

NOTICE 1173 OF 2006

DEPARTMENT OF TRADE AND INDUSTRY

**AMENDMENT OF THE REGULATIONS MADE UNDER THE TRADEMARKS ACT,
1973**

I, Mandisi Mpahlwa, Minister of Trade and Industry, hereby amend the Regulations made under section 42 of the Trade Marks Act, 1973 (Act No. 194 of 1993), as set out in the Schedule hereto.

M Mpahlwa
Minister of Trade and Industry



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.

SCHEDULE

Definitions

1. In these regulations "the Regulations" mean the Regulations published by 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 Notices Nos. R 310 of 28 February 1997, No. 211 of 15 February 2002, R.603 of 1 July 2005 and R 987 of 10 October 2005.

Amendment of Schedule 1 to the Regulations

2. Schedule 1 to the Regulations is hereby amended—

(a) by the substitution for item 1 of the following item:

Item No.	Description	Corresponding Forms	Fees
"1.	Application for registration of-		R
	(i) a trade mark for a specification of goods/services included in one class (sections 9, 14, 16 and 63 - regulation 11)	TM1	[266,00] <u>590,00</u>
	(ii) a honest concurrent user for a specification of goods/services included in one class (section 14 - regulation 17)	TM1	310,00

	(iii) a certification mark for a specification of goods/services included in one class (section 42 - regulation 56)	TM1	310,00
	(iv) a collective mark for a specification of goods/services included in one class (section 43 - regulation 57)	TM1	310,00";

(b) by the substitution for item 2 of the following item:

Item No.	Description	Corresponding Forms	Fees
"2.	Applications, notifications or request to the Registrar:		
	(a) Request for advertisement [section 8 - regulation 9 (3)]	TM2	90,00
	(b) Request for statement of a decision [section 16 (4) - regulation 54 (1)]	TM2	363,00
	(c) Application to dissolve association between a registered trade mark and another registered trade mark [section 30 (5) - regulation 22 (2)] for each entry	TM2	48,00
	(d) Application for alteration of address or address for service [sections 23, 46 (1) or 66 (3) - regulation 8] for each entry	TM2	19,00
	(e) Applicant for correction of clerical error or for permission to amend application or document [sections 16 (5), 23 or 46 (1) - regulation 44 and 56 (5)] for each mark	TM2	19,00
	(9) Application to enter change of name or description of applicant, registered proprietor or registered user (section 23 - regulation 44) for each mark	TM2	19,00
	(g) Application to cancel entry on register (section 23 - regulation 44) for each mark	TM2	19,00
	(h) Request to strike out goods/services (section 23 - regulation 44) for each mark	TM2	19,00
	(i) Request to enter disclaimer or		

	memorandum (section 23 - regulation 44) for each mark	TM2	26,00
(j)	Application to add or after a trade mark [section 25 (1) - regulation 45] for each mark registered	TM2	100,00
(k)	Request for search (regulation 47) for each mark per class	TM2	[85,00] 190,00
(l)	Notification of application to Court [section 55 - regulation 3 (2)]		-
(m)	Request for information (CAVEAT) as to future proceedings [regulation 48 (1)] for each mark	TM2	100,00
(n)	Application for the certificate of the Registrar with reference to the proposed assignment of a trade mark [section 39 (6) - regulation 37]	TM2	48,00
(o)	Notice of payment of hearing fee [regulation 19 (3) (f)]	TM2	261,00
(p)	Application for certificate [section 22 (5) - regulation 58 (1)]	TM2	34,00
(q)	Any other applications, notifications or request not provided for [regulation 3 (2)]	TM2	26,00";

(c) by the substitution for item 3 of the following item:

No.		Forms	
"3.	Notice of opposition/rectification (sections 21, 24, 26 and 27 - regulation 19)	TM3	[120,00] 260,00";

Item No.	Description	Corresponding Forms	Fees
"5.	Renewal of registration (sections 11 and 37 - regulations 25, 26 and 27):		
(i)	For an ordinary registration	TM5	[121,00] 260,00
(ii)	For a honest concurrent user registration	TM5	[121,00] 260,00

(iii) For a certification mark	TM5	[121,00] <u>260.00</u>
(iv) For a collective mark	TM5	[121,00] <u>260.00</u>
Additional fee within one month of the date of expiration	-	48,00
Additional fee for restoration of trade mark removed for non-payment of renewal fees		145,00";

(e) by the substitution for item 6 of the following item:

Item No.	Description	Corresponding Forms	Fees
6.	Application to record a transaction affecting the rights in a trade mark assignment, transmission, hypothecation or attachment (sections 39, 40, 41 and 46 - regulations 31, 33, 38 and 43):		
	• For first mark	TM6	[70,00] <u>150.00</u>
	• For each additional mark	TM6	26,00
	• Penalties for late registration of cession or transmission of a registered mark - for each period of 12 months or portion thereof	TM6	48,00";

(9) by the substitution for item 7 of the following item:

Item No.	Description	Corresponding Forms	Fees
7.	Application for-		
	(i) registration of registered user [section 38 (6) - regulation 39]:		
	• For the first mark	TM7	[70,00] <u>150.00</u>
	• For each additional mark	TM7	26,00
	(ii) variation of the registration of a registered user entry (section 38 (8) (a) - regulation 41	TM7	60,00
	(iii) cancellation of entry of a registered user [section 38 (8) (a) - regulation 41]	TM7	60,00

	(iv) maintenance of a registered user entry [section 38 (8) (b) - regulation 42]	TM7	60,00".
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