



Companies and Intellectual
Property Commission

a member of **the dti** group

OPERATIONAL REQUIREMENTS IN RESPECT OF ELECTRONIC FILING OF NEW TRADE MARKS, PATENTS, DESIGNS AND COPYRIGHT APPLICATIONS WITH THE COMPANIES AND INTELLECTUAL PROPERTY COMMISSION (CIPC)

CIPC is introducing an Electronic Filing Facility (**e-Filing**) for lodgment of Trade Marks, Patents, Designs and Copyright in Cinematograph Films **new applications**.

The e-Filing facility for lodgment of Trade Marks will be available as from 2 September 2013. The dates on which e-Filing will be made available for the remainder of the domains will be announced in the Patent Journal and on the CIPC website in due course.

The e-Filing facility offers two options that could be used for e-filing of new applications, depending on the customer convenience.

CUBA DESKTOP CLIENT

CUBA (CIPC Utility for Bulk Applications) Desktop Client has been designed to cater for the lodgment of bulk applications by way of XML file uploads directly into the CUBA application.

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The steps that have to be followed to make use of **CUBA DESKTOP CLIENT** are outlined here below:-

- Access the CIPC Website at www.cipc.co.za;
- Register as a CIPC Customer by clicking **CUSTOMER REGISTRATION** and follow the instructions;
- Deposit sufficient funds for the transaction you wish to perform into the CIPC account. For example, if you wish to file a new trade mark, you must deposit the exact amount of R590-00;
- Create XML files according to the XML schema provided by CIPC. XML schemas and description documents can be downloaded from www.cipc.co.za/IPservices.aspx;
- Any development which may be required to utilise CUBA Desktop Client to lodge new applications in bulk, will be the responsibility of the person/s who wishes to make use of such method to lodge new applications;
- Download the latest version of CUBA Desktop Client and user guide documents from <http://efile.cipc.co.za/Downloads.aspx>;
- Register on www.cipc.co.za/IPservices.aspx to obtain a user account for e-Filing services;
- To make use of the CUBA Desktop Client application for purposes of e-filing, a user must contact the SAPO Trust Centre at sales@trustcentre.co.za to be issued with an advanced electronic signature. **The SAPO registration process is outlined here below;**
- Follow the user guide documents to start filing with CUBA Desktop Client;
- For assistance in using the CUBA Desktop Client, call +27 12 394-5037 or e-mail swalters@cipc.co.za or fharlis@swordsa.com.

SAPO Trust Centre Registration Process in respect of Advanced Electronic Signatures

- The following will be required for the SAPO Trust Centre registration process:-
 - a valid SA Identity Document (ID);
 - a clean, new USB (*may be purchased from the Issuing Agent by prior arrangement*);
 - proof of residence; and
 - a valid CIPC customer code which will be used to authenticate the applicant as a registered CIPC e-filing user.
- The issue process takes place at a designated Post Office Branch, or can be undertaken by a Docex or Trust Centre trained agent at the premises of the applicant, where five (5) or more certificates are issued;
- An annual fee of R250-00 is payable in respect of an advanced electronic signature;
- A *Subscriber Agreement* will be entered into between the purchaser of the certificate and SAPO;
- The purchaser's name and address details will be recorded by SAPO;
- A photograph of the purchaser will be taken by SAPO;
- The purchaser's fingerprints will be taken by SAPO for validation against the Department of Home Affairs (HANIS) Database;
- The advanced electronic signature will be uploaded onto the USB provided by the purchaser (above);
- An advanced electronic signature is valid for a period of 12 months, where after it will need to be renewed;
- For further details regarding the use and management of an advanced electronic signature, visit the Trust Centre website at www.trustcentre.co.za.

WEB CLIENT

The Web Client interface has been designed to cater for single application submissions. This application will also allow you to attach your logo (device), and any other supporting documents which should accompany your application.

The steps that have to be followed to make use of **WEB CLIENT** are outlined here below:-

- Access the CIPC Website at <http://www.cipc.co.za>;
- Register as a CIPC Customer by clicking **CUSTOMER REGISTRATION** and follow the instructions;
- Deposit sufficient funds for the transaction you wish to perform into the CIPC account. For example, if you wish to file a new trade mark, you must deposit the exact amount of R590-00;
- Create an e-Filing access code by registering on www.cipc.co.za/IPservices.aspx. This access code must be used to log into the Web Client interface;
- When a customer enters his e-Filing access code into the CIPC e-Filing system, any application lodged thereafter shall be deemed to have been duly signed by the person whose signature is required in terms of the Patents Act (Act 57 of 1978), the Trade Marks Act (Act 194 of 1993), the Designs Act (Act 195 of 1993), and the Copyright in Cinematograph Films (Act 98 of 1978), for the purposes of lodging such an application;
- Follow the instruction for filing the new application via the Web Client Interface;
- For assistance in using the Web Client interface, call +27 12 394-5037 or e-mail swalters@cipc.co.za or fharlis@swordsa.com.

WHEN IS A SUBMITTED APPLICATION DEEMED TO HAVE BEEN RECEIVED BY CIPC

A new application lodged via either CUBA DESKTOP CLIENT or WEB CLIENT, is deemed to have been received by CIPC when the applicant receives a system generated **confirmatory e-mail** from the CIPC e- Filing system that the application/s has been received.

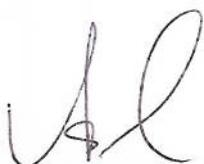
At that stage the application status is reflected as “received” in the CIPC e-Filing system. **Important to note** is that at this point in time the application/s cannot yet be considered as having been “processed”.

The date on the confirmatory e-mail (above) will be deemed to be the filing date of the new application, on condition that there are sufficient funds available upon processing of the application/s by CIPC.

ACKNOWLEDGEMENT OF RECEIPT OF THE NEW APPLICATION

Once the new application is received by the CIPC e-Filing system, and if the required funds are available in the customer’s account, the application will be processed. The application will be allocated an official application number (e.g. Trade Mark 2013/19000) upon billing and processing, and an **acknowledgment of receipt** (e-mail) will be sent to the customer, containing a duly completed confirmation application form, together with a payment receipt.

It is at this point in time that the application/s can be considered as having been “processed”, for purposes of having an official application number allocated thereto, and the application having been entered in the relevant South African Register, e.g. the Trade Marks Register.



ASTRID LUDIN (MS)

REGISTRAR OF PATENTS, TRADE MARKS, DESIGNS AND COPYRIGHT

COMMISSIONER: CIPC

28 August 2013