
Malawi: New Trademark Act

On October 1, 2018, Malawi implemented the Trademarks Act, 2 of 2018, replacing the Trade Marks Act 1957. The new Act effects the following salient updates to trademark law in Malawi:

- Concept of “trademark” is broadened to include non-visual signs.
- Service marks are now protectable,

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- Concept of “trademark” is broadened to include non-visual signs.
- Service marks are now protectable, as are collective marks, certification marks, and Geographical Indications.
- Refusals can be based on earlier registrations covering similar goods or services, and on well-known marks.
- Infringement claims may be based on unauthorized use for similar goods/services (previously, limited to actual goods covered by the registration).
- Registration and renewal terms are now ten years (previously, the registration term was seven years and renewal terms were fourteen years).
- Registrations can be cancelled based on five years of non-use.
- Use by a licensee, if recorded, is sufficient to withstand non-use cancellation.
- Unfair competition actions are recognized.
- It appears that ARIPO registrations designating Malawi will be valid going forward.

Primary Contacts

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