



CENTRAL BANK OF NIGERIA
Central Business District
Cadastral Zone AO
P. M. B. 0187, Garki
Abuja.

Office of the Legal Adviser / Director, Legal Services
Tel: 09 - 462 37 703
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Ref: LSD/BCL/CON/OIK/001/002

21st January 2022

Dr. Onyechi Ikpeazu (SAN) & CO.
Ikpeazu Chambers
Plot 10, Block IX
David Dodo Street
Federal Government Layout
Gwarimpa, FCT, Abuja

WITHOUT PREJUDICE

Dear Sir,

RE: INFRINGEMENT OF REGISTERED TRADEMARK KNOWN AS e-NAIRA

Please refer to letter dated 15th December 2021 addressed to the Governor, Central Bank of Nigeria (the Bank).

In your letter under reference, you informed the Bank that MEFONA LLC (your Client) is the owner of the trademark described as eNaira, having registered same under the World Intellectual Property Organization (WIPO).

While you have not availed us any evidence of the purported registration, we wish to note that your Client is not legally entitled to initiate or process any form of registration of trademark in the mark 'eNaira' as same would be illegal, null and void in view of the provisions of extant laws in Nigeria.

As you are aware, the legal tender currency in Nigeria is the Naira as per Section 15 of the Central Bank Act (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 a legal tender currency in any form, be it digital/electronic or physical. Hence, the Naira enjoys statutory protection and is a sovereign asset to the country. Therefore, the purported registration of ‘eNaira’ by your Client under any platform will in our humble view infringe on the statutory powers of the Bank 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 provides:

“..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.

While we are not oblivious of the fact that it may be argued that the above relates only to registration under the Trademark Act, 1967, we are aware that, international registration of trademarks under WIPO is only done through the instrumentality of the Madrid Protocol. However, Nigeria is not a member of the Madrid Convention, thus your Client’s purported registration of trademark on “eNaira” under the Madrid system will have no effect nor enjoy any form of protection in Nigeria, as Nigeria has not acceded to the protocol.

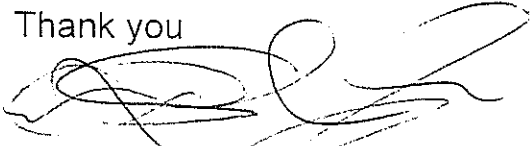
As earlier noted, there is no evidence that the Trademark office in Nigeria or that of any other country has registered trademark on “eNaira” in favour of your Client. It is however curious and saddening to note that your Client’s

application at the United States Patent and Trademark Office (USPTO) for registration of trademark on eNaira **was filed on the 8th of October 2021** long after the Bank had announced its plan to launch the Central Bank Digital Currency, eNaira. The reasonable inference from the action of your Client is that, the Company attempted to lay a foundation for bringing a claim against the Bank, an act which should not be encouraged.

Our search at the USPTO website revealed that the status of your Client's application at the USPTO, is "**new application**" with serial number 97065669. This means that the trademark application of your Client is inchoate. Therefore, the claim by your Client that they are registered owner of trademark on '**eNaira**' is misleading and unfounded.

In light of the foregoing, we regret to inform you that we are unable to accede to any of your requests. We trust that you will counsel your Client to discontinue with its claim that it owns any trademark on eNaira let alone that the Bank infringed on its purported trademark.

Thank you



Kofo Salam-Alada, Esq.

Legal Adviser/Director Legal Services