d) Insert here the name and trade or business address of the predecessor in title, if any.
- (e) Insert here the name and trade or business address of the registered proprietor who assigned or transmitted.
- (f) Signature

TM FORM 9

THE REPUBLIC OF SIERRA LEONE
THE TRADE MARKS ACT, 2014

APPLICATION TO CHANGE NAME OR DESCRIPTION IN REGISTER (Regulation 20)

In the matter of Trade Mark No.

.....

I am

☐

the registered proprietor of the trade mark described above

☐

a registered user of the trade mark described above

Currently my name and description are shown in the Register in the relation to the trade mark described

above as follows:

.....
.....
.....

I request that my name and/or description, as shown in the Register in relation to the trade mark described

above, be changed to the following:

.....
.....

Description of circumstances in which name or description has changed:

.....
.....

Date:

Signature:

To: The Registrar of Trade Marks.

30 Roxy Building, Walpole Street,
Freetown

TM FORM 9B

THE REPUBLIC OF SIERRA LEONE
THE TRADE MARKS ACT, 2014

REQUEST TO ALTER TRADE OR BUSINESS ADDRESS IN REGISTER

(Regulations 20)

IN THE MATTER OF the Trade Mark(s) No.....* registered
in Class

.....I(We).....

.....of.....

..... the Registered Proprietor(s)/Registered User.....of the Trade Mark(s)
numbered as above, request that my (our) trade or business address, as shown in
the Register in relation to the trade mark described above, be changed to the
following.

New address:

.....

.....

Email:.....

Tel.....

Date:.....

Signature:.....

To: The Registrar of Trade Marks.

30 Roxy Building, Walpole Street,

Freetown.

Dated this.....day of.....20.....

Note: A registered Proprietor or Registered User whose address has been altered
by a public authority, so that the changed address designates the same premises
as before, may make also the statement below in order to avoid payment of the fee.

(For use only in case of an address changed by a public authority, without the
change of premises:-) The change of address, for the entry of which application is
made above, was ordered by (a)
on the

.....day of.....20.....

Note: If the above statement be made, and a certificate of the alteration given by
the named authority be supplied, the Registrar,* if satisfied as to the facts of the
case, will not require fee to paid. (See regulation 20).

Additional numbers may be given in a signed schedule on the back of the Form.

(a) Strike out one of these words.

(b) Signature

(a) Here insert the name of the public authority ordering the change and the
date thereof.

(b) Signature of the Registered Proprietor or User, as the case may be

FORM TM 10

THE REPUBLIC OF SIERRA LEONE
THE TRADE MARKS ACT, 2014

REQUEST FOR THE CONSENT OF THE REGISTRAR TO ALTER THE
DEPOSITED REGULATIONS FOR USE OF A COLLECTIVE/ CERTIFICATION
MARK

(Regulation 19 (e))

Application is hereby made by (a)

.....

.....who is (or are) the

Proprietor(s) of the Collective /Certification mark(s) No.

(b).....

Registered in Class in respect of (c)

.....

That the deposited Regulations for governing the use of the Mark may be altered
in the manner shown in red in the accompanying copies (d) of the regulation as
proposed to be altered, and for the consent of the Registrar to such alteration.

Dated this day of 20

(e).....

To: Registrar of Trade Marks,
Freetown

*Additional number and specification may be given in a signed schedule on the
back of the form.

- (a) Here insert name and address of the proprietor(s) as registered
- (b) If the same Regulation applies to more than one registration, the number of
the registration should be stated.
- (c) Here state the specification of the respective registration.
- (d) Three copies should be furnished.
- (e) Signature

FORM TM 11

THE REPUBLIC OF SIERRA LEONE
THE TRADE MARKS ACT, 2014
JOINT APPLICATION FOR ENTRY OF ASSIGNMENT OR
TRANSMISSION

(Regulations 55)

To: Registrar of Trade Marks,

Freetown

We (a)

.....and (b)

.....hereby request,

under regulation 64 that the name of (c)

carrying on business as (d)
at (e)

May be entered in
 the Register of Trade Marks as proprietor of the Trade Mark(s) No.(s) * in
 Class as from the (f) by virtue
 of (g)

(h) The Trade

Mark at the time of the assignment was/was not used in a business in the goods
 in question, and the assignment took/did not take place on or after the appointed
 day otherwise than in connection with the goodwill of a business in the goods/
 and there is sent herewith a copy of the Registrar's direction to advertise the
 assignment, a copy of each of the advertisements complying therewith, and a
 statement of the dates of issue of any publications containing them.

Dated this day of 20.....

(i)

(j)

- (a) Name and address of registered proprietor or other Assignor or Transmitter
- (b) Full name, trade address and nationality of Transferee.
- (c) Name of Transferee.

(d) Description of Transferee.

(e) Trade or business address of Transferee.

*Additional numbers may be given in a signed schedule on the back of the form.

(f) Date of acquisition of proprietorship.

(g) Full particulars of the instrument of assignment, if any, or statement of case.

(h) Strike out any words not applicable (see regulation 69)

(i) Signature of Assignor or Transmitter

(j) Signature of Transferee

FORM TM 12

THE REPUBLIC OF SIERRA LEONE
 THE TRADE MARKS ACT, 2014

APPLICATION FOR ENTRY OF PROPOSED ASSIGNMENT OR TRANSMISSION BY SUBSEQUENT PROPRIETOR

(To be accompanied by a Statement of Case in duplicate and a copy of the
 Instrument proposed for the Assignment or effecting the Transmission)

IN THE MATTER OF Trade Mark(s) No(s)

*Registered under No(s) in Class (es)

.....the property

of Application is hereby
 made by :-

(a).....of

.....the proprietor of the

Trade Mark(s) shown in the accompany Statement Case (b) (used by him) in respect of the following goods for the approval by the registrar of a Proposed

Assignment of the Trade Mark(s) to

(c).....

.....of.....in respect of the

following goods..... to be sold or otherwise traded in

(d).....

.....(and to (c)).....

of.....in respect of the following goods.....

.....+ to be sold or otherwise traded in (d)

.....) in circumstance that are stated fully in the accompanying Statement of Case.

(e).....

*To be struck out in the case of unregistered Trade Marks.

Strike out either Paragraph (1) or paragraph (2)

(a) Insert here the name and address of the proprietor.

(b) Strike out either if not applicable.

(c) Insert here the names and trade or business of the proposed assignee or assignees.

(d) Insert the name of the place in Sierra Leone Strike out the bracketed passage if not required. (e) Here insert the name and trade or business address of the Case was (were) in respect of the following goods, namely.....

.....

.....and on the (f)

.....day of.....20.....transmitted to (g) him

(to(h)

.....in respect of

.....of

.....by whom the

Trade

Mark was then used in respect of the following goods namely

.....all in circumstance

that are

stated fully in the accompanying statement of Case, for the approval by the Registrar

of the aforesaid Transmission.

Dated the day of.....20

(j).....

To: Registrar of Trade Marks,
Freetown

(f) Insert here the date of the Transmission which must no proceed the appointed day.

(g) Strike out the words that are not applicable.

(h) Insert here the name and trade or address of the predecessor in title if any.

(i) Insert here the name address of the person who transmitted.

(j) Signature

TM. NO. 13

THE REPUBLIC OF SIERRA LEONE THE TRADE MARKS ACT, 2014

REQUEST FOR GENERAL CERTIFICATE OF A REGISTRAR AND OR
CERTIFICATE OF REGISTRATION OF A TRADE MARK)

(Regulation 70)

To: Registrar of Trade Marks,

Freetown

IN THE MATTER OF * the Trade Mark(s) No.....
registered in

.....

.....in Class *I (or We)

.....of..... hereby request the
Registrar

to furnish me (us) with (b) his certificate that

(a).....

.....

..... (b) a

Certificate of

Registration of the Trade Mark (b) for use in obtaining registration abroad.

Dated this day of....., 20...

(c).....

(d).....

Extract from regulation 96: "Where a Certificate of Registration of a Trade Mark is desired for use in obtaining registration abroad, the Registrar ... shall include in the certificate a copy of the mark and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose and, if the applicant fails to do so, may refuse to issue the certificate. The Registrar ...may state in the certificate such particulars concerning the registration of the mark as to him may seem fit, and may omit there form reference to any disclaimers appearing in the register, but in the last-mentioned case the certificate shall be marked: "For use in obtaining registration abroad only".

* These words may be varied to suit other cases

- (a) Here set out the particulars which the Registrar is required to certify.
- (b) Strike out words that are not applicable.
- (c) Signature

Address

MADE this 26th day of June, 2024.

Freetown,
Sierra Leone.

MOHAMED LAMIN TARAWALLEY
Attorney-General and Minister of Justice