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GENERAL NOTICE

NOTICE 1892 OF 2004

DEPARTMENT OF TRADE AND INDUSTRY

COMPANIES AND INTELLECTUAL PROPERTY OFFICE REGISTRATION

NOTICE OF INTENTION TO AMEND THE REGULATIONS ISSUED UNDER THE PATENTS ACT, 1978, (ACT 57 OF 1978), TRADE MARKS ACT, 1993 (ACT 194 OF 1993), REGISTRATION OF COPYRIGHT IN CINEMATOGRAPH FILMS ACT, 1977 (ACT 62 OF 1977) AND DESIGNS ACT, 1993 (195 OF 1993)

The Minister of Trade and Industry intends amending the Regulations issued under the Patents Act, 1978 (Act 57 of 1978), Trade Marks Act, 1993 (Act 194 of 1993), Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977), and Designs Act, 1993 (Act 195 of 1993), in accordance with the Schedule.

Interested persons are invited to submit written comment and representations on or before 30 September 2004, to –

The Registrar: Patents, Trademarks, Copyright and Designs
Companies and Intellectual Property registration Office
Private Bag X400
Pretoria
0001

For attention: Ms JC van Zyl (Legal and Regulatory Services)

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SCHEDULE

MEMORANDUM ON THE OBJECTS OF THE AMENDMENTS TO THE PATENT REGULATIONS, 1978, TRADE MARKS REGULATIONS, REGULATIONS MADE UNDER THE REGISTRATION OF COPYRIGHT IN CINEMATOGRAPH FILMS ACT, 1980, AND DESIGNS REGULATIONS, 1999

CIPRO has been operating as a trading entity since 1 April 2002 and is in the process of automating, simplifying and decentralizing its services through e-commerce. The Electronic Commerce and Transactions Act (ECT Act) was passed during 2002 which enables e-commerce in Government, but all regulations administered by CIPRO need to be amended in order to dovetail with the provisions of the ECT Act.

In order to render these services payment by way of revenue stamps for intellectual property related services rendered by CIPRO must be abolished. CIPRO is also dependent on the funds generated from its services for its current and future financial needs. Revenue generated by the Treasury through the sale of revenue stamps cannot be refunded to CIPRO. Payment by way of revenue stamps for Company related services has already been abolished with effect from 1 March 2004 and, from a business point of view, it is imperative that uniform ways of payment are put in place within CIPRO.

In a broad sense the regulations follow all the principles on which the ECT Act is based, but, being one of the first entities in government to embrace these principles, some innovative features are embodied therein. The most dominant is the CIPRO "electronic services" which, from the legal side, creates sufficient flexibility for the rendering of any currently envisaged and future service that might, or need to, be introduced through the Internet. It is based on the principle that the regulations prescribe the framework within which all e-commerce transactions must take place and that "operational requirements" may from time to time be published by the Registrar as part of the specific website to guide users through transactions. These operational requirements will deal with issues such as identification, authentication and

verification of users, form and format of records, information security requirements, etc. and can be published in different parts of the website in the format of user instructions. For the rest the regulations deal mainly with creating concurrent e-transactions for the various existing paper based transactions.

It is to be noted that although these regulations will establish a legal platform for e-commerce in CIPRO in general, e-commerce is from a business point of view, planned to be phased in over a period of time and these regulations will allow such a phased approach.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

PART 1

PROPOSED AMENDMENTS TO THE PATENT REGULATIONS, 1978

Definition

1. In these regulations "the Regulations" mean the Patent Regulations, 1978, published under Government Notice No. R.2470 of 15 December 1978, as corrected by Government Notice No. R.697 of 30 March 1979 and as amended by Government Notices Nos. R.1110 of 30 May 1984, R.1613 of 3 August 1984, R.1364 of 4 July 1986, R.1482 of 29 July 1988, R.2703 of 15 December 1989, R.3038 of 28 December 1990, R.687 of 28 March 1991, R.1566 of 5 July 1991, R.3163 of 27 December 1991, R.3433 of 31 December 1992, R.2514 of 31 December 1993, R.478 of 31 March 1995, R.49 of 19 January 1996, R.309 of 28 February 1997, R.963 of 11 July 1997, R.250 of 26 February 1999, R.327 of 12 March 1999, R.824 of 28 June 1999, R.1270 of

21 October 1999, R.1552 of 30 December 1999, R.1432 of 29 December 2000, R.309 of 30 March 2001, R.746 of 17 August 2001, R.1032 of 19 October 2001, R.216 of 1 March 2002, R.567 of 23 April 2003, R.1358 of 16 May 2003, R.721 of 29 May 2003, R.963 of 2 July 2003 and R.1342 of 23 September 2003.

Amendment of regulation 1 of the Regulations

2. Regulation 1 is hereby substituted by the following regulation:

"1. In these regulations the expression "the Act" means the Patents Act, 1978, and, unless the context otherwise indicates, an expression used in these regulations to which a meaning has been assigned in the Act shall bear the meaning so assigned, and -

'access code' means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

'CIPRO' means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various registration offices established or deemed to be established under the Act, the Trade Marks Act, 1993 (Act 194 of 1993), the Designs Act, 1993 (Act 195 of 1993), the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977), the Close Corporations Act, 1984 (Act 69 of 1984), and the Companies Act, 1973 (Act 61 of 1973);

'CIPRO customer' means any person using electronic services and includes any person who has been allowed by the Registrar to use electronic services, who is legally entitled to act on behalf of a natural or juristic person, and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO record retention system' means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or any other form;

'CIPRO system' means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective of the medium or form of technology underlying or forming part of such services;

'electronic services' means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 1A;

'inspect' includes obtaining access to a record via the CIPRO system;

'lodge' includes the creation of a record on the CIPRO system;

'office' means the patent office established under section 5(1) of the Act;

'operational requirements' means the requirements provided for in regulation 1A(2);

'priority document' means a copy of the application and all relevant documents lodged with such application in a convention country certified by the authority with whom the application in the convention country was filed."

Insertion of regulation 1A in the Regulations

3. The following heading and regulation is hereby inserted after regulation 1:

"ELECTRONIC SERVICES"

1A. (1) The Registrar may direct by notice in the Gazette that any requirement under the Act or these regulations, including requirements in respect of information, records and payment, may or must be satisfied in electronic form, subject to the provisions of the operational requirements.

(2) The Registrar must publish operational requirements on the CIPRO portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -

- (a) registration procedures;
- (b) identification, authentication and verification;
- (c) form and format of records;
- (d) manner and form of payment;
- (d) information security requirements; and
- (e) record retention requirements.

(3) The operational requirements may be published in different forms over different parts of the CIPRO portal.

(4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with CIPRO is satisfied by the CIPRO customer entering his access code on the CIPRO system and any record lodged after the CIPRO customer having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.

(5) Where any form under the Act or regulations makes provision for a signature and such form is deemed to be signed as provided for in sub-regulation (4), it shall not be necessary to have recorded on such form that it had been signed.

(6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled to accept that the person using electronic services is the person to whom the access

code was issued or such person's duly authorized representative acting within the scope of such person's authority.

(7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so."

Amendment of regulation 2 of the Regulations

4. Regulation 2 is hereby substituted by the following regulation:

"2. The fees to be paid in terms of the Act shall be the fees specified Schedule 1 to the Regulations and shall be payable **[as follows:**

(a) By affixing revenue stamps to any relevant document which stamps may be cancelled by a receiver of revenue or the registrar;

(b) by impressing a stamp on any relevant document by means of a die approved by the Secretary of Inland Revenue; or

(c)] in such [other] manner as the registrar may direct.

Amendment of regulation 3 of the Regulations

5. Regulation 3 is hereby substituted by the following regulation:

"3. The forms referred to in these regulations are the forms contained in Schedule 2 hereto and such forms, whether in paper form or in any electronic form authorized by the registrar for electronic services, shall be used substantially in the manner prescribed for those cases to which they apply, but may be modified or amended with the approval of the registrar provided that such modifications or amendments shall not substantially affect their identity.

Amendment of regulation 13 of the Regulations

6. Regulation 13 is hereby substituted by the following regulation:

"13. All documents shall be so presented as to permit of direct reproduction by photography, [or] reprography or electronic means, as the case may be, in an unlimited number of copies. Where paper forms are used, [All] all sheets shall be free of cracks, creases and folds. Only one side of a sheet shall be used, except where otherwise specified.

Amendment of regulation 14 of the Regulations

7. Regulation 14 is hereby substituted by the following regulation:

"14. All documents which are not photocopies of other documents shall be on A4 paper which shall be strong, pliable, smooth, matt and durable or in such electronic form as authorized by the registrar for electronic services. Each sheet shall be used with its short sides at the top and bottom (except where inappropriate in the case of drawings).

Amendment of regulation 21 of the Regulations

8. Regulation 21 is hereby substituted by the following regulation:

"21. Drawings shall be on strong, pliable, smooth, matt and durable drawing paper or on strong, pliable, smooth, matt and durable tracing cloth or in such electronic form as authorized by the registrar for electronic services and shall be executed without colouring in durable, black, sufficiently dense and dark, uniformly thick and well defined lines and strokes to permit of satisfactory reproduction.

Amendment of forms in Schedule 2 of the Regulations

9. The forms contained in Schedule 2 are hereby amended by the deletion of the expression "Revenue stamps or revenue franking machine impression" where it appears therein.

PART 2
PROPOSED AMENDMENTS TO THE TRADE MARKS REGULATIONS,
1995

Definition

1. In these regulations "the Regulations" mean the Trade Marks Regulations, 1995, published under Government Notice No. R.578 of 21 April 1995, as amended by Government Notice No. R.51 of 19 January 1996, rectified by Government Notice No. R. 368 of 1 March 1996 and amended by Government Notice No. R.310 of 28 February 1997 and Government Notice No 211 of 15 February 2002.

Amendment of regulation 1 of the Regulations

2. Regulation 1 is hereby substituted by the following regulation:

"1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Trade Marks Act, 1993 (Act 194 of 1993), bears a meaning so assigned, and-

'access code' means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

'the Act' means the Trade Marks Act, 1993 (Act 194 of 1993);

'CIPRO' means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various registration offices established or deemed to be established under the Act, the Patents Act, 1978 (Act 194 of 1993), the Designs Act, 1993 (Act 195 of 1993), the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977), the Close Corporations Act, 1984 (Act 69 of 1984) and the Companies Act, 1973 (Act 61 of 1973);

'CIPRO customer' means any person using electronic services and includes any person who has been allowed by the Registrar to use electronic services, who is legally entitled to act on behalf of a natural or juristic person, and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO record retention system' means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or any other form;

'CIPRO system' means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective of the medium or form of technology underlying or forming part of such services;

'electronic services' means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 1A;

'inspect' includes obtaining access to a record via the CIPRO system;

'lodge' includes the creation of a record on the CIPRO system;

"Patent Journal" means the official journal of patents, designs, trade marks and copyright in cinematograph films of the Republic of South Africa;

"Office " means the Trade Marks Office referred to in section 5 of the Act;

'operational requirements' means the requirements provided for in regulation 1A(2);

'record' includes a document and vice versa.";

'send' includes give;

'specification' means the designation of goods or services in respect of which a trade mark is registered or proposed to be registered.”.

Insertion of regulation 1A in the Regulations

3. The following heading and regulation is hereby inserted after regulation 1:

“ELECTRONIC SERVICES

1A. (1) The Registrar may direct by notice in the Gazette that any requirement under the Act or these regulations, including requirements in respect of information, records and payment, may or must be satisfied in electronic form, subject to the provisions of the operational requirements.

(2) The Registrar must publish operational requirements on the CIPRO portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -

- (e) registration procedures;
- (f) identification, authentication and verification;
- (g) form and format of records;
- (h) manner and form of payment;
- (f) information security requirements; and
- (g) record retention requirements.

(3) The operational requirements may be published in different forms over different parts of the CIPRO portal.

(4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with CIPRO is satisfied by the CIPRO customer entering his access code on the CIPRO system and any record lodged after the CIPRO customer having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.

(5) Where any form under the Act or regulations makes provision for a signature and such form is deemed to be signed as provided for in sub-regulation (4), it shall not be necessary to have recorded on such form that it had been signed.

(6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled to accept that the person using electronic services is the person to whom the access code was issued or such person's duly authorized representative acting within the scope of such person's authority.

(7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so."

Amendment of regulation 2 of the Regulations

4. Regulation 2 is hereby amended –

(a) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) All such fees shall, subject to such conditions as the Registrar may impose, be payable **[by means of revenue stamps or]** in such a manner as the Registrar may direct."; and

(b) by the deletion of sub-regulation (3).

Amendment of regulation 3 of the Regulations

5. Regulation 3 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) The forms referred to in these regulations are the forms contained in Schedule 2, and such forms, whether in paper form or in any electronic form authorized by the Registrar for electronic services, shall be used in all cases to which they are applicable, but may be modified or amended to the extent necessary in the circumstances of a particular case.”.

Amendment of regulation 5 of the Regulations

6. Regulation 5 is hereby amended by the insertion of the following proviso at the end thereof:

“Provided that the requirements of this regulation are met if documents have been lodged in accordance with the operational requirements and proof of payment of the prescribed fee (if any), has been provided.”.

Amendment of regulation 6 of the Regulations

7. Regulation 6 is hereby amended –

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) Any document to be filed with the Registrar may be send through the post or in such electronic form and by such electronic means as authorized by the Registrar for electronic services. Any such document so sent shall not be deemed to has been duly sent until it is received by the Registrar.”;

(b) by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) Any affidavit to be filed with the Registrar or served on any other person in terms of regulations 19 and 52 (2) may be sent by facsimile transmission or in such electronic form and by such electronic means as authorized by the Registrar for electronic services. Such transmitted copy or original electronic document, as the case may be, shall be received and accepted by the Registrar and any such other person and shall be deemed to be in compliance with these regulations: Provided that the original version of such affidavit is filed with the Registrar before noon on the court day but one day preceding the day upon which the matter is to be heard, or within 15 court days of the date of signature of the document, whichever is earlier, unless the copy so transmitted complies with the requirements of regulation 1A(4) and is, therefore, deemed to be original.”;

(b) by the substitution for sub-regulation (4) of the following sub-regulation:

“(4) Any other document or copy to be filed with the Registrar or served on any other person in terms of the Act may be filed or served by facsimile transmission or by means of electronic transfer: Provided that the original document or copy, as the case may be, is filed or served within 15 court days of the date of the signature thereof, unless the document or copy so transmitted complies with the requirements of regulation 1A(4) and is, therefore, deemed to be original.”.

Amendment of regulation 7 of the Regulations

8. Regulation 7 is hereby amended by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) An address for service may, in addition, contain a post office box number [and], a facsimile transmission number and an e-mail address.”.

Amendment of forms in Schedule 2 of the Regulations

9. The forms contained in Schedule 2 are hereby amended by the deletion of the expression "Revenue stamps or revenue franking machine impression" where it appears therein.

PART 3**PROPOSED AMENDMENTS TO THE REGULATIONS MADE UNDER THE
REGISTRATION OF COPYRIGHT IN CINEMATOGRAPH FILMS ACT, 1980****Definition**

1. In these regulations "the Regulations" mean the Regulations made under the Registration of Copyright in Cinematograph Films Act, 1980, and published in Government Notice No. R.2140 of 24 October 1980, as amended.

Amendment of regulation 1 of the Regulations

2. Regulation 1 is hereby substituted by the following regulation:

"1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977), bears the meaning so assigned, and-

'access code' means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

'CIPRO' means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various

registration offices established or deemed to be established under the Act, the Patents Act, 1978 (Act 194 of 1993), the Trade Marks Act, 1993 (Act 194 of 1993), the Designs Act, 1993 (Act 195 of 1993), the Close Corporations Act, 1984 (Act 69 of 1984) and the Companies Act, 1973 (Act 61 of 1973);

'CIPRO customer' means any person using electronic services and includes any person who has been allowed by the Registrar to use electronic services, who is legally entitled to act on behalf of a natural or juristic person, and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO record retention system' means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or any other form;

'CIPRO system' means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective of the medium or form of technology underlying or forming part of such services;

'electronic services' means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 1A;

'inspect' includes obtaining access to a record via the CIPRO system;

'lodge' includes the creation of a record on the CIPRO system;

"Patent Journal" means the official journal of patents, designs and trade marks of the Republic of South Africa;

"Office " means the registration office for copyright in cinematograph films established under section 2 of the Act;

'operational requirements' means the requirements provided for in regulation 1A(2);

'record' includes a document and vice versa;

'The Act' means the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977)."

Insertion of regulation 1A in the Regulations

3. The following heading and regulation is hereby inserted after regulation 1:

"ELECTRONIC SERVICES

1A. (1) The Registrar may direct by notice in the Gazette that any requirement under the Act or these regulations, including requirements in respect of information, records and payment, may or must be satisfied in electronic form, subject to the provisions of the operational requirements.

(2) The Registrar must publish operational requirements on the CIPRO portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -

(i) registration procedures;

(j) identification, authentication and verification;

(k) form and format of records;

(l) manner and form of payment;

(h) information security requirements; and

(i) record retention requirements.

(3) The operational requirements may be published in different forms over different parts of the CIPRO portal.

(4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with CIPRO is satisfied by the CIPRO user entering his access code on the CIPRO system and any record lodged after the CIPRO user having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.

(5) Where any form under the Act or regulations makes provision for a signature and such form is deemed to be signed as provided for in sub-regulation (4), it shall not be necessary to have recorded on such form that it had been signed.

(6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled to accept that the person using electronic services is the person to whom the access code was issued or such person's duly authorized representative acting within the scope of such person's authority.

(7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so."

Amendment of regulation 2 of the Regulations

4. Regulation 2 is hereby substituted by the following regulation:

"2. The fees to be paid in terms of the Act shall be the fees specified Schedule 1 hereto, and shall be payable in such manner as the Registrar may direct."

Amendment of regulation 3 of the Regulations

5. Regulation 3 is hereby substituted by the following regulation:

"3. The forms referred to in these regulations are the forms contained in Schedule 2 hereto and the forms used whether in paper form or in any electronic form authorized by the Registrar for electronic services, shall be substantially in the form of those prescribed for the cases concerned but may be modified or amended with the approval of the Registrar provided that such modification or amendments shall not substantially affect their identity."

Amendment of regulation 4 of the Regulations

6. Regulation 4 is hereby amended by the insertion of the following proviso at the end thereof:

"Provided that the requirements of this regulation are met if documents have been lodged in accordance with the operational requirements and proof of payment of the prescribed fee (if any) has been provided."

Amendment of regulation 5 of the Regulations

7. Regulation 5 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Any application, statement, notice or other document authorized or required to be lodged, left, made or given with, to or at the Office or with or to the Registrar may be sent through the post [; and] or in such electronic form and by such electronic means as authorized by the

Registrar for electronic services: Provided that such document so sent shall not be deemed to have been duly sent unless and until it is actually received in the Office.”.

Amendment of regulation 6 of the Regulations

8. Regulation 6 is hereby amended by the substitution for sub-regulation (4) of the following sub-regulation:

“(4) An address for service may, in addition, contain a post office box number or an e-mail address in special cases if such additional information could facilitate postal delivery or e-mail notification.”.

Amendment of forms in Schedule 2 of the Regulations

9. The forms contained in Schedule 2 are hereby amended by the deletion of the expression “Revenue stamps or revenue franking machine impression” where it appears therein.

PART 4

PROPOSED AMENDMENTS TO THE DESIGNS REGULATIONS, 1999

Definition

1. In these regulations “the Regulations” mean the Designs Regulations, 1999, published under Government Notice No. R.844 of 02 July 1999.

Amendment of regulation 1 of the Regulations

2. Regulation 1 is hereby substituted by the following regulation:

"1. In these regulations any expression to which a meaning has been assigned in the Designs Act, 1993 (Act 195 of 1993), shall, unless the context otherwise indicates, bear the meaning so assigned, and-

'access code' means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

'CIPRO' means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various registration offices established or deemed to be established under the Act, the Patents Act, 1978 (Act 194 of 1993), the Trade Marks Act, 1993 (Act 194 of 1993), the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977), the Close Corporations Act, 1984 (Act 69 of 1984) and the Companies Act, 1973 (Act 61 of 1973);

'CIPRO customer' means any person using electronic services and includes any person who has been allowed by the Registrar to use electronic services, who is legally entitled to act on behalf of a natural or juristic person, and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO record retention system' means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or any other form;

'CIPRO system' means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective

of the medium or form of technology underlying or forming part of such services;

'electronic services' means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 1A;

'inspect' includes obtaining access to a record via the CIPRO system;

'lodge' includes the creation of a record on the CIPRO system;

'office' means the designs office established under section 4 of the Act;

'operational requirements' means the requirements provided for in regulation 1A(2);

'record' includes a document and vice versa;";

'specimen' means an article with a design applied to it; and

'the Act' means the Designs Act, 1993 (Act No. 195 of 1993)."

Insertion of regulation 1A in the Regulations

3. The following heading and regulation is hereby inserted after regulation 1:

"ELECTRONIC SERVICES

1A. (1) The Registrar may direct by notice in the Gazette that any requirement under the Act or these regulations, including requirements in respect of information, records and payment, may or must be satisfied in electronic form, subject to the provisions of the operational requirements.

(2) The Registrar must publish operational requirements on the CIPRO portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -

(m) registration procedures;

(n) identification, authentication and verification;

(o) form and format of records;

(p) manner and form of payment;

(j) information security requirements; and

(k) record retention requirements.

(3) The operational requirements may be published in different forms over different parts of the CIPRO portal.

(4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with CIPRO is satisfied by the CIPRO user entering his access code on the CIPRO system and any record lodged after the CIPRO user having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.

(5) Where any form under the Act or regulations makes provision for a signature and such form is deemed to be signed as provided for in sub-regulation (4), it shall not be necessary to have recorded on such form that it had been signed.

(6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled

to accept that the person using electronic services is the person to whom the access code was issued or such person's duly authorized representative acting within the scope of such person's authority.

(7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so."

Amendment of regulation 3 of the Regulations

4. Regulation 3 is hereby amended –

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1). The fees to be paid in terms of the Act shall be the fees specified Schedule 1 hereto, and shall be payable **[as follows:**

(a) By affixing or applying revenue stamps to any relevant document, which stamps may be cancelled by a receiver of revenue or the registrar; or

(b)] in such [other] manner as the registrar may direct."; and

(b) by the deletion of sub-regulation (2).

Amendment of regulation 4 of the Regulations

5. Regulation 4 is hereby substituted by the following regulation:

"(4) The forms referred to in these regulations are the forms contained in Schedule 2 hereto, and such forms whether in paper form or in any electronic form authorized by the registrar for electronic services, shall be used substantially in the manner prescribed for those cases to which they are applicable, but they may be modified or amended with the approval of the registrar and to the extent necessary to meet the requirements of other cases."

Amendment of regulation 7 of the Regulations

6. Regulation 7 is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) An address or an address for service may, in addition, include a facsimile transmission number and an e-mail address.”.

Amendment of regulation 10 of the Regulations

7. Regulation 10 is hereby amended-

(a) by the substitution for sub-regulation (2) of the following sub-regulation:

“(2) All such documents shall be so presented as to permit reproduction by photography, **[or]** reprography or electronic means of an unlimited number of copies. Where paper forms are used, [Only] only one side of a sheet shall be used, except where otherwise specified.”;

(b) by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) Save as specifically provided otherwise, all documents shall be on A4 paper, which shall be strong, pliable and durable or in such electronic form as authorized by the registrar for electronic services. Each sheet shall be used with its short sides at the top and bottom (except where inappropriate in the case of representations).”.
