

NOTICE 1172 OF 2006**DEPARTMENT OF TRADE AND INDUSTRY****NOTICE OF INTENTION TO AMEND THE REGULATIONS MADE UNDER THE TRADE MARKS ACT, 1993, PATENTS ACT, 1978, DESIGNS ACT, 1993 AND REGISTRATION OF COPYRIGHT IN CINEMATOGRAPH FILMS ACT, 1977**

The Minister of Trade and Industry intends to amend the Regulations made under the following Acts-

- (a) Trade Marks Act, 1993 (Act No. 194 of 1993), published by Government Notice No. R.578 of 21 April 1995;
- (b) Patents Act, 1978 (Act No. 57 of 1978), published by Government Notice No. R.2470 of 15 December 1978;
- (c) Designs Act, 1993 (Act No. 195 of 1993), published by Government Notice No. R.844 of 2 July 1999; and
- (d) Registration of Copyright in Cinematograph Films Act, 1977 (Act No. 62 of 1977), published by Government Gazette No. R.2140 of 24 October 1980,

as set out in the Schedule hereto to the accompanying notices.

Interested persons are invited to submit written comments to the following address **on or before 17 October 2006**:

The Registrar: Patents, Trademarks, Copyright and Designs
Companies and Intellectual Property Registration Office
Private Bag X429
Pretoria
0001

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

Tel (012) 394-5375

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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
	(f) 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] <u>190,00</u>
(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:

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

(d) by the substitution for item 5 of the following item:

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] <u>260,00</u>
(ii)	For a honest concurrent user registration	TM5	[121,00] <u>260,00</u>

(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”;

(f) 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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NOTICE 1174 OF 2006

DEPARTMENT OF TRADE AND INDUSTRY

AMENDMENT OF THE REGULATIONS MADE UNDER THE PATENTS ACT, 1978

I, Mandisi Mpahlwa, Minister of Trade and Industry, hereby amend the Regulations made under section 91 of the Patents Act, 1978, (Act No. 57 of 1978), 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.
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SCHEDULE**Definitions**

1. In these regulations "the Regulations" mean the Regulations published by 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, R.1342 of 23 September 2003, R.604 of 1 July 2005 and R989 of 10 October 2005.

Amendment of Schedule 1 to the Regulations

2. Schedule 1 to the Regulations is hereby amended—
 - (1) by the substitution for item 2 of the following item:

Item No.	Description	Corresponding Forms	Fees
"2.	Application for a patent accompanied by a complete specification in terms section 30 (1) [regulation 22 (1) (a) and (e)]	1, 7 and 8	[266] 590 ";

(2) by the substitution for item 8 of the following item:

Item No.	Description	Corresponding Forms	Fees
"8.	Renewal fees in terms of section 46 (1) [regulation 48 (1)]:		
	(a)(i) Before expiration of the third year	10	[60] 130
	(ii) Before expiration of the fourth year	10	[60] 130
	(iii) Before expiration of the fifth year	10	[60] 130
	(iv) Before expiration of the sixth year	10	85
	(v) Before expiration of the seventh year	10	85
	(vi) Before expiration of the eighth year	10	100
	(vii) Before expiration of the ninth year	10	100
	(viii) Before expiration of the tenth year	10	120
	(ix) Before expiration of the eleventh year	10	120
	(x) Before expiration of the twelfth year	10	145
	(xi) Before expiration of the thirteenth year	10	145
	(xii) Before expiration of the fourteenth year	10	164
	(xiii) Before expiration of the fifteenth year	10	164
	(xiv) Before expiration of the sixteenth year	10	181

	year		
(xv)	Before expiration of the seventeenth year	10	181
(xv)	Before expiration of the eighteenth year	10	206
(xvi)	Before expiration of the nineteenth year	10	206".

NOTICE 1175 OF 2006**DEPARTMENT OF TRADE AND INDUSTRY****AMENDMENT OF THE REGULATIONS MADE UNDER THE DESIGNS ACT, 1993**

I, Mandisi Mpahlwa, Minister of Trade and Industry, hereby amend the Regulations made under section 54 of the Designs Act, 1993 (Act No. 195 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**Definition**

1. In these regulations "the Regulations" mean the Regulations published by Government Notices Nos. R.844 of 02 July 1999 and R.988 of 10 October 2005.

Amendment of Schedule 1 to the Regulations

2. Schedule 1 to the Regulations is hereby amended—

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

Item No.	Description	Corresponding Forms	Fees
"1.	On application for registration of a design for each application	1	[110] <u>240</u> ";

- (2) by the substitution for item 6 of the following item:

Item No.	Description	Corresponding Forms	Fees
"6.	Renewal fees in terms of section 22 (1), regulation 34:		
	(i) Before expiration of the third year	10	[55] <u>120</u>
	(ii) Before expiration of the fourth year	10	[55] <u>120</u>
	(iii) Before expiration of the fifth year	10	[55] <u>120</u>
	(iv) Before expiration of the sixth year	10	77

(v) Before expiration of the seventh year	10	77
(vi) Before expiration of the eighth year	10	90
(vii) Before expiration of the ninth year	10	90
(viii) Before expiration of the tenth year	10	110
(ix) Before expiration of the eleventh year	10	110
(x) Before expiration of the twelfth year	10	132
(xi) Before expiration of the thirteenth year	10	132
(xii) Before expiration of the fourteenth year	10	149".

NOTICE 1176 OF 2006

DEPARTMENT OF TRADE AND INDUSTRY

**AMENDMENT OF THE REGULATIONS MADE UNDER THE REGISTRATION OF
COPYRIGHT IN CINEMATOGRAPH FILMS ACT, 1977**

I, Mandisi Mpahlwa, Minister of Trade and Industry, hereby amend the Regulations made under section 46 of the Registration of Copyright in Cinematograph Films Act, 1977, (Act No. 62 of 1977), 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.2140 of 24 October 1980, as amended by Government Notices Nos. R.1614 of 3 August 1984, R.1363 of 4 July 1986, R.1484 of 29 July 1988, R.1484 of 29 July 1988, R.2706 of 15 December 1989, R.606 of 1 July 2005 and R.986 of 10 October 2005.

Amendment of Schedule 1 to the Regulations

2. Schedule 1 to the Regulations is hereby amended—
 (1) by the substitution for item 1 of the following item:

Item No.	Description	Corresponding Forms	Fees
"1.	Application for registration of copyright in a cinematograph film [section 6 (1), regulation 9 (1)]	RF 1	[231] 510".