



13 Mar  
2020

## Trademarks Office now accepting trademark applications – but caution is still advised

Somalia - [Von Seidels](#)

- **It has not been possible to obtain registered trademark protection in Somalia since the government was overthrown in 1991**
- **It appears that the Ministry of Commerce and Industry, through the Trademarks Office, is now accepting trademark applications**
- **The enforceability of any registration obtained would be uncertain until new laws are in place**

Since the Somali government was overthrown in 1991, it has not been possible to obtain registered trademark protection in Somalia. It has intermittently been possible to publish cautionary notices in a national newspaper to alert third parties to trademark owners' rights, but this does not afford any registered rights and serves merely to create awareness of unregistered rights.

It has come to light that, while still recovering from the civil unrest, the Ministry of Commerce and Industry (through the Trademarks Office) is now accepting trademark applications, relying on the laws that were in place in Somalia before the unrest broke out.

It appears that the Trademarks Office is examining applications, but at present there is no publication procedure or opposition period in place.

A further negative aspect is the prohibitively high official fees being charged by the registry, which is currently set at \$1,000 per class (single-class applications must be filed).

This appears to be a positive development, but it is recommended that the situation still be approached with caution as the enforceability of any registration obtained would be uncertain until new laws are in place. It is also uncertain how the procedure would run and how long it would take to obtain registration, if the registry even sees these applications through the process (this is a reminder of the uncertainty around filing applications in South Sudan a few years ago, with this process still in suspension).

Trademark owners wishing to obtain registered protection urgently can file applications with the hope that they will be recognised should new laws be enacted in due course. In the meantime, it is still possible to publish cautionary notices for those requiring public knowledge of their rights.

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