

DEPARTMENT OF TRADE AND INDUSTRY

NO. 1303

21 OCTOBER 2016

MERCHANDISE MARKS ACT, 1941 (ACT 17 OF 1941)**FINAL PROHIBITION ON THE USE OF CERTAIN WORDS**

I, Dr Rob Davies, Minister of Trade and Industry, in pursuance of the requirements of Section 13 of the Merchandise Marks Act, (Act 17 of 1941), hereby publish the Final Notice in terms of Section 15(1) of the said Act, on the use of the words indicated hereunder in connection with any trade, business, profession, or occupation or in connection with a trade mark, mark or trade description applied to goods, other than the use thereof by the European Union or any other party in accordance with the “*Rules of Use*”, published as annexure to this final notice.

Proprietors of prior identical or similar marks already in use will not be affected by this prohibition.

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|---|
| Arancia Rossa di Sicilia |
| Ananás dos Açores / São Miguel |
| Cappero di Pantelleria |
| Cítricos Valencianos / Cítrics Valencians |
| Ελιά Καλαμάτας / Elia Kalamatas |
| Φασόλια Γίγαντες Ελέφαντες Καστοριάς / Fassolia Gigantes Elefantas Kastorias |
| Hopfen aus der Hallertau |
| Κονσερβολιά Αμφίσσης / Konservolia Amfissis |
| Κορινθιακή Σταφίδα Βοστίτσα / Korinthiski Stafida Vostitsa |
| Mela Alto Adige / Südtiroler Apfel |
| Pêra Rocha do Oeste |
| Pomodoro di Pachino |
| Pruneaux d'Agen / Pruneaux d'Agen mi-cuits |
| Tettnanger Hopfen |
| Žatecký chmel |

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|---|
| Asiago |
| Arzúa-Ulloa |
| Brie de Meaux |
| Camembert de Normandie |
| Comté |
| Danablu |
| Edam Holland |
| Emmental de Savoie |
| Φέτα / Feta |
| Fontina |
| Gorgonzola |
| Gouda Holland |
| Grana Padano |
| Γραβιέρα Κρήτης / Graviera Kritis |
| Idiazábal |
| Κασέρι / Kasseri |
| Κεφαλογραβιέρα / Kefalograviera |
| Mahón-Menorca |
| Mont d'Or / Vacherin du Haut-Doubs |
| Mozzarella di Bufala Campana |
| Parmigiano Reggiano |
| Pecorino Romano |
| Pecorino Sardo |
| Pecorino Toscano |
| Provolone Valpadana |
| Queijo S. Jorge |
| Queijo Serra da Estrela |
| Queso Manchego |
| Reblochon / Reblochon de Savoie |
| Roquefort |
| Taleggio |
| Tiroler Bergkäse |
| White Stilton cheese / Blue Stilton cheese |

| |
|---|
| Bresaola della Valtellina |
| Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy) |
| Chouriça de Carne de Vinhais / Linguiça de Vinhais |
| Cotechino Modena |
| Dehesa de Extremadura |
| Guijuelo |
| Jambon de Bayonne |
| Jamón de Huelva |
| Jamón de Teruel |
| Mortadella Bologna |
| Nürnberger Bratwürste / Nürnberger Rostbratwürste |
| Presunto de Barrancos |
| Prosciutto di Modena |
| Prosciutto di Parma |
| Prosciutto di San Daniele |
| Prosciutto Toscano |
| Salchichón de Vic / Llonganissa de Vic |
| Salpicão de Vinhais |
| Sobrasada de Mallorca |
| Speck Alto Adige / Südtiroler Markenspeck / Südtiroler Speck |
| Szegedi szalámi / Szegedi téliszalámi |
| Tiroler Speck |
| Zampone Modena |

| |
|--|
| Aceite de Terra Alta / Oli de Terra Alta |
| Aceite del Baix Ebre-Montsià / Oli del Baix Ebre-Montsià |
| Aceite del Bajo Aragón |
| Azeite de Moura |
| Azeite do Alentejo Interior |
| Azeites da Beira Interior (Azeite da Beira Alta, Azeite da Beira Baixa) |
| Azeite de Trás-os-Montes |
| Azeites do Norte Alentejano |
| Azeites do Ribatejo |
| Baena |
| Huile d'olive de Haute-Provence |
| Καλαμάτα / Kalamata |
| Κολυμβάρι Χανίων Κρήτης / Kolymvari Chanion Kritis |
| Λακωνία / Lakonia |

| |
|--|
| Les Garrigues |
| Priego de Córdoba |
| Sierra de Cádiz |
| Sierra de Cazorla |
| Sierra de Segura |
| Sierra Mágina |
| Σητεία Λασιθίου Κρήτης / Sitia Lasithiou Kritis |
| Siurana |
| Toscana |
| Veneto Valpolicella, Veneto Euganei e Berici, Veneto del Grappa |

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|--------------------------------|
| Huîtres Marennes Oléron |
|--------------------------------|

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|------------------------------|
| Bayerisches Bier |
| Bremer Bier |
| České pivo |
| Českobudějovické pivo |
| Münchener Bier |

| |
|---|
| Aceto Balsamico di Modena |
| Aceto balsamico tradizionale di Modena |
| Azafrán de la Mancha |
| Huile essentielle de lavande de Haute-Provence |
| Jijona |
| Κρόκος Κοζάνης / Krokos Kozanis |
| Λουκούμι Γεροσκήπου / Loukoumi Geroskipou |
| Μαστίχα Χίου / Masticha Chiou |
| Turrón de Alicante |



Dr Rob Davies, MP
Minister of Trade and Industry

FINAL PROHIBITION ON THE USE OF CERTAIN WORDS ANNEXURE

RULES OF USE

The names listed below may only be used to refer to products in the indicated category of goods and which is produced in accordance with the conditions for each category of goods as set out at:-

http://www.thedti.gov.za/business_regulation/SA_EU.jsp

1. Fruit, vegetables and cereals fresh or processed

| Country | Product | Name proposed for protection |
|----------------|--------------|--|
| Italy | Orange | Arancia Rossa di Sicilia |
| Portugal | Pineapple | Ananás dos Açores / São Miguel |
| Italy | Caper | Cappero di Pantelleria |
| Spain | Citrus fruit | Cítricos Valencianos / Cítrics Valencians |
| Greece | Olive | Ελιά Καλαμάτας / Elia Kalamatas |
| Greece | Bean | Φασόλια Γίγαντες Ελέφαντες Καστοριάς / Fassolia Gigantes Elefantas Kastorias |
| Germany | Hop | Hopfen aus der Hallertau |
| Greece | Olive | Κονσερβολιά Αμφίσσης / Konservolia Amfissis |
| Greece | Current | Κορινθιακή Σταφίδα Βοστίτσα / Korinthiaki Stafida Vostitsa |
| Italy | Apple | Mela Alto Adige / Südtiroler Apfel |
| Portugal | Pear | Pêra Rocha do Oeste |
| Italy | Tomato | Pomodoro di Pachino |
| France | Prune | Pruneaux d'Agen / Pruneaux d'Agen mi-cuits |
| Germany | Hop | Tettnanger Hopfen |
| Czech Republic | Hop | Žatecký chmel |

2. Cheeses

| Country | Product | Name proposed for protection |
|-------------|---------|------------------------------|
| Italy | Cheeses | Asiago |
| Spain | Cheeses | Arzúa-Ulloa |
| France | Cheeses | Brie de Meaux |
| France | Cheeses | Camembert de Normandie |
| France | Cheeses | Comté |
| Denmark | Cheeses | Danablu |
| Netherlands | Cheeses | Edam Holland |
| France | Cheeses | Emmental de Savoie |
| Greece | Cheeses | Φέτα / Feta |
| Italy | Cheeses | Fontina |

| | | |
|----------------|---------|--|
| Italy | Cheeses | Gorgonzola |
| Netherlands | Cheeses | Gouda Holland |
| Italy | Cheeses | Grana Padano |
| Greece | Cheeses | Γραβιέρα Κρήτης / Graviera Kritis |
| Spain | Cheeses | Idiazábal |
| Greece | Cheeses | Κασέρι / Kasseri |
| Greece | Cheeses | Κεφαλογραβιέρα / Kefalograviera |
| Spain | Cheeses | Mahón-Menorca |
| France | Cheeses | Mont d'Or / Vacherin du Haut-Doubs |
| Italy | Cheeses | Mozzarella di Bufala Campana |
| Italy | Cheeses | Parmigiano Reggiano |
| Italy | Cheeses | Pecorino Romano |
| Italy | Cheeses | Pecorino Sardo |
| Italy | Cheeses | Pecorino Toscano |
| Italy | Cheeses | Provolone Valpadana |
| Portugal | Cheeses | Queijo S. Jorge |
| Portugal | Cheeses | Queijo Serra da Estrela |
| Spain | Cheeses | Queso Manchego |
| France | Cheeses | Reblochon / Reblochon de Savoie |
| France | Cheeses | Roquefort |
| Italy | Cheeses | Taleggio |
| Austria | Cheeses | Tiroler Bergkäse |
| United Kingdom | Cheeses | White Stilton cheese / Blue Stilton cheese |

3. Meat products

| Country | Product | Name proposed for protection |
|----------|---------------|--|
| Italy | Meat products | Bresaola della Valtellina |
| France | Meat products | Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy) |
| Portugal | Meat products | Chouriça de Carne de Vinhais / Linguiça de Vinhais |
| Italy | Meat products | Cotechino Modena |
| Spain | Meat products | Dehesa de Extremadura |
| Spain | Meat products | Guijuelo |
| France | Meat products | Jambon de Bayonne |
| Spain | Meat products | Jamón de Huelva |
| Spain | Meat products | Jamón de Teruel |
| Italy | Meat products | Mortadella Bologna |
| Germany | Meat products | Nürnberger Bratwürste / Nürnberger Rostbratwürste |
| Portugal | Meat products | Presunto de Barrancos |
| Italy | Meat products | Prosciutto di Modena |
| Italy | Meat products | Prosciutto di Parma |
| Italy | Meat products | Prosciutto di San Daniele |
| Italy | Meat products | Prosciutto Toscano |
| Spain | Meat products | Salchichón de Vic / Llonganissa de Vic |
| Portugal | Meat products | Salpicão de Vinhais |
| Spain | Meat products | Sobrasada de Mallorca |
| Italy | Meat products | Speck Alto Adige / Südtiroler Markenspeck / Südtiroler Speck |
| Hungary | Meat products | Szegedi szalámi / Szegedi téliszalámi |
| Austria | Meat products | Tiroler Speck |
| Italy | Meat products | Zampone Modena |

4. Olive oil

| Country | Product | Name proposed for protection |
|----------|-----------|---|
| Spain | Olive oil | Aceite de Terra Alta / Oli de Terra Alta |
| Spain | Olive oil | Aceite del Baix Ebre-Montsià / Oli del Baix Ebre-Montsià |
| Spain | Olive oil | Aceite del Bajo Aragón |
| Portugal | Olive oil | Azeite de Moura |
| Portugal | Olive oil | Azeite do Alentejo Interior |
| Portugal | Olive oil | Azeites da Beira Interior (Azeite da Beira Alta, Azeite da Beira Baixa) |
| Portugal | Olive oil | Azeite de Trás-os-Montes |
| Portugal | Olive oil | Azeites do Norte Alentejano |
| Portugal | Olive oil | Azeites do Ribatejo |
| Spain | Olive oil | Baena |
| France | Olive oil | Huile d'olive de Haute-Provence |
| Greece | Olive oil | Καλαμάτα / Kalamata |
| Greece | Olive oil | Κολυμβάρι Χανίων Κρήτης / Kolymvari Chanion Kritis |
| Greece | Olive Oil | Λακωνία / Lakonia |
| Spain | Olive oil | Les Garrigues |
| Spain | Olive oil | Priego de Córdoba |
| Spain | Olive oil | Sierra de Cádiz |
| Spain | Olive oil | Sierra de Cazorla |
| Spain | Olive oil | Sierra de Segura |
| Spain | Olive oil | Sierra Mágina |
| Greece | Olive Oil | Σητεία Λασιθίου Κρήτης / Sitia Lasithiou Kritis |
| Spain | Olive oil | Siurana |
| Italy | Olive oil | Toscana |
| Italy | Olive oil | Veneto Valpolicella, Veneto Euganei e Berici, Veneto del Grappa |

5. Fisheries product

| Country | Product | Name proposed for protection |
|---------|---------|------------------------------|
| France | Oyster | Huîtres Marennes Oléron |

6. Beer

| Country | Product | Name proposed for protection |
|----------------|---------|------------------------------|
| Germany | Beer | Bayerisches Bier |
| Germany | Beer | Bremer Bier |
| Czech Republic | Beer | České pivo |
| Czech Republic | Beer | Českobudějovické pivo |
| Germany | Beer | Münchener Bier |

7. Other products

| Country | Product | Name proposed for protection |
|---------|---------------------------------|--|
| Italy | Sauces | Aceto Balsamico di Modena |
| Italy | Sauces | Aceto balsamico tradizionale di Modena |
| Spain | Safron | Azafrán de la Mancha |
| France | Essential oil | Huile essentielle de lavande de Haute-Provence |
| Spain | Confectionary | Jijona |
| Greece | Other products (spices etc.) | Κρόκος Κοζάνης / Krokos Kozanis |
| Cyprus | Baker's wares | Λουκούμι Γεροσκήπου / Loukoumi Geroskipou |
| Greece | Natural gums and resins | Μαστίχα Χίου / Masticha Chiou |
| Spain | Baker's wares | Turrón de Alicante |

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF ARTS AND CULTURE**NOTICE 678 OF 2016****Proposed Language Policy
Use of Official language Act, 2012 (Act No. 12 of 2012)**

The South African State Theatre (SAST), which is an entity of the Department of Arts and Culture, intends to adopt a Language Policy for the entity in terms of section 4 (1) of the Use of Official Language Act, 2012.

In terms of Regulation 3 (2) (b) of the Act, the SAST Council hereby invites interested persons to submit their comments on the proposed SAST Language Policy within 30 days of date of publication of this notice at any of the following addresses:

The Chairperson of Council
Ms. Barbara Masekela
SOUTH AFRICAN STATE THEATRE
Attention: Mr. Sibongiseni Mkhize

- 1) Postal Address:
P O Box 566
Pretoria
0001
- 2) Physical Address:
320 Pretorius Street
Pretoria
0002
- 3) Email Address:
eva@statetheatre.co.za
cc: shiraz@statetheatre.co.za



an agency of the
Department of Arts and Culture

OFFICIAL LANGUAGE POLICY

| | |
|-----------------------|------------------------|
| Version | Draft 2.0 |
| Effective Date | On approval by Council |

Document Control Sheet

| | |
|----------------------|--------------------------|
| Document Type | Policy |
| Document Name | Official Language Policy |
| Document ID | ... |

| | |
|--------------------|------------|
| Prepared by | M Mopayi |
| Designation | HR Manager |
| Signature | |

| | |
|------------------------|------------------------|
| Document Status | Draft |
| Version | 2.0 |
| Document Date | 7 April 2015 |
| Effective Date | On approval by Council |
| Review Date | Annually, April. |

| Policy Approval | | | |
|--------------------------|-------------|------------------|-------------|
| Authority | Name | Signature | Date |
| Council | | | |
| Committee (REMCO) | | | |
| MANCO | | | |
| Union | | | |
| External Review | n/a | | |

Version Control

| Version No. | Date | Amendment Details | Approved by |
|--------------------|-------------|--------------------------|--------------------|
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1. Abbreviations, Acronyms and Definitions

| | |
|------------------------------|---|
| Act | Use of Official Languages Act, Act 12 of 2012 |
| CEO | Chief Executive Officer of the South African State Theatre |
| Clause | Refers to sections of this Policy document |
| Constitution | Constitution of the Republic of South Africa, Act 108 of 1996, amended |
| Council | The South African State Theatre Council (Board) |
| Language rights infringement | Any action that contravenes Section 6 of the Constitution of the Republic of South Africa, Act 108 of 1996, amended |
| Linguistic Approach | The approach relied upon, language preference, language use, identifying relevant demographics in language planning and adoption of this policy |
| Minister | Minister of Arts and Culture |
| Official Languages | The languages referred to in section 6 (1) of the Constitution of the Republic of South Africa, 1996 |
| PFMA | Public Finance Management Act, Act 1 of 1999 |
| Policy | The Official Language Policy of the South African State Theatre |
| Regulations | Regulations in terms of Section 13 of the Use of Official Languages Act, Act 12 of 2012 |
| Republic | The Republic of South Africa |
| SAST | The South African State Theatre |

Chapter 1 Introduction

2. Contextual Background

South Africans speak approximately 25 different languages. 11 of these languages have been granted the status of official language in terms of the Constitution due to these being spoken by 98% of the South African population. The 11 official languages are isiNdebele, isiXhosa, isiZulu and siSwati (referred to as the Nguni language group); Sesotho, Sepedi and Setswana (referred to as the Sotho language group); Tshivenda, Xitsonga, English and Afrikaans. Thus it is that South Africa may be regarded as a multilingual country.

While the Constitution sets out the need for all official languages to enjoy parity of esteem and be treated equitably, linguistic diversity in post-apartheid South Africa has been problematic due to the lack of a clearly defined language policy. The Use of Official Languages Act has thus been introduced. The Act aims to ensure through its objectives that:

- National government may regulate and monitor the use of official languages for government purposes,
- Promote parity of esteem and equitable treatment of official languages of the Republic,
- Facilitate equitable access to services and information of national government, and
- Promote good language management by national government for efficient public service administration and to meet the needs of the public.

The South African State Theatre (SAST), a PFMA schedule 3A public entity of the National Department of Arts and Culture, is tasked with promotion, development and mainstreaming the role in socio-economic development of the performing arts, culture and heritage programmes. Situated in the Capital city of South Africa, Tshwane, SAST serves predominantly the Tshwane public as well as greater Gauteng as its main audience. However, SAST functions as a national platform for the South African performing arts sector attracting public participation from communities and mainstream performers situated across the Republic. SAST is thus tasked to deliver public

services to both audiences and performers. The performing arts sector is a multilingual concentration of people which SAST serves.

In order to comply with the Act, promote the provisions of the Constitution and serve its diverse multilingual public, SAST has introduced this Official Language Policy. This Policy aims to provide SAST with a framework for the use of official languages when communicating with both internal and external stakeholders.

3. Purpose

Section 4(1) of the Act provides that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages. This policy aims to comply with this requirement of the Act. In doing so, SAST adheres to a linguistic approach that accommodates linguistic diversity relevant to its mandate.

The purpose of this policy is to provide for the use of official languages in all aspects of SAST communication by:

- Establishing the criteria for selection of the appropriate official language that SAST will use for communication under different contexts; and
- Establishing the official language of SAST.

4. Scope

This policy, together with any related policies, is applicable to the South African State Theatre, its employees, members of Council, Stakeholders and service providers.

5. Legislative and Regulatory Compliance

This policy document is prepared in accordance with the provisions of the:

- Constitution of the Republic of South Africa, Act 108 of 1996, amended;
 - *In particular, section 6 and 9.*
- Use of Official Languages Act, Act 12 of 2012; and
 - *More especially the provisions outlined under section 4.*
- Regulations in terms of Section 13 of the Use of Official Languages Act, Act 12 of 2012.

Chapter 2 Policy Statement

6. Principles

As a basis for this policy, SAST recognises:

- that there are 11 official languages in South Africa and that, together with the South African Sign Language, all official languages must be promoted and have equality of treatment;
- it is committed to the promotion of all languages in the Republic in order to ensure constitutional language equity and language rights, as required by a democratic dispensation;
- that multilingualism must be recognised as a resource to maximize collaborative partnerships in nation building, economic development and social cohesion;
- it is required to ensure good language management within the SAST administration and services that meets the needs of the public and ensures equitable access to services and information;
- that it must prevent the use of any language for the purpose of exploitation, domination and discrimination within the SAST;
- SAST facilitates the arts and entertainment and encourages diverse cultural provision, SAST plays a unique and vital role in the promotion and development of all official languages; and
- that as it seeks to present the very best performing arts work from the local communities, Gauteng, the country and from around the world, that language is not only about communication, but also about identity, creativity and respect.

7. Official Language of SAST

SAST has adopted all 11 official languages of the Republic as its official languages for the purposes of this Policy.

8. Use of Official Languages by SAST

The following criteria has been taken into account in arriving at the choice of official languages to be used by SAST:

- Mandate,

- Usage,
- Practicality,
- Expense,
- Regional circumstances, and
- Needs and preferences of the public served.

The following table provides the context within which official languages will be used by SAST:

| COMMUNICATION CONTEXT | OFFICIAL LANGUAGE |
|---|--|
| Inter and Intra-government communication. | English. |
| Communicating with members of the public (official written correspondence). | Official Languages of the Republic, with due regard to the criteria outlined in clause 8. |
| Communicating with members of the public (oral communication). | Official Languages of the Republic, with due regard to the criteria outlined in clause 8. |
| Official publications intended for public distribution (includes inter alia notices on SAST website, advertisements, newsletters, social media, forms, signage on buildings). | Official Languages of the Republic, with due regard to the criteria outlined in clause 8. |
| Public forums and official proceedings. | Official Languages of the Republic, with due regard to the criteria outlined in clause 8. |
| Communication with hearing or sight impaired persons. | Where requested to do so, SAST will provide South African Sign Language interpreting and conversion of text into Braille or Audio. |
| International communication. | English. |

Chapter 3 Application and Procedures

9. Communication with members of the Public whose language of choice is not one of the official languages of the Republic

A member of the public wishing to communicate with SAST in a language which is not one of the official languages of the Republic must notify SAST in writing. Due consideration, based on the criteria outlined in clause 8 above, will be applied to every written request. Accordingly, after due consideration, SAST will arrange for the appropriate translation or interpretation within 20 working days of the request having been received.

10. Communication with members the Public whose language of choice is South African Sign Language

A member of the public wishing to communicate with SAST in South African Sign Language must notify SAST in writing. SAST will arrange for the appropriate interpretation within 20 working days of the request having been received.

11. Publication and Access to this Policy

This SAST Policy will be published in the official languages of the Republic, as indicated in Section 8 of this policy. It will be made available on the SAST website www.statetheatre.co.za. It will be made available on request in Braille or alternatively in audio. It will be displayed at the SAST offices in such a manner so that it may accessible to be read by the public.

12. Language Unit of SAST

In terms of Section 12 of the Act, SAST has applied for exemption to Section 7 of the Act. SAST thus does not have a language unit. An appropriate Senior Manager will be responsible to perform the functions of the language unit at SAST.

13. Complaints

Any person who is dissatisfied with the decision of SAST regarding the use of official languages may lodge a complaint in writing to the CEO. Complaints must be delivered

to the SAST offices, or to the SAST postal address by registered post or by fax or email to the SAST fax or email address provided herein. Complaints must be lodged within 3 months of arising and be made in writing. Any complaint lodged must reflect the full name of the complainant, address and email and telephone contact information. Complaints must be described in full and supported by factual evidence. The CEO may request further information from the complainant. The complainant must be available to attend a meeting in order to make an oral enquiry into the complaint. The CEO will consider the complaint and respond in writing, not later than 3 months after the complaint was lodged, informing the complainant of the outcome.

If the complainant is unsatisfied with the outcome, he or she may lodge an appeal with the Minister. Such an appeal must be in writing and must be made within 1 month of the outcome. Full details describing the complaint must be provided in the appeal. The Minister will consider the complaint and respond in writing, not later than 3 months after the complaint was lodged, informing the complainant of the outcome.

Chapter 4 Monitoring and Evaluation

14. Policy Monitoring and Evaluation

Implementation and adherence to this Policy will be monitored through the SAST mechanisms of ensuring compliance with approved SAST policies. Non-compliance may be subject to disciplinary action.

Chapter 5 Policy Maintenance

15. Updates and Review

The policy must be reviewed annually, by the anniversary date of its approval.