



samuriwo attorneys



company profile

VISION 2020



Welcome To samuriwo attorneys

Samuriwo Attorneys, or SamAtt in short, a vibrant, client-oriented and cost effective boutique law firm with international links. We are based in Harare, the capital city of Zimbabwe.

Our offices are centrally located in close proximity to the African Regional Intellectual Property Organisation (ARIPO), the Zimbabwe Intellectual Property Office and the Plant Breeders Rights Registry.

We offer prompt, practical and cost effective legal advice to clients primarily in national, regional and international intellectual property law matters. These matters include patents utility models (petty patents), industrial designs, trade marks, plant breeders rights and copy right.

However, we readily recognize the overarching nature of intellectual property law and its interdependence with other laws. As a result, our services extend to climate and environmental law and commercial law, competition law.



We are called to discipline, Like the samurai!



WHY SAMATT?

As our main guiding principle we are called to discipline, like the Japanese samurai. Our work ethic and philosophy borrow heavily from the samurai's eight values of ethics, courage, compassion, politeness, sincerity, respect, loyalty, and self-control.

These values are reflected in our firm's logo which reflects simple, unpretentious and understated elegance. Our service delivery is efficient and cost-effective. Above all, we value relationships.





OUR VISION

To provide quality law services of an international standard.

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OUR OPERATIONAL METHODOLOGY

Imagine

We believe in the transformative power of imagination. We are constantly challenging ourselves to re-imagine our service delivery products and processes to better anticipate our clients' needs and expectations. This is particularly important in the field of intellectual property law where fast-paced innovations and technology demand responsive attorneys who are able to provide innovative service products under strict timelines.

Inspire

This element speaks as much to our leadership style as it does to our professional footprint. We work in teams to ensure continuity and consistency of service delivery. The role of the team leader is to inspire teammates to plug into a shared vision, to teach, to encourage and to build. Through solid service delivery, we aim to create a legacy of excellence that is inspirational beyond ourselves.

Grow

Our growth strategy is organic, quantitative and qualitative in outlook. We diversify our services as the firm develops, offering services in new specializations through carefully calibrated value-adding responses to relevant international developments and growing dialogue areas, hence the development of our climate and environmental law specialisations.



KEY COMPETENCIES AND SCOPE OF LEGAL SERVICES RELEVANT TO YOUR BUSINESS

Apart from "core" competencies which are characteristic of general law firms, in litigation, conveyancing, estate planning and general counsel work, we offer the following specific competencies:

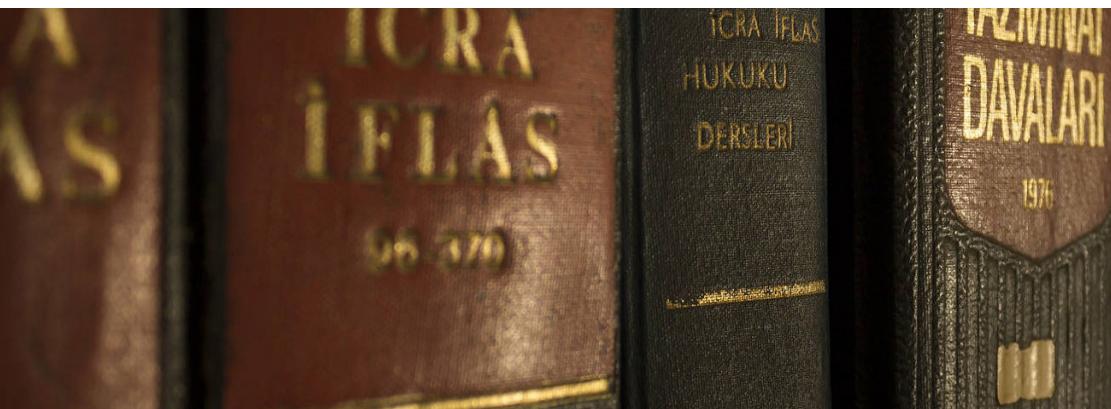
Intellectual Property Law:

This includes offering analysis and advice pertaining to the following:

- Copyright protection, the protection of corporate confidential information through confidential and Non-Disclosure Agreements (NDAs).
- Drafting, interpretation and implementation of NDAs.
- Sponsorship, endorsement and/or marketing rights and obligations.
- Transnational Franchising, Registered User, Licensing and IPRs assignment agreements.
- Reputational risk management.
- Domain name registration and protection.
- Online content protection, legal issues concerned with the delivery of banking services through use of electronic media facilities.
- Social media use issues arising from banking services.
- Brand ambassador management.
- Registration, prosecution, protection and management of IPRs including trade mark portfolio evaluation, renewal of trade marks, assignments and brand value enhancement initiatives.

Information Technology (IT) T Law:

This includes data protection, copyright, privacy and cyber security law and global aspects of IPRs relating to transnational commercialisation of goods and services through e-commerce.



Competition Law

IP law and competition law share an interesting interface. Whilst on the face of it IP law is often regarded with emphasis on the creation of monopoly rights for patents, trade marks and industrial designs mainly, the correct position is that IP law contains safeguards which are aimed at encouraging rather than stifling fair competition in trade. It is almost impossible therefore to look at an anti-competition mandate to the exclusion of IP law and vice versa.

Commercial and Environmental Law

We advise on environmental law and sustainable development legal issues particularly within the framework of mining law and infrastructural development projects. We advise on environmental issues with an appreciation of the international institutional, legal and policy contexts in which international environmental law is evolving and its growing convergence with various cross-disciplinary issues such as sustainable development, human and cultural rights as well as gender issues.



Advertising law

An illustration from a mandate handled recently for a local international banking corporate may be appropriate.

Bank XYZ contracted an advertising agency to recruit a model to advertise one of its banking products on billboards in Zimbabwe and abroad. The advertising agency recruited a suitable individual. He had no prior modelling experience. The modelling agreement did not contain particularly useful terms. In any event, the contract was signed between the agency and the model. Photographs were taken and archived.

The agency then folded up under financial difficulties three years later, at a time that the Bank XYZ's holding company in the UK decided to roll out billboards which contained a photograph of the model. The billboards were rolled out in Zimbabwe, the United Arab Emirates and Botswana. Since the photograph was taken ten years earlier, the model looked 'younger, more handsome and prosperous' in the billboard than what he liked like in life due to the ravages of time and a life given to careless living, lack of exercise and heavy drinking.



The model sought to sue both the modelling agency and Bank XYZ but when he discovered that the modelling agency was now defunct, he raised the whole claim against the Bank claiming millions of dollars citing the international use of 'his image' against what he perceived to be the Bank's "obvious" prosperity considering its affiliation to the globally prosperous holding company situated in the United Kingdom. The claim was made in pound sterling for this reason. To bolster his claim, the model solicited and obtained substantial radio, television and newspaper coverage of 'his plight at the instance of an uncaring but obscenely wealthy international Bank'.

As to be appreciated, many legal and non-legal issues arose some of which might be food for thought:

- Does the business check contracts by third parties (in this case the modelling agency) with other third parties (in this case the model) where the Bank derives value from the contracted services?
- Either way, is this legally prudent?
- Does the model have an actionable cause of action against the Bank in the circumstances?

- What is the extent of the reputational harm suffered by the Bank considering the press coverage given to the issue?
- Is the amount claimed reasonable and if so, is the Bank's 'correct' exposure to the claim in USD or the pound sterling as claimed??
- What provisions needed to be included in the 'modelling contract' in the first instance?
- Was the recruitment of an armature model a risk and to what extent did this expose the Bank?
- What are business best practices for dealing with such issues?

3.5 Employment and Industrial law

The example given above of the manager on leave awaiting to board a plane who has a eureka moment suffices.



OUR EXPERIENCE RELEVANT TO YOUR BUSINESS



We believe that the quality of leadership has a direct impact on the quality of work delivered by a legal team, hence our emphasis on the team leader's skills and expertise.

Team leader's 23 years of solid service in private practice in a top tier Zimbabwean law firm

Our firm's team leader, Nancy Samuriwo has been in practice for over 23 years in a top tier Zimbabwean law firm, GGG, until her amicable retirement from that firm earlier this year, primarily to operate a firm based on paperlessness and a higher use of automation.

We believe that such solid experience places her in good stead to be a team leader and a legal practitioner of choice.

In addition, her multi-disciplinary previous experience means that our team can professionally handle a variety of legal mandates under her guidance.



Team leader's exposure to training in Tokyo, Japan in 2015

There is a lot to be said about the Japanese work ethic, their polite disposition, drive towards excellence and eagerness to please. Our team leader believes that she 'learnt the best from the best'. Care is taken to inoculate these values into the team and as a result, we are not perfunctory attorneys driven by a robotic attention to time expended on a task. Rather, we deliberately aim for a quality outcome in each mandate even if we must stretch our working hours to achieve that at no additional cost to the client.



In the end, we are result-oriented rather than time -driven by choice. We are a team of people in the first instance, existing to provide quality service. We are attorneys by profession. This subtle distinction has wide-ranging ramifications in that we are therefore an empathetic team. We see our success reflected in the successes of our clients. We seek their satisfaction first, before we seek fees and other monetary forms of acknowledgment by them.

Prior and on-going exposure of legal team to inter - and intra-jurisdictional exposure.

Our firm's Associates were educated both in Zimbabwe and externally and have therefore been exposed to important inter and intra jurisdictional exposure. In the relatively short time in which they have joined the firm, the Associates have interned at the Zimbabwe Intellectual Property Office, the ARIPO office (e-service section) and they have undertaken a rudimentary patent drafting course organised at ARIPO jointly by ARIPO, the Japan Patent Office (JPO) and the World Intellectual Property Organisation (WIPO).

OUR TEAM

We work as a team but acknowledge the individuality of team members. We embrace diversity, pro-activeness and plurality of thought in our team within a framework of collective principles of attending to clients' needs promptly, practically and cost effectively.



NANCY SAMURIWO

Nancy is a holder of a Bachelor of Laws (Honours) degree from the University of Zimbabwe, a Master of Laws (Intellectual Property) from the University of South Africa and Master of Laws (Oil, Gas and Mining Law) from Nottingham Trent University of the United Kingdom.



STEPHANIE SAMURIWO

Stephanie holds a Bachelor of Laws (Honours), a Master of Laws and a Legal Practice Certificate (LPC), all of which were attained from Nottingham Law School in the United Kingdom. She handles plant breeders rights work (plant patents) and ARIPO patent work including the filing of applications, renewals and post-registration recordal of changes.



AGATHA MAZOMBE

Agatha holds a Bachelor of Laws (Honours) degree from the University of Zimbabwe. She handles Zimbabwe and ARIPO trade mark and patent renewals as well as proprietary change recordals and litigation in trade mark matters.



LYNETTE KARIWO

Lynette holds a Bachelor of Laws (Honours) degree in Commercial Law from Bristol University of the United Kingdom.

She handles Zimbabwe and ARIPO trade mark and patent renewals as well as proprietary change recordals and copyright law advisory work



CEPHAS CHINYERERE

Cephas is a paralegal in the firm. He conducts trade mark searches and attends to the filing of our ZIPO and plant breeders applications since unlike ARIPO, these Registries still operate manual filing systems.

He also assists with company name and property title searches at the Companies and Deeds Offices respectively.



JOSEPH DLAMINI

Joseph is the firm's administrative executive. He handles client records and most of the administrative work that is necessary to keep the firm running on a daily basis.

**TEAMWORK MAKES THE
DREAM WORK**

PATENTS

We advise on ARIPO and Zimbabwe patents in respect of the following matters:

1. Freedom to operate searches
 2. Status searches
 3. Preparation of patent applications, filing and prosecution of the applications to grant of registration
 4. Renewals - i.e. payment of annuity fees
 5. Assignment and change of proprietor detail records including changes of name, address and legal status.
 6. Pre-grant amendment services, including amendment of claims and other documents and amendment of proprietor details
 7. Post-grant limitation amendments.

Although it is possible to secure patent protection for Zimbabwe through the Zimbabwe Intellectual Property Office (ZIPO), we recommend registering patents through the ARIPO regional route for two main reasons:

1. ARIPO patent applications undergo substantive examination and require absolute novelty.
 2. the ARIPO patent system under the current Harare Protocol allows an Applicant to designate any one or all of the current 18 ARIPO designable states.



INDUSTRIAL DESIGNS

We recommend securing industrial design protection through ARIPO where simultaneous multi-jurisdictional coverage and cost-effectiveness are important considerations to an applicant. The Zimbabwe Intellectual Property Office (ZIPO) registration route may be desirable for other reasons.



We advise on ARIPO and Zimbabwe industrial designs in respect of the following matters:

1. Freedom to operate searches
2. Status searches
3. Preparation of industrial design applications, filing and prosecution of the applications to grant of registration
4. Renewals - i.e. payment of annuity fees
5. Assignment and change of proprietor detail recordals including changes of name, address and legal status etc.
6. Pre-grant amendment services, including amendment of claims and other documents and amendment of proprietor details
7. Post-grant limitation amendments.

PLANT BREEDERS RIGHTS (Plant Patents)

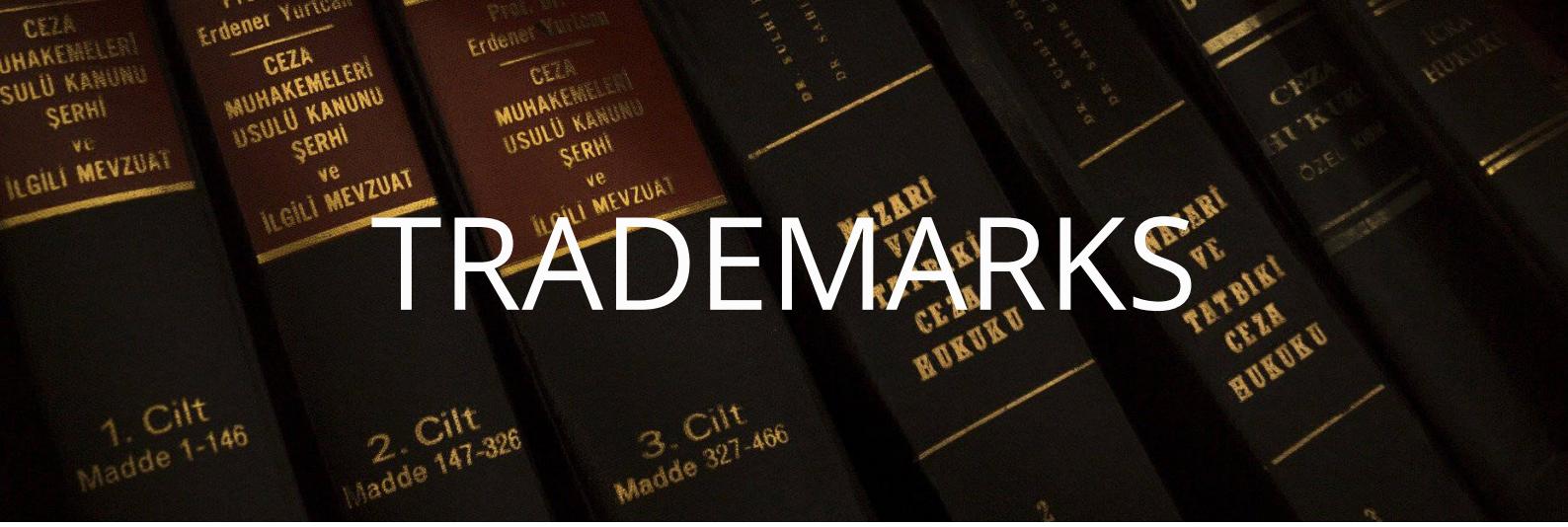
We offer the following services:

1. Preparation, filing and prosecution of plant breeders' rights (PBR) applications until grant of registration.
2. General advisory services on PBR issues within the framework of current Zimbabwean law.



Fast facts on PBRs in Zimbabwe:

1. Zimbabwe has a dedicated Act for the registration of PBRs namely the Plant Breeders Rights Act, [Chapter 18:16] and implementing regulations contained in Statutory Instrument 113/1998.
2. The registration of PBRs falls under the powers of the Minister of Lands, Agriculture, Water, Climate and Rural Settlement. However, the Head of Seed Services is the Registrar of Plant Breeders Rights.



TRADEMARKS

We handle ARIPO, Madrid and Zimbabwe trade mark applications. The Zimbabwe Trade Marks Act incorporates (domesticates) both the Banjul and Madrid Protocols. However, forms and processes that are prescribed by the Trade Mark Regulations are yet to be amended so as to assimilate ARIPO and Madrid trade marks effectively into national law.

As a result, we recommend that considerable thought is given upfront to issues of costs, opposition and enforcement issues before a decision is made to seek trade mark protection in Zimbabwe through either the ARIPO or Madrid routes.

Our team leader's longstanding involvement with the ARIPO Working Group on the improvement of its Protocols from its inception to date enables us to offer holistic advice on the strengths and weaknesses of the ARIPO trade marks in comparison to Madrid and Zimbabwe trade marks.

Our 3 Trade Mark Offerings



Zimbabwe trade marks



ARIPO trade marks



Madrid trade marks



Zimbabwe Trade Marks

We offer the following services:

1. Pre-filing clearances including full availability and registrability searches
2. Preparation of appropriate specifications of goods and services
3. Preparation, filing and prosecution of trade mark applications until grant of registration
4. Renewals of trade mark registrations
5. Assignment, license and change of legal status recordals
6. Change of name, address and address for service recordals
7. We also offer training to small and big business on how to better integrate trade marks and related forms of intellectual property into their marketing and business strategies.

Fast facts on Zimbabwe trade marks

1. Zimbabwe operates a single class filing system. However, ARIPO trade marks designating Zimbabwe are filed and registered on a multi-class basis, which is why we recommend that careful consideration is given to the selection of an appropriate registration route before trade mark filings are commenced.
2. The Trade Mark Regulations, 2005 are based on the 8th Edition of the Nice Classification of Marks. However, the Zimbabwe Intellectual Property Office (ZIPO) accepts goods and service specifications that are based on newer editions of Nice.
3. It is a standard requirement to qualify 'cereals' in class 30 as 'food for human consumption' and 'confectionery' as 'non-medicated confectionery' to separate these items from cereals for animal consumption and medicated confectionery, which falls outside class 30.
4. Class headings are acceptable in Zimbabwe.
5. Be wary of trade marks that appear to convey negative connotations. Zimbabwe is a conservative jurisdiction.



ARIPO trade marks

We offer the following services:

1. Pre-filing clearances including availability searches that are based on a search of the available ARIPO trade mark databases
2. Preparation of appropriate specifications of goods and services
3. Preparation and filing of trade mark applications and prosecution of the same until grant of registration
4. Renewals of trade mark registrations
5. Assignment, license and change of legal status recordals
6. Change of name, address and address for service recordals





Madrid Trade Marks

Zimbabwe acceded to the Madrid Protocol on 11 December 2014. The Protocol entered into force with effect from 11 March 2017. In an anomalous development, the implementing regulations for the operationalization of the Protocol only entered into force on 13 March 2017 through the Trade Marks (Madrid Protocol) Regulations, 2017 through Statutory Instrument 39 of 2017.

However, since these developments, there has been a strikingly disproportionate use of the Madrid trade mark system by foreign and Zimbabwean applicants as reflected in official filing statistics. By the end of March 2019, Zimbabwe had been designated in over 3 000 international applications and yet only two applications originated from Zimbabwe. This trend is mainly attributable to the country's prevailing prohibitive economic circumstances which make the transmittal of filing fees from Zimbabwe almost impossible for various reasons.

Operational issues of the whole Madrid system aside, we offer the following services:

1. The preparation, filing, prosecution and registration of international trade marks.
2. We also assist with filing responses to official actions that are raised by the Zimbabwe Intellectual Property Office, ZIPO.
3. Renewal of international marks
4. Recordal of proprietor changes
5. General advisory work pertaining to operationalization and effect of Madrid trade marks within the framework of Zimbabwean law.



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