

Directive No. 1056/2025

Directive for the Evaluation of Competency and Licensing of Trademark Agents No. 1056/2025

Whereas it is necessary to grant licenses to professionals who exhibit a high level of competence and adhere to the highest ethical standards, characterized by honesty, integrity and diligence in delivering trademark agency services while upholding the rule of law and justice;

Whereas, it is necessary to establish a balance between the competency levels of registered trademark agents by the Authority with their provision of services to enable them render sufficient service to the business community;

Whereas it is necessary to repeal the existing Trademark Agents Directive for making the role of trademark agents accessible in efforts of the Authority in carrying out efficient and effective trademark registration processes;

Now, therefore, the Ethiopian Intellectual Property Authority hereby issues this Directive in accordance with Article 59 of the Council of Ministers' Trademarks Registration and Protection Regulations No. 273/2012 as follows:

Part One

General

1. Short Title

This directive may be cited as the "**Directive for the Evaluation and Granting of Licenses by Evaluating the Competency of Trademark Agents Directive No. 1056/2025.**"

2. Definitions

Unless the context otherwise requires, in this directive:

1/ "**Proclamation**" means the Trademark Registration and Protection Proclamation No. 501/2006;

2/ "**Regulation**" means the Council of Ministers' Trademark Registration and Protection Regulation No. 273/2012;

3/ "**Director General**" means the Director General of the Ethiopian Intellectual Property Authority;

4/ "Agent" means a trademark agent who passed the competency examination given by the Authority and is registered or an advocate with valid license and who fulfills the requirements and is registered by the Authority that represents trademark owners related to trademarks in accordance with Article 51 of the Regulations;

5/ "**Middle Level Education**" means a first degree in any field of study;

6/ The definitions provided in Article 2 of the Proclamation and Article 2 of the Regulation shall apply equally to this Directive.

7/ Any expression in the Masculine Gender includes a woman.

Part Two

Filing Application and Registration of Agents

3. Application

1/ An application for the registration of an agency shall be submitted using the form prepared by the Authority.

2/ The applicant shall submit the following documents along with the application:

- a. The original educational certificate and one copy;
- b. The original document demonstrating the provision of services related to trademarks, along with one copy;
- c. A valid advocacy license and one copy;
- d. A copy of the receipt of payment for registration;
- e. If the applicant is a foreign national, the original work permit and a copy;
- f. Two recent photographs taken within the last six months from the date of application.

4. Registration of Agents

1/ A person wishing to perform the duties related to trademark registration and protection in the capacity of an agent must be competent and registered by the Authority.

2/ Applicants seeking registration as trademark agents shall complete the form prepared by the Authority with accurate information.

3/ The Authority shall prepare and maintain a registry of each agent that includes information related to his agency.

5. Requirements for Registration of Agents

In addition to the requirements listed in Article 51 of the Regulations, an agent must fulfil the following conditions:

1/ A middle level education in a relevant field and at least three years of experience in trademark-related activities; or

2/ A first degree in law and at least two years of work experience.

6. Conditions Prohibiting Registration of Agents

1/ Any civil servant shall not be registered as an agent during his time of employment.

2/ Notwithstanding the provisions of sub-article (1) of this Article, a person holding a valid advocacy license may apply for registration as an agent.

3/ Any former employee of the Authority shall not be eligible to apply for registration as an agent until one year has elapsed from the termination of his employment.

4/ Notwithstanding the provisions of sub-article (3) of this Article, a registered agent shall not, under any circumstances, handle cases that he examined as an expert in trademark examination or as a tribunal examiner during his employment with the Authority.

Part Three

Evaluation Examination and Grant of Certificate

7. Evaluation Examination

1/ A person who files an application with the Authority to be registered for rendering trademark agency services in accordance with this Directive shall undertake an evaluation examination.

2/ Any applicant who failed an evaluation examination for the first time may take another evaluation examination repeatedly without limit in another time pursuant to the schedule of the Authority provided that he fulfills the requirements of this Directive.

3/ Notwithstanding the provisions of sub-article (1) of this Article, an advocate holding a valid advocacy license granted by the Ministry of Justice shall not be required to take the evaluation examination. However, he must be registered by the Authority and pay the prescribed fees to perform agency duties.

4/ The Authority shall announce the schedule for the evaluation examination on its notice board and through other appropriate means of communication.

8. Identity Card

1/ The Authority shall issue a provisional identity card to applicants registered to take the evaluation examination.

2/ Any applicant presenting himself before the Authority to take the competency evaluation examination must display his provisional identity card and respect the examination procedures established by the Authority.

9. Grant of Certificate

1/ The Authority shall grant a certificate of agency to any person who passed the competency evaluation examination and meets the requirements specified in this Directive.

2/ The certificate shall indicate:

- a. Full name of the agent, age, and nationality;
- b. Permanent domicile and business address of the agent;
- c. The specific field of business in which the agent is engaged;
- d. Date of registration; and
- e. Name and address of the Authority.

3/ The certificate shall be formatted as an identity card, with a copy kept in the agent's file within the registry of the Authority.

4/ The certificate of agency shall be valid for one year and may be renewed in accordance with Article 53 of the Regulations.

5/ If a granted certificate of agency is damaged, lost or stolen, the agent may request a replacement certificate, provided that he submits the damaged certificate or submits evidence from the relevant authority indicating that the certificate is lost or stolen.

10. Affidavit

An applicant who has passed the competency evaluation examination and is registered by the Authority shall appear before the Legal Executive Officer of the Authority to take an oath before commencing their work, affirming as follows:

“I, _____, on this day _____ [date], year _____ [year], do hereby solemnly affirm that I will work honestly and diligently, respecting the interests of my clients to the fullest extent of the law, and will maintain a cooperative relationship with my colleagues and employees of the Authority upon being granted the license to perform my duties as a trademark agent.”

Part Four

Agents Competency Evaluation Committee

11. Establishment of the Agents Competency Evaluation Committee

1/ The Director General of the Authority shall establish a Trademark Agents Competency Evaluation Committee composed of three members from relevant departments and submit it to the Management of the Authority for approval.

2/ The Director General shall designate the Chairperson and the Secretary from among the members of the Committee.

3/ The term of service for each member of the Committee shall be two years; however, the Director General may extend the term of service for an additional two years.

12. Powers and Duties of the Agents Competency Evaluation Committee

The Committee shall:

1/ Determine the contents of the written evaluation examination and conduct the evaluation activities.

2/ Shall prepare the evaluation examination in Amharic and in English languages.

3/ Shall prepare the written examination consisting of the basic ideas of trademark and other relevant laws.

4/ Shall ensure that the evaluation examination, as referred to in sub-article 1 of this Article, consists of 100% written assessment, with a passing mark of 65%.

5/ Shall Correct the evaluation examination papers, submit the result of the evaluation to the Director General and notify the result when it is approved.

13. Obligations of Committee Members

1/ Members of the Committee are obligated to maintain confidentiality.

2/ If a member of the Committee fails to fulfil his obligations, the other members shall discuss the issue and submit a proposal to the Director General.

14. Meeting Procedures of the Committee

1/ The Committee may convene as necessary.

2/ A quorum shall be established when the three members of the Committee are present at the meeting.

3/ Decisions of the Committee shall be made by majority vote.

4/ The Director General may approve, amend, or revoke any decision made by the Committee.

Part Five

Rights and Duties of Agents

15. Rights of Agents

An agent registered by the Authority shall have the following rights:

1/ An agent with a grievance regarding the outcome of the evaluation examination has the right to submit his grievance to the Director General.

2/ Upon receiving a grievance:

a. The Director General shall instruct the Grievance Review Committee of the Authority to assess the grievance submitted under sub-article (1) of this Article and submit their recommendation within ten days.

b. Following the submission of the Grievance Review Committee's recommendation, the Director General shall make a decision on the proposal within three days.

3/ An agent who passed the evaluation examination or an advocate who has a valid advocacy license shall have the right to obtain a competency certificate in accordance with sub-articles (1) and (2) of Article 52 of the Regulations.

4/ An agent granted a certificate of agency by the Authority has the right to request the disclosure of his identity on the Authority's website.

16. Obligations of Agents

An agent registered by the Authority shall have the following obligations:

1/ To respect the directives and working procedures of the Authority.

2/ To act with integrity and uphold the highest ethical standards in providing services to his clients.

3/To provide accurate information to his clients.

4/ To comply with applicable laws and regulations of the country that pertain to agents.

5/ To pay the required service fees for the application for the competency evaluation examination, issuance of the certificate, and renewal of the certificate.

Part Six

Cancellation and Suspension of Registration

17. Cancellation of Registration

1/ The registration of an agent shall be cancelled from the registry under the following circumstances:

- a. If the registration was obtained through submission of deceptive, false evidence or declarations;
- b. If the agent's registration is not renewed in accordance with Article 53 of the Regulations; or
- c. If the registration of the agent is abandoned at his request.

2/ If an agent is found committing a fraudulent act against the Authority or his client or engages in unlawful conduct, the Authority shall cancel the license granted to the agent.

18. Suspension of an Agent

1/ If an agent fails to perform his obligations as agreed with his client, or if a grievance raised against him by his client is substantiated by evidence, the Authority may suspend the agent's license for a period. Of 6 months to 9 months

2/ An agent whose license is suspended pursuant to sub-article (1) of this Article may take the competency evaluation examination or if the agent is granted a valid advocacy license from the Ministry of Justice may apply for a certificate of trademark agency, after the suspension period has expired.

19. Abandonment of Registration

1/ If an agent fails to collect his certificate within six months from the date of notification of his passing of the competency evaluation examination, the registration shall be deemed abandoned.

2/ Notwithstanding the provisions of sub-article (1) of this Article, the agent shall not be prohibited from submitting an application to take a competency evaluation examination at another time.

Part Seven

Agents Discipline Committee

20. Establishment of the Agents Discipline Committee

1/ The Authority shall establish an Agents Discipline Committee comprising five members, of which two members, including a chairman and a secretary, shall be

designated by the Director General and three members shall be elected by the agents.

The Agents Discipline Committee shall be accountable to the Director General.

2/ Members of the Agents Discipline Committee shall be elected by the agents in accordance with the Authority's working procedures.

3/ The term of service for each member of the Agents Discipline Committee shall be three years. 4/ A member may be re-elected or re-designated for additional terms.

21. Powers and Duties of the Agents Discipline Committee

1/ The Agents Discipline Committee shall submit proposals to the Director General regarding grievances against an agent in connection with acts referred to in sub-article (1), paragraphs (a) and (b) of Article 17, and sub-article (1) of Article 18, as well as other similar acts.

2/ If the Agents Discipline Committee finds that the grievance against an agent pursuant to sub-article (1) of this Article is substantiated by relevant evidence, the Committee shall notify the agent to submit a counter-statement within 30 days and shall require the agent to appear in person before the Committee to present arguments as necessary.

3/ The Agents Discipline Committee shall submit its proposal to the Director General within fifteen days after examining the counter-statement and the evidence submitted by the agent.

22. Decision

The Director General may approve, amend, or, by specifying particular points for consideration, remand the proposal back to the Agents Discipline Committee within ten days following the submission of the proposal in accordance with sub-article (3) of Article 21.

Part Eight

Miscellaneous

23. Time of the Evaluation Examination

The Authority shall conduct the evaluation examination twice a year.

24. Confidential Code for the Evaluation Examination

For the purposes of the competency evaluation examination, the Office of the Director General shall assign each agent a confidential code.

25. Repealed directive

1/ The Agents Competency Evaluation Examination Directive No. 2/2018 is hereby repealed.

2/ Any directive, working procedure, or practice that contravenes with this Directive shall not apply to matters covered herein.

26. Effective Date

This Directive will be effective from the date registered by the Ministry of Justice and upload on the official website of the Authority.

Woldu Yimesel Baraki

General Director

April, 2025

Addis Ababa