

**PROTECTION AND ENFORCEMENT OF TRADE MARKS IN UGANDA: ANALYSIS
OF THE LEGAL AND INSTITUTIONAL FRAMEWORK IN LIGHT OF
INTERNATIONAL OBLIGATIONS**

BY

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DECLARATION

I, **AKANKUNDA AGATHA**, declare that this dissertation is my original work and has, to the best of my knowledge, never been submitted for the award of a degree or any other award in any University or other institution of higher learning.

Signature: 

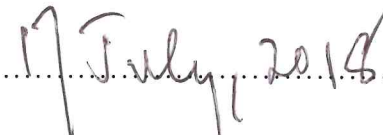
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APPROVAL

I certify that AKANKUNDA AGATHA has prepared the dissertation under my guidance and supervision. I confirm that this is the researcher's own original work.

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DEDICATION

This work is humbly dedicated to my dear father Canon Amos Mugyenzi, my mother Mrs. Jolly Mugyenzi for the insurmountable support that you have rendered to me in pursuit of my career and education.

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TABLE OF ACRONYMS

ACRONYM	MEANING
ARIPO	Africa Regional Intellectual Property Organization
EAC	East Africa Community
EACCMA	East Africa Community Customs Management Act, 2004
IPRs	Intellectual Property Rights
ODPP	Office of the Directorate of Public Prosecutions
PVoC	Preshipment Verification of Conformity
TRIPS	Agreement on Trade Related Aspects of Intellectual Property Rights
UPF	Uganda Police Force
UNBS	Uganda National Bureau of Standards
URA	Uganda Revenue authority
URSB	Uganda Registration Services Bureau
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

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ABSTRACT

The study employs qualitative techniques of data collection to analyse the legal and institutional framework for the protection and enforcement of trademarks in Uganda relative to international legal instruments to which Uganda is party, most especially, the TRIPS Agreement. The TRIPS Agreement stands out as the most comprehensive instrument for trademark protection and enforcement as it provides for Administrative, Civil, Criminal and Border measures aimed at deterring acts of trademark infringement.

The study found that legal framework for trademarks in Uganda is largely codified in statutes such as the Trademarks Act, 2010 and the EACCMA. A review of these statutes reveals that the law is in substantial compliance with the TRIPS Agreement and that there are only a few areas that require legal reform. In addition, it was found that the legal framework establishes various institutions that are directly or indirectly charged with the enforcement of trademarks. These include the URSB, URA, UNBS, ODPP, UPF and the Judiciary. However, these institutions are too ineffective to contend with the high levels of trademark infringement both domestically and at Uganda's borders.

The above situation is attributed to policy, legal and institutional constraints such as lack of effective collaboration amongst the enforcement agencies, inadequate legal remedies and penalties for trademark infringement, lack of robust registration by local trademark owners, lack of direct enforcement mandate, inadequate and delayed police investigations resulting into delayed prosecution, corruption, lack of financial resources, limited skilled personnel, laxity in enforcement arising from overlapping mandates, lack of a database of registered trademarks, lack of cooperation by rights holders and ignorance of the law by not only the public but also those mandated to enforce the law. In order to address these challenges, the study recommends policy, legal and institutional reforms. It is felt that if the proposed reforms are undertaken, Uganda will achieve the standard of effective enforcement envisaged by the TRIPS Agreement.