

# NEWSLETTER

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## STREN & BLAN PARTNERS QUARTERLY IP NEWSLETTER

### REGULATORY UPDATES

#### A. FEDERAL MINISTRY OF INDUSTRY, TRADE, AND INVESTMENT

- i. **Temporary Suspension of Online Certificate Issuance in Nigeria:** An official notice dated 4th April, 2024 was issued by the Registrar of Trademarks, Federal Ministry of Industry, Trade and Investment (FMITI) in Nigeria regarding the temporary suspension of online certificate issuance. The reason for this suspension is

because of the system migration and upgrade of the registry's online platform which led to duplicate registration trademarks numbers (RTN). Thus, the Certificate Unit has suspended the printing of online certificates until this issue is rectified.

- ii. **Upgrade of The Old and New Platforms at the Trade Mark Registry:** The Trade Mark Registry's platform was upgraded and records of old applications from the old platform including renewals,

change of name, change of address, change of trademark class or title, assignment, and registration of user can now be filed on the new platform. This new platform allows for all records however online trademark renewals are still halted.

- iii. **Changes in the Management at the Nigerian Patents and Designs Registry:** Mrs. Stella Ezenduka, Chief Registrar of the Patents and Designs Registry,

Department of the Federal Ministry of Industry, Trade and Investment in Nigeria, has retired from office effective 15th April, 2024. Following Madam Ezenduka's retirement, Ms. Jane Igwe has been appointed as the Acting Registrar of tDesigns Registry. Immediately after her appointment, Ms. Igwe organized and held a successful introductory discussion with agents on 17th April 2024 at the Registry. She also emphasized her commitment to the success of her office.

#### iv. **Publication of Trade Mark Journals:**

The Registry announced the publication of two (2) journals, Vol. 1 No. 1 and Vol. 1 No. 2 2024. The journals were published on the 17th and 24th of June 2024, respectively. Interested persons are invited to file any opposition to the advertised trademarks, in the prescribed manner, within two months from the date of publication.

### **B. NATIONAL AGENCY FOR FOOD DRUG ADMINISTRATION AND CONTROL (NAFDAC)**

#### i. **Enforcement Actions to Ensure Compliance with Regulations:**

On 14th May, 2024, NAFDAC sealed two unregistered factories in Nasarawa state upon

findings that their product was falsified and substandard.

In April this year, NAFDAC also arrested drug hawkers and seized drugs worth N50,000,000.00 (Fifty Million Naira) in Apapa, Lagos state.

NAFDAC conducted a three-day operation and uncovered the proliferation of fake and unwholesome production in Rivers State. This operation led to the closure of 10 bakeries and eight table water factories found to be producing fake and unwholesome products.

NAFDAC also sealed two unregistered water packaging factories in Ogun state producing water products with fake NAFDAC registration numbers.

#### ii. **Introduction of Pre-Submission Meeting:**

The management of NAFDAC has noticed with dismay the high number of dossier applications that do not meet minimal requirements for submission of Common Technical Document (CTD) dossiers. As part of its continuous improvement efforts and strengthening of its regulatory systems, NAFDAC is introducing a 'pre-submission meeting' applicable only to local pharmaceutical manufacturers to enhance

the quality of dossiers submitted by them. The goal is to create an opportunity for intending applicants to engage with the dossier review team to address pertinent queries and clarifications regarding the minimal requirements for CTD Dossier submission.

#### iii. **Public Alerts:** NAFDAC issued public alerts in April and May 2024 regarding:

- An official notice dated 4th April, 2024 was issued by the Registrar of Trademarks, Federal Ministry of Industry, Trade and Investment (FMITI) in Nigeria.
- The sale of counterfeit TANDAK injection 1.5g powder and water for injection in circulation in Nigeria.
- The ban on the sale of Dex Luxury Bar Soap (No 6 mystic flower) by the European Union (EU).
- The recall of Caro White Ivorian Skin Lightening Beauty Lotion by the European Union (EU).
- The falsification of a batch of Giga-S Injection.
- Confirmed Falsified OHEAL Ampicillin and Cloxacillin Capsule.
- Confirmed Falsified Lins Meropenem Injection used in Abuja.

## 2. LEGISLATION AND CASE LAW UPDATES

### DIKE GEO MOTORS LTD & ANOR v. ALLIED SIGNAL INC & ANOR <sup>1</sup>

*- Whether A Trademark Registration Will in All Cases Provide a Complete Defence to A Trade Mark Infringement Action.*

In a notable trademark dispute involving an American company formerly known as Allied Corporation, its French subsidiary, and a Nigerian company along with its CEO, the plaintiffs alleged trademark infringement and passing off. The contention arose when the defendants began marketing brake and clutch fluids in Nigeria under the brand name "Allied," using packaging and trademarks closely resembling those owned by the plaintiffs. Despite the defendant's registration of the "Allied and Device" trademark, the plaintiffs argued that these products were not covered under the registered classes, thus constituting infringement.

Initially ruled in favor of the plaintiffs, the trial court and subsequently the Court of Appeal upheld this decision, rejecting the defense that the defendants' trademark registration provided absolute protection. The courts emphasized that trademark rights are contingent upon goods falling within the specified classes of registration, and unauthorized use outside these bounds can still

constitute infringement.

The case reached its pinnacle in the Supreme Court, where the issue of whether the defendant's use of "Allied" on brake and clutch fluids amounted to trademark infringement was scrutinized. The Supreme Court affirmed the lower courts' decisions, underscoring the principle that mere registration does not automatically safeguard against infringement claims for goods outside the registered classes. The ruling highlighted the necessity of presenting evidence to substantiate claims of infringement, irrespective of the timing of trademark registration.

Ultimately, this case underscored the importance of adhering to the delineated classes of goods and services in trademark registrations. It reaffirmed that trademark protection is specific and conditional, contingent upon the goods or services specified in the registration, and that deviations from these parameters can lead to liability under trademark law.

## 3. UPDATES FROM OTHER JURISDICTIONS

### A. NatWest Lends £700k To Sci-Net In First Ip-backed Loan:

The United Kingdom's largest commercial bank, NatWest, is now offering a special loan backed by Intellectual Property to Sci-Net, a growing software company near Oxford. This loan, worth £700,000, will help Sci-Net

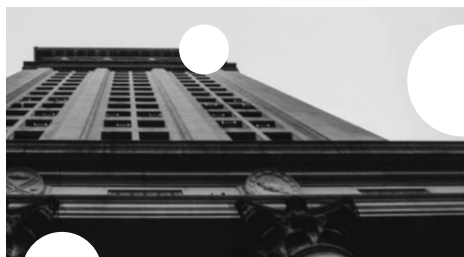
expand its customer base, which includes big names like Tapi Carpets, Missoma, and Jessica McCormack. The loan is part of NatWest's High Growth IP Loan program, developed with IP experts Inngot, to support fast-growing companies. It's expected that this loan will also create six new job opportunities in the local community.

### B. Annual Review Of European Trademark Law:

The Annual Review of European Trademark Law issue of The Trademark Reporter ("TMR"), by TMR authors Tom Scourfield, Jordi Güell, Martin Viefhues, and Alicja Zalewska-Orabona (and others), provides insights into European trademark cases from 2023 in the European Union ("EU") and various European jurisdictions, including the United Kingdom.<sup>2</sup>

### C. SAIP and OMPIC Launch Patent Prosecution Highway (PPH):

On the 23<sup>rd</sup> of April 2024, the Saudi Authority for Intellectual Property (SAIP) and the Moroccan Industrial and Commercial Property Office (OMPIC) initiated a notable partnership by launching a pilot program. This groundbreaking endeavor, solidified by a formal agreement, introduces a Patent Prosecution Highway (PPH) between the two prestigious institutions.



<sup>1</sup> [2024] LPELR-61780 (SC)

<sup>2</sup> TMR-Vol-114-No-02-EAR-Proof-042924-Secured.pdf (inta.org)



#### **D. Increase in The Official Fees at Turkish Patent and Trademark Office (Türkpato):**

The Turkish Patent and Trademark Office (TÜRKPATENT) has introduced an updated fee structure for patents, utility models, trademarks, and designs, starting from the 24th of April 2024. This adjustment is detailed in the "Notification Regarding Schedule of Fees to be applied in 2024 by the Turkish Patent and Trademark Office," which was released in the Official Gazette on the same day.

#### **E. Revised Official Fees for Intellectual Property Services in Aden, Yemen:**

The official fees for key trademark services in Aden, Yemen have been raised, becoming effective on the 28th of April 2024. This adjustment covers a wide range of intellectual property (IP) services related to trademarks.

#### **F. Morocco Advances Efforts to Secure its Cultural Heritage:**

The meeting between Morocco's Culture Minister, Mehdi Bensaid, and the Director-General of WIPO, Darren Tang, in Geneva on 23rd April 2024, aimed to explore methods for safeguarding Morocco's cultural heritage, particularly the intricate art of zellige, as a form of intellectual property.<sup>3</sup>

#### **G. Plans to Improve Liberia's IP Operating Systems in Motion:**

Liberia is looking to transition from the traditional paper-based filing

system to a more streamlined process to speed up applications, lessen administrative burdens, and enable applicants to monitor their submissions globally. Ms. Gamai Kobo, the Director General, perceives the current system as antiquated and slow, attributing it as a key factor for the low number of IP applications in Liberia

#### **H. Cameroon's Recent Developments On Geographical Indications in OAPI:**

In April 2024, OAPI and its partners organized a symposium in Douala, Cameroon, focusing on "Geographical Indications in Africa: current situation and development prospects." This event gathered stakeholders from the global GI promotion ecosystem, with a specific emphasis on Africa. The symposium aimed to evaluate the progress in promoting GIs, identify challenges, and highlight opportunities for their growth across the continent. Additionally, a variety of GIs and high-quality agricultural and artisanal products from African nations were exhibited at the symposium.

#### **I. The Launch of URSB's Online Business Registration in Uganda:**

The launch of the Online Business Registration System (OBRS) by the Ministry of Information Communication Technology and National Guidance and the Uganda Registration Services

Bureau is a significant move towards simplifying and expediting the business and company registration process in Uganda. The integration of OBRS with the National Identification and Registration Authority (NIRA) and the Uganda Revenue Authority (URA) will enhance the verification and authentication of identification and tax details, making the registration process more efficient.

#### **J. The Industry of Trade and Regional Integration Ethiopia Workshop on WTO Accession:**

The Ministry of Trade and Regional Integration recently hosted a workshop in the Ethiopian capital, Addis Ababa. The workshop focused on Ethiopia's accession to the World Trade Organization (WTO) and the Ethiopian government's goal of joining the WTO by December 2026. The differences between Ethiopia's current IP frameworks and the standards outlined in the WTO TRIPS Agreement, as well as the various IP treaties managed by the World Intellectual Property Organization (WIPO) and other international agencies, were evaluated. Tailored TRIPS policy insights and approaches for Ethiopia were developed, as well as a roadmap for incorporating TRIPS obligations into the WTO accession process. In addition, suggestions were made for future phases of Ethiopia's intellectual property infrastructure development.

<sup>3</sup> Jurisdictional updates: Saudi Arabia, Turkey, Nigeria & Yemen (Aden) - JAH & CO.JP.JAH & CO.JP (jahcoip.com)

### K. Advancements in the Regulation of AI and Intellectual Property Rights in Egypt:

In April 2024, The Egyptian Ministry of Justice, in association with the World Intellectual Property Organization (WIPO) and the British University in Egypt, held an international conference focusing on the impact of Artificial Intelligence ("AI") on intellectual property ("IP") rights. By addressing the connection between AI and IP rights, the conference highlighted the importance of establishing legal frameworks around AI globally and in Egypt. The recommendations, such as implementing national legislation

for AI applications and amending IP Rights Law to cover AI-related rights, show a forward-thinking approach to adapting laws to technological advancements.

This collaboration reflects a proactive stance in aligning legal systems with the rapid evolution of technology in the digital age.

### L. ARIPO and CNIPA Strengthens Relationship:

Director General Bemanya Twebaze of the African Regional Intellectual Property Organisation (ARIPO) visited China to meet with Commissioner Shen Changyu of the China National Intellectual Property Administration (CNIPA) on 8<sup>th</sup> –

10<sup>th</sup> April 2024. The meeting marked a significant development in strengthening the partnership between the two organizations. Despite the challenges posed by the COVID-19 pandemic, their commitment to enhancing cooperation is commendable. The focus on exploring new areas of collaboration in intellectual property and the planned launch of the Patent Prosecution Highway (PPH) pilot program demonstrate a proactive approach to fostering ties and advancing intellectual property initiatives between Africa and China.



## NEWS ABOUT THE FIRM

- a. **Stren & Blan Partners** has been recognized as a **Leading Firm in the 2024 edition of the IAM Patent 1000**, which identifies the top patent professionals and firms worldwide. This recognition reflects our team's commitment to providing exceptional legal counsel and maintaining the highest standards in patent law.
- b. Our Founding Partner **Amala Umeike** and **Managing**

**Partner Christian Aniwku** have been recognized as **Leading Patent Professionals in the 2024 edition of IAM 1000**. This recognition highlights their expertise and contribution to patent law.

- c. **Stren & Blan Partners** has been recognized at the **Managing IP Awards EMEA 2024 with the Nigeria Impact Case of the Year Award** for our outstanding work in the case of Sanofi SA & Sanofi Integrated Services Limited & 3 Ors., which was accepted by our **Managing Partner, Christian Aniwku**, at the

London Hilton on Park Lane on Thursday, 11<sup>th</sup> April, 2024.

- d. Our Partner, **Ozioma Agu** was a speaker at the **7th Edition of the Lawyers in Energy International Conference and Awards (LEICA)** held in Victoria Island Lagos on the 24<sup>th</sup> of April, 2024 themed "Energy Sustainability in Africa: Policy, Regulation, and Funding as Key Enablers". She contributed to the conversation with insights into legal and regulatory frameworks that support sustainable energy financing in Africa.

- e. **Stren & Blan Partners** partnered with the **Unreal Campaign Committee of the International Trademark Association (INTA)** to organize two workshops for the law students of the University of Lagos and Lagos State University in commemoration of World Intellectual Property Day which was celebrated on 26<sup>th</sup> April 2024, Represented by **Chizitereihe Oti**, an Associate and a committee member of the Unreal Campaign Committee of INTA, sensitized the students on trademarks, its relevance to businesses, the fight against counterfeiting and the impact of counterfeit goods on the society. This informative training was to prepare young adults to be smart consumers, for the benefit of society.
- f. **Our Partner, Ozioma Agu** was a speaker at the **17th German-African Energy Forum** held in **Hamburg, Germany** hosted by **Afrika-Verein der Deutschen Wirtschaft (German-African Business Association)** on the 15<sup>th</sup> and 16<sup>th</sup> May, 2024. Her panel session was centered on "Financing Energy Transition – New Challenges, and New Instruments".
- g. **Our Founding Partner Amala Umeike** and **Managing Partner Christian Aniukwu** attended the **International Trade Marks Association (INTA) Annual Meeting** held in Atlanta, the United States of America on the 18<sup>th</sup> - 22<sup>nd</sup> of May 2024. The INTA Annual Meeting is an event that brings together industry leaders, legal professionals, intellectual property experts, and stakeholders from around the globe to deliberate on emerging trends, discuss best practices, and network with peers.
- h. **Our Managing Partner moderated two table topics at the International Trade Mark Association Annual Meeting** held in Atlanta, Georgia, United States of America on the 18<sup>th</sup> - 22<sup>nd</sup> of May 2024. The topics were "Trademark Enforcement in the Digital Age: Addressing Online Infringement and Counterfeiting" and "Company Name v. Trademark Rights: A Discussion on the Nigerian Case of Sanofi SA v. Sanofi Aventis & 3 Others and its Implications for Well-known Marks".
- i. **Stren & Blan Partners**, represented by **Omonefe Irabor-Benson** spoke at the **Nigerian Music Industry Conference 2024** at the **Lagos Business School, Pan-Atlantic University** on 30<sup>th</sup> May, 2024. Omonefe spoke on the topic "Challenging the Digital Growth of Music in Nigeria".
- j. **Stren & Blan Partners** in collaboration with the British Nigeria Law Forum hosted an exclusive roundtable discussion at the **Honourable Society of the Middle Temple, London, United Kingdom** titled "Strategies for Enforcing Foreign Judgments and Arbitral Awards in Nigeria" on 6<sup>th</sup> June, 2024.
- k. **Stren & Blan Partners** has been nominated as finalists in seven (7) categories in the **ESQ Nigerian Legal Awards 2024** - the "Mining Team of the Year", "Real Estate & Construction Team of the Year", "Labour & Employment Team of the Year", "Energy & Power Team of the Year", "Intellectual Property Team of the Year", "Banking and Finance Team of the Year", and "Corporate & Commercial Team of the Year" as a testament to outstanding talent and dedication in the various fields.
- l. **Our Partner (Ozioma Agu)**, Team Lead (**Joseph Siyadon**) and Associate (**Omonefe Irabor-Benson**) at **Stren & Blan Partners** have been nominated as finalists in the **Lawyers 40 under 40 Rising Star awards category** in the **ESQ Nigerian Legal Awards 2024** due to their outstanding dedication in their various practice areas.

## ABOUT STREN & BLAN PARTNERS

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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.

STREN & BLAN  
P A R T N E R S

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