

The High Court at Kamapala, Uganda

HCT-00-CC-CS-0632-2006

Anglo Fabrics (Boulton) Ltd v African Queen Ltd

Court	:	Commercial Court
Case	:	Criminal
Date of Judgement	:	February 22, 2008
Plaintiff	:	Anglo Fabrics (Boulton) Ltd
Defendant	:	African Queen Ltd
Concept	:	Trade Mark
Statue	:	Section 45 of the Trademarks Act [Chapter 217]

Panel of Justices

Honourable Mr Justice Yorokamu Bamwine

Case Background

The state brought charges against the Defendant on accounts of pirating of music video and audio C/Ds and in possession of music home theatre, key board, a supra DVD player, a monitor and CPU used for reproduction of artist wok without rights to do so.

Procedural History

The Chief Magistrate Court gave a judgement on the case.

Issue

- Whether the first plaintiff has a valid claim in respect of this suit.
- Whether the sale of the plaintiffs' product contravenes UNBS Standards, regulations and policy.
- Whether the product imported by the defendants infringes 7 on the plaintiffs' trademark in Uganda.

Rational

Precedent created for formal recognition of ARIPO trade marks designating Uganda, notwithstanding that the country is not a signatory to the Banjul Protocol.

Keywords

Infringement, passing off, import, deed of assignment, likelihood of confusion, recognition of ARIPO trade marks, Banjul protocol not domesticated, international protocol, validity of