



CENTRAL BANK OF NIGERIA
Central Business District
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Abuja.

Office of the Legal Adviser / Director, Legal Services
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Ref: LSD/BCL/CON/USP/001/001

21st January 2022

United States Patent and Trademark Office
USPTO Madison East Building,
Concourse Level, 600 Dulany St,
Alexandria, VA 22314, USA

Dear Sir/Madam,

RE: APPLICATION FOR TRADEMARK OF ENAIRA BY "MEFONA LLC": APPLICATION NO. 97065669

OBJECTION TO THE REGISTRATION OF 'eNaira' BY MEFONA LLC

The Central Bank of Nigeria (CBN), in exercise of the powers conferred on it by the CBN Act, 2007, introduced and launched a Central Bank Digital Currency named **eNaira** with the objective of promoting and facilitating the development of efficient and effective systems for the settlement of transactions (including the development of electronic payments systems). The e-Naira is the digital form of the domestic legal tender currency named 'Naira' which is a direct liability of the CBN and a National Asset.

However, it has come to the attention of the CBN that a company named **MEFONA LLC**, a limited liability company registered under the laws of Texas with address of 2509 Railridge Circ South, Fortworth, Texas 76133, United States (the Company) claims that it is a registered holder

of the Trademark "eNaira" registered in Class 36 under the World Intellectual Property Organization (WIPO).

Our preliminary independent investigations revealed that the Company has a pending application for the registration of trademark on eNaira before the **United States Patent and Trademark Office** (the Office) which was filed on the 8th of October 2021 with a 'new application' status and an application No. **97065669**. This means that the said application may be assigned to an examining attorney approximately six (6) months after the filing date.

As you are aware, the legal tender currency in Nigeria is the 'Naira' as per Section 15 of the Central Bank Act, 2007 (CBN Act) and the combined effect of Sections 2, 15, 17 and 19 of the CBN Act gives the CBN the sole and exclusive right of issuing the "Naira" as Nigeria's legal tender currency in any form, be it digital/electronic or physical. Therefore, the purported registration of 'eNaira' by the Company under any platform infringes on the statutory powers of the CBN to issue the 'Naira' as the country's legal tender currency.

Furthermore, it is pertinent to mention that Section 19 of the Trademarks Regulation, 1967, issued pursuant to Section 45 of the Trademark Act, 1967, provides thus:

"..where a representation of the armorial bearings, insignia orders of chivalry, decorations or flags of any State, city, town, place, society, body corporate, institution or person appears on a mark, the Registrar before proceeding to register the mark, shall, if he so requires, be furnished with a consent to the registration and use of such emblems from such official or other person as appears to the Registrar to be entitled to give consent, and in default of such consent he may refuse to register the mark".

Consequently, Section 19 of the Regulation outrightly prohibits the registration of trademark with any armorial bearing (such as the Naira) without the requisite consent of the relevant official (the CBN) entitled to give consent. No such consent has been granted by the CBN.

It is pertinent to draw your attention to the fact that the eNaira issued by the CBN is not only a catalyst for digitization of the country's economy but is also a legal tender currency in Nigeria for which the CBN is exclusively empowered to issue pursuant to its enabling law. The attempt by the Company to register the said mark is an attack on the country's sovereignty being that the Naira (as well as the eNaira) is a sovereign asset of the country which should not be seen to be replicated by any other party, person or body not been associated with or authorized by the CBN.

It is also instructive to note that the mark "eNaira" used by the Company has the potential of misleading the public in associating the Company with the CBN. The CBN wishes to categorically state that it does not have any form of relationship with the Company and has not authorized the Company to register or use the name eNaira.

It is also curious to note that the Company's application for registration of Trademark was filed on 8th October, 2021 with the Office long after the CBN had announced its intention to launch the Central Bank Digital Currency, called eNaira as widely published in various media/online publications. The reasonable inference from the action of the Company is that, they attempted to maliciously lay a foundation for bringing a claim against the Bank in the future.

It may interest your office to know that there is a pending law suit filed against the CBN by another company on the use of eNaira have failed in its blackmail to get the CBN to pay it huge sums of money. Like Mefona LLC, the Company had rushed to the Trademark Registry in Nigeria to file an application for Trademark on eNaira only after the CBN announced the issuance of its Central Bank digital Currency. Expectedly, the Trademark Registry in Nigeria has since rejected the company's application via its letter dated 15th November 2021 (copy attached). We expect your office to do same.

The CBN's eNaira description, details and logo is a public information which can be accessed on the CBN eNaira website; <https://enaira.gov.ng>.

Our Prayer/Request;

For the reasons adduced above, we hereby register our objection to the Company's request for registration of trademark on eNaira. However, in the event that it has already been registered, the Office should strike out/deregister or withdraw the trademark for the reasons above stated.

In addition, the Office is hereby put on notice that other Applicants may emerge with similar applications to register trademark on eNaira. We wish to use this opportunity to urge the Office to decline any such request for the reasons articulated in this letter of objection.

While we await your urgent response to our above prayer and request, please, accept the assurances of the Governor, Central Bank of Nigeria's best regards.

Yours faithfully,

Kofo Salam-Alada, Esq.

Legal Adviser/Director, Legal Services

Emails: _____ (Kofo Salam-Alada),
_____ (Aliyu Muhammed-Bashir) and
_____ (JAZULI, HADI).