

# TRADEMARKS

FOR MORE INFO :

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## WHAT IS A TRADEMARK?

A trademark means any visible sign capable of distinguishing goods or services of an enterprise. It can be a word, symbol or sign concerned with or used for the purpose of marketing the products or services. An Apple product can be distinguished from an HP product or a Samsung product by just looking at the symbols-those are trademarks

According to the Industrial Property Act

### A TRADEMARK MUST

- be distinguishable
- Not be contrary to public order or morality
- Not be misleading or deceptive in relation to the origins or nature of goods

- Not be identical to or imitate a flag or emblem or state or international organization unless authorized by such state or organization

- Not be identical to or imitate a mark that is well-known in Botswana and should not be identical to an already registered mark.

- Not be what is already in use as custom or generic to an industry. Did you know - "Sellotape" used to be a trademark by Henkle Ag & Co and it became generic and could no longer be trademarked, "Videotape" was a trademark by Ampex Corporation and also became generic.

## WHAT RIGHTS ARE CONFERRED TO YOU AS A TRADEMARK OWNER

- You enjoy exclusivity of use and protection under the law

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