



Stren & Blan Partners Quarterly IP Newsletter

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Regulatory Updates

Federal
Ministry of
Industry,
Trade, and
Investment

i. Update from the Nigerian Patents and Designs Registry:

On 2nd December 2024, the Patents and Designs Registry (the Registry) announced the temporary unavailability of the Patent and Designs filing platform due to ongoing data updates. During this period, users were unable to access the platform for any services. According to the Registry, once the updates are completed and the platform is restored, applicants will have the option to request backdating of their applications to reflect their priority dates. The Registry apologised for any inconvenience caused and expressed appreciation for the public's patience and understanding during this period. The updates have been completed and the filing platform is back in service.

ii. The Trademarks Registry (TMR) released two journals on 18 and 25 October 2024. Interested persons had until 18th and 25th December 2024 respectively, to oppose the registration of any trademark in the journals. The TMR has now received notices of opposition filed by interested persons against some of the advertised trademark applications. The TMR will in the coming weeks publish a list of the opposed trademark applications and proceed to exclude those applications from proceeding to registration pending the outcome of the opposition proceedings. The other trademark applications not opposed will proceed to registration.

WIPO Project Empowers Nigerian Indigenous Fashion and Craft SMES

WIPO Project on IP for SMEs in the Indigenous Fashion and Craft Industries concluded on November 13, 2024, with a vibrant celebration at the United Nations House, Abuja. Launched in July 2024 in collaboration with the Nigerian Copyright Commission, the project trained 22 participants from the Adire, leatherworks, and raffia industries over four months. Using the IP Management Clinics (IPMC) model, participants gained skills to protect and monetize their innovations.

The closing event featured dignitaries, including WIPO Nigeria Office Director Oluwatobiloba Moody and renowned Adire artist Dr. Chief Nike Davies-Okundaye, who shared insights into IP protection and its importance for preserving Nigeria's indigenous crafts. The project highlighted the need for robust IP protection to sustain Nigeria's cultural heritage while empowering SMEs to grow and compete globally.

Standards Organization of Nigeria (SON)

i. SON Empowers Businesses With ISO 10002 Training

The Standards Organisation of Nigeria (SON) recently conducted an ISO 10002 Customer Satisfaction and Complaint Handling training. The program provided practical strategies for transforming customer complaints into opportunities, enhancing satisfaction, and improving organizational reputation. Participants gained tools to strengthen customer relationships and drive continuous improvement. SON's ISO 10002 training is a vital resource for businesses aiming to elevate their customer service and complaint management practices. For details on upcoming sessions, contact SON's Training Services Department.

ii. SON National Conference Advocates Standards in Construction

The Standards Organisation of Nigeria (SON) hosted a National Conference themed "Adherence to Standard Practices – Bedrock of Sustainable Development in the Building Construction Industry."

Stakeholders, led by SON DG Dr. Ifeanyi C. Okeke and Senator John Owan Enoh, emphasized compliance with standards to prevent building collapses and ensure safety and sustainability. The event featured expert presentations, panel discussions, and a communique recommending stricter enforcement of standards, collaboration among regulators, and increased public awareness. SON pledged to promote safety and excellence in Nigeria's construction sector.

The Advertising Regulatory Council of Nigeria ARCON Establishes Image Bank to Boost Local Content Creation

ARCON has taken a decisive step towards establishing the continent's first indigenous stock image bank, named the Nigeria Stock Image Bank (NSIB).¹ ARCON inaugurated a 10-member Stock Image Bank Committee tasked with developing and submitting a report to lay the groundwork for implementing the stock image bank.

The report is expected to address key aspects such as technological infrastructure, copyright protection and intellectual property. The committee is chaired by Kelechi Amadi Obi, the President of the Professional Photographers Association of Nigeria, and its members were carefully selected to represent various sectors of the advertising and media industry. Other notable members include Mr. Omo Abunene from the Outdoor Advertising Agencies of Nigeria, Mr. Kanmi Da Silva of the Advertising Agencies Association of Nigeria and Ms. Martha Ugbomma Onyebuchi (ARCON).

Amadi Obi, in his inaugural speech, noted that online search results for quintessentially African images often yield images captured by non-African photographers. While Amadi Obi noted that an image bank is easily established, he emphasized the importance for Africans 'to be their own story tellers'; and the hope is that this bank will help develop local content and promote indigenous production. Dr. Olalekan Fadolapo, Director General of ARCON, highlighted the significance of this initiative in promoting local content and helping to boost the economy in line with the country's 'Renewed Hope' agenda.

¹The Nation (Online, 2024). ARCON establishes image bank to boost local content creation. Accessed 3rd December 2024



Legislation and Case Law Updates

WIPO Adopts RIYADH Design Law Treaty

On November 22, 2024, WIPO member states adopted the Riyadh Design Law Treaty, simplifying global design protection and empowering designers.² Named after Riyadh, where negotiations concluded, the Treaty is WIPO's 28th and second of 2024, following the IP, Genetic Resources, and Traditional Knowledge Treaty.

Key Highlights:

- i. Simplified Design Protection:** Establishes uniform filing requirements, allows multiple designs in one application, and supports e-filing systems.
- ii. Flexibility for Designers:** Enables drawings, photos, or videos for applications, allows deferred publication, and includes relief measures for missed deadlines.

iii. Global Collaboration: Aims to harmonize procedures, making design protection faster and more affordable, especially for MSMEs.

iv. Protection of Heritage: Integrates traditional cultural expressions and knowledge into design applications.

The Treaty requires 15 ratifications to enter into force and includes technical support for developing countries. Dr. Abdulaziz AISwailem, CEO of SAIP, called it a milestone for innovation and international cooperation. This Treaty represents a major step in supporting designers worldwide and fostering multilateralism in intellectual property.

² WIPO (2024). WIPO Member States Adopt Riyadh Design Law Treaty. Accessed 3rd December 2024.

Case Law Update

In the Opposition Matter Against Trademark Application No. NG/TM/O/2016/110 509 MELI (and LOGO) in Class 11 in the name of A & C Manufacturing Co. Limited by MIELE & CIE. KG.

The dispute in this case centered around the opposition to the registration of the trademark "MELI" by the Applicant, who sought to register the mark in Class 11. The Opponent, the owner of the trademark "MIELE," objected to the registration, claiming that the proposed mark was confusingly similar to their existing and well-established trademark. The opposition was heard by the Tribunal, which considered whether the mark "MELI" was likely to cause confusion with "MIELE."

The Opponent argued that the mark "MELI" was visually, phonetically, and conceptually similar to "MIELE," a long-standing registered trademark derived from the founder's name. The Opponent further claimed that the mark "MELI" could mislead consumers and cause confusion in the marketplace due to its resemblance to "MIELE," which had been in use for a significant period.

The Tribunal ruled in favor of the Opponent, holding that the mark "MELI" was indeed confusingly similar to "MIELE" under Section 13(1) of the Trade Marks Act. It found that the marks were likely to deceive or cause confusion among consumers, especially due to their visual and phonetic similarities. The Tribunal applied the principle of "imperfect recollection," noting that consumers and retail personnel with imperfect memory would likely confuse the two marks, thus justifying the prohibition on the registration of "MELI."

The Tribunal also noted that the Applicant failed to discharge the burden of proof in rebutting the Opponent's arguments. As a result, the Tribunal affirmed the Opponent's exclusive right to the "MIELE" trademark and ordered the revocation of the acceptance letter issued to the Applicant for the mark "MELI."

The Tribunal ruled in favor of the Opponent, revoking the acceptance letter issued to the Applicant for the registration of the "MELI" trademark. The registration application for the mark was therefore refused, and the Opponent's rights to the "MIELE" trademark were upheld.

This ruling clarifies and reinforces the protection of established trademarks under Nigerian law, particularly against confusingly similar marks. It emphasizes that trademarks resembling existing ones in visual, phonetic, or conceptual ways can be prohibited under Section 13(1) of the Trade Marks Act. The decision highlights the principle of "imperfect recollection," where consumers may confuse similar marks, and stresses the Applicant's burden to rebut the Opponent's claims. Ultimately, it upholds the exclusive rights of trademark owners, ensuring the protection of well-known brands like "MIELE."

The Opponent was represented by Stren & Blan Partners, instructed by Ipvocate Africa.



Updates From Other Jurisdictions

Sweden Joins the Madrid E-filing System:

The Swedish Patent and Registration Office (PRV) has joined the Madrid e-filing system. This update, which has recently been implemented, allows international trade mark registrations based on Swedish marks to be filed and administered through an online portal provided by the World Intellectual Property Organization (WIPO).

The update is a positive change for businesses, as it significantly eases the process of using Sweden as the basic application and provides for quicker and easier access to information. All communication between the applicant, PRV and WIPO can now be made through the portal, including the payment of fees.

Saudi Arabia: SAIP Designated as an International Searching and Examining Authority

The World Intellectual Property Organization (WIPO) recently announced that the Saudi Authority for Intellectual Property (SAIP) will officially assume its role as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT)

starting December 15, 2024. This designation, approved by the PCT Assembly in July 2023, marks a significant milestone for SAIP and the intellectual property landscape of Saudi Arabia and the region.

Saudi Arabia: SAIP Designated as an International Searching and Examining Authority

Key Implications of SAIP's New Role:

i. Arabic Patent Services: SAIP will provide patent search and examination services in Arabic, catering specifically to applicants from Arabic-speaking countries.

ii. Regional Advantage: PCT applicants from Arabic-speaking nations can now designate SAIP as their ISA, streamlining the process for regional innovators.

iii. Strengthened IP Ecosystem: SAIP's involvement as an ISA will bolster intellectual property infrastructure in the region, fostering innovation and offering better protection for new inventions.

iv. Economic Growth: This development is expected to stimulate innovation-driven economic growth in Arabic-speaking countries by promoting efficient IP management.

This appointment reflects Saudi Arabia's growing prominence in the global intellectual property framework.

Saudi Arabia: New Trade Name Regulations Announced

The Saudi Cabinet has introduced new regulations governing the registration and management of trade names, aimed at fostering transparency and enhancing business reliability. Published in Official Gazette No. 5050 on 4th October 2024, the rules will take effect 180 days from their publication. These directives overhaul the existing commercial registry system and streamline trade name management for businesses.

Key Provisions of the New Regulations:

i. Mandatory Trade Name Registration: Businesses must adopt unique trade names and register them with the Commercial Registry.

ii. Noncompliance may lead to fines of up to SAR 50,000. The system allows for temporary name reservations and full registrations.

iii. Enhanced Transparency: Registered trade names must be prominently displayed on business premises and official documents.

iv. Essential trade name details will be accessible to the public, promoting trust within the business environment.

v. Improved Legal Protection: Trade names are now legally protected against unauthorized use. Businesses can seek legal recourse in cases of trade name infringement.

Lebanon: Deadline Extension Notice

In light of the current challenges faced by the Lebanese Intellectual Property Office (LIPO), including staff shortages and technical issues with the online portal, the LIPO has verbally announced an extension for all deadlines that were set to expire

during the closure period. This extension will remain in effect until further notice. All deadlines will be upheld during this time. Although a formal written announcement is expected soon, the Head of the LIPO has confirmed this extension verbally.

US Patent and Trademark Office (USPTO) Announces Upcoming Fee Increases for Patent Applications

The (USPTO) has announced significant fee increases for patent applications, effective 19th January 2025.³ Among the notable changes, the USPTO will now charge USD 200 per patent claim in excess of 20 and USD 600 per independent patent claim in excess of 3. The fees associated with filing a Request for Continued Examination (RCE) will also increase. Specifically, the fee for a first RCE will rise by 10% to USD 1,500, while the fee for a second or subsequent RCE will increase by 43% to USD 2,860.

The USPTO is also revising the fee structure for continuation applications, which are typically filed to continue the prosecution of a patent application for the same invention. This may occur after an unfavourable final office action, as an alternative to filing an RCE, or to refine claim scope. The new structure includes a surcharge of USD 2,700 for continuation applications filed more than six years after the earliest priority date, and USD 4,000 for those filed more than nine years after the earliest priority date.

Furthermore, the USPTO will introduce a surcharge based on the total number of references included in the statutorily required Information Disclosure Statement (IDS). The new charges will be USD 200 for more than 50 references, USD 500 for more than 100 references, and USD 800 for more than 200 references.

Applicants are advised to file their US patent applications before 19th January 2025, to avoid these increased fees. This is particularly relevant for those with existing PCT applications or pending priority applications, as well as those expecting to file continuation applications.

³ IP Watch Dog (2024). USPTO's Final Rule on FY 2025 Patent Fees Drops Divisive Proposals for Across-the-Board Hikes. Accessed 4th December 2024



News About the Firm

- A. Stren & Blan Partners has been recognized as a Notable Firm in the Banking and Finance Practice Area by IFLR1000 which reflects our commitment to excellence and our dedication to delivering top-tier legal services in our diverse areas of practice.
- B. Our Partner, Ozioma Agu, has been recognized as a Rising Star Partner by IFLR1000 in the Banking & Finance, Project Development; Energy & Infrastructure practice areas. This recognition highlights her expertise, dedication and commitment to excellence.
- C. Our Managing Partner, Christian Aniukwu, attended the International Association for the Protection of Intellectual Property (AIPPI) World Congress 2024 in Hangzhou China in October 2024.
- D. Stren & Blan Partners in collaboration with BRIPAN Insolvency Future Leaders Forum, held a Mentorship Program themed “The Hand in the Glove Strides for Building a Successful Insolvency Practice Career Path” on the 28th of November 2024 at the Firm’s headquarters in Lagos.
- E. Our Partner, Ozioma Agu, was a speaker at the Finance and Investment Summit held in Lagos, on the 8th of November 2024. She spoke on a presentation titled “Building Wealth Through Smart Investment Choices”.
- F. Our Associate, Omonefe Irabor-Benson, presented a Paper titled, The Role of Intellectual Property in Building Sustainable Cities at the 5th Edition of the All-Africa Intellectual Property Summit in Rwanda 2024. She emphasized the economic importance of Intellectual property, and the immense sustainable economic benefits and potential IP protection can foster
- G. Our Managing Partner, Christian Aniukwu and Associate, Omobolaji Bello attended the London International Investigations and Asset Recovery Conference in London in November 2024.

About Stren & Blan Partners

Stren & Blan Partners is an innovative and dynamic Law Firm with a compelling blend of experienced lawyers and energetic talents. We are focused on providing solutions to our client's business problems and adding value to their businesses and commercial endeavours. This underpins our ethos as everything we do flows from these underlying principles.

Stren & Blan Partners is a full-service commercial Law Firm that provides legal services to diverse local and multinational corporations. We have developed a clear vision for anticipating our client's business needs and surpassing their expectations, and we do this with an uncompromising commitment to Client service and legal excellence.

Market Recognition

Our confidence and pride are in our client's satisfaction, and we consistently reassess our objectives in alignment with our client's business needs. Unsurprisingly, in the 4th quarter of 2024, our firm was as a Notable Firm in the Banking and Finance Practice Area by IFLR1000. The esteemed recognition highlights our dedication to excellence and innovation in our fields of practice.

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