



Companies and Intellectual  
Property Commission

a member of the dtic group

PRACTICE NOTE 4 OF 2021

**TRADE MARK REQUESTS FOR 1<sup>st</sup> EXTENSION OF TIME TO OPPOSE TRADE  
MARK APPLICATIONS**

**SECTION 21 AND REGULATION 52(1)  
OF THE TRADE MARKS ACT, ACT 194 OF 1993**

**TRADE MARKS DIVISION**

**COMPANIES AND INTELLECTUAL PROPERTY COMMISSION (CIPC)**

Kindly take note that on **Monday 15 March 2021** the Trade Marks Division of CIPC will be introducing a new electronic filing functionality (e-filing) in respect of the **submission of requests for 1<sup>st</sup> extensions of time to oppose trade mark applications (i.e. 1<sup>st</sup> extensions of the opposition term)**.

The e-filing functionality can be accessed at <https://iponline.cipc.co.za>.

The **operational requirements** in respect of this new e-filing functionality are detailed in the annexure to this notice.

**IMPORTANT NOTE:** As from 15 March 2021 the Trade Marks Division will **no longer accept nor process** any **timeous** requests for the 1<sup>st</sup> extension of the opposition term which are **not** submitted via this e-filing functionality.

**RORY VOLLER (MR)**  
**COMMISSIONER: CIPC**  
**..9... March 2021**

**OPERATIONAL REQUIREMENTS  
TRADE MARK REQUESTS FOR 1<sup>st</sup> EXTENSION OF THE OPPOSITION TERM**

**SECTION 21 AND REGULATION 52(1)  
OF THE TRADE MARKS ACT, ACT 194 OF 1993**

**TRADE MARKS DIVISION  
COMPANIES AND INTELLECTUAL PROPERTY COMMISSION (CIPC)**

**A. INTRODUCTION**

To utilise this e-filing functionality, you need to:-

1. Be **based in the Republic of South Africa**; OR
2. Be an **authorised representative** (based in South Africa) in order to use this functionality on behalf of trade mark applicants and/or proprietors; AND
3. Be registered as a CIPC customer; AND
4. Upon registration as a CIPC customer, select from the IP e-Services suite, the IP Online option in order to access the IP e-filing functionalities you would wish to make use of; AND
5. Use your CIPC username and password to log in.

It is further strongly recommended that before using this e-filing functionality, you:-

1. Familiarise yourself with the **CIPC e-Filing T&C's** of the e-filing functionality, as published in IP Online on the CIPC website; and
2. Familiarise yourself with the **important notice on authorised representatives** as reflected in IP Online; and
3. Review the e-filing user administration guide as made available in IP Online on the CIPC website; and
4. Review the **user guide for e-filing of 1<sup>st</sup> extensions of the opposition term in respect of trade mark applications** made available in IP Online on the CIPC website.

## B. LODGING

This e-filing facility in IP Online offers only caters only for **single submissions**\* of requests for 1<sup>st</sup> extensions of the opposition term to oppose trade mark applications.

\* *for series applications – i.e. exact same trade mark in the name of the exact same proprietor lodged in different classes – a request for extension of the opposition term on a series of applications can be lodged and will be processed as a single submission.*

The steps that have to be followed to make use of this e-filing functionality are outlined here below:-

1. Access the CIPC Website at <http://www.cipc.co.za>;
2. Register as a CIPC Customer by clicking **ONLINE TRANSACTING** on the homepage, then click on **e-SERVICES**, and follow the instructions under **REGISTER AS A CUSTOMER**;
3. When a customer enters their CIPC customer code into the CIPC e-Filing system, any document lodged thereafter shall be deemed to have been duly signed by the person whose signature is required in terms of the Trade Marks Act (Act 194 of 1993), for the purposes of lodging such a document;
4. Log in to IP Online using your CIPC customer login credentials.
  - i. On initial login to IP Online, you need to set your account preferences so as to have access to the new e-filing functionalities on the IP Online platform.
  - ii. Select to view your account settings by clicking the “Settings” options next to your account name.
  - iii. Select the “Account Preferences” on the left side menu options and then tick the option that you prefer to add.
  - iv. Click the “Save” button.
  - v. Note - you will be required to login again for the changes to be effected.
5. Follow the process outlined in the user guide for filing the request for 1<sup>st</sup> extension of the opposition term to oppose an application;
6. For assistance or if experiencing technical difficulties in using the functionality, kindly log a call on the CIPC Online Enquiries System (QRS), available on the CIPC website, by selecting the following categories:
  - i. Department: Intellectual Property
  - ii. Category: E-Filing IP
  - iii. Sub category: IP Trade Marks

### **C. WHEN IS A SUBMITTED REQUEST FOR A 1<sup>st</sup> EXTENSION OF THE OPPOSITION TERM DEEMED TO HAVE BEEN RECEIVED AND PROCESSED BY THE TRADE MARKS DIVISION**

A request for a 1<sup>st</sup> extension of the opposition term lodged via the IP Online e-filing interface, is deemed to have been received and processed by the Trade Marks Division when the applicant receives a system generated (automated) **confirmatory e-mail** from the IP e-filing system clearly stating that (i) the requested 1<sup>st</sup> extension of the opposition term has been granted, and (ii) the date of expiry of the 1<sup>st</sup> opposition term as granted.

The usual formal notification as currently issued by the Trade Marks Division upon recordal of a 1<sup>st</sup> extension of the opposition term, will be available to download at no cost via a link in the automated e-mail message (above).

The date on the formal notification (above) will be deemed to be the filing date of the request for the 1<sup>st</sup> extension of the opposition term.

### **D. BUSINESS RULES APPLICABLE FOR SUCCESSFUL PROCESSING OF AN APPLICATION FOR 1<sup>st</sup> EXTENSION OF THE OPPOSITION TERM**

In view of the fact that this is a fully automated e-filing functionality with no human intervention or manual processing, it is imperative for users to familiarise themselves with the business rules applicable to this e-filing functionality.

1. The 1<sup>st</sup> extension of the opposition term request **must** be submitted within the statutory 3-month opposition period from the date on which the application/s was advertised for opposition purposes.
2. As provided for in Regulation 52(1) the 1<sup>st</sup> extension of the opposition term will automatically be granted for a period of 3 months only.
3. Requests for 1<sup>st</sup> extensions of the opposition term can be lodged by multiple opponents, as long as such requests are all lodged within the statutory 3-month opposition period following advertisement of the application/s.
4. The status of the application/s in respect of which a request for a 1<sup>st</sup> extension of the opposition term is intended to be lodged must be reflected as "advertised" in the Trade Marks Register.

5. Upon a successful application for a 1<sup>st</sup> extension of the opposition term, the user will receive an automated e-mail notification confirming that (i) the request for a 1<sup>st</sup> extension of the opposition term has been granted and (ii) the expiry date of the granted 1<sup>st</sup> opposition term.
6. At the same time the status of the application/s will be changed from "advertised" to "under opposition" in the electronic Register.
7. Also at the same time an automated entry will be made under "Last Proceedings" in the electronic Register sheet of the particular trade mark application to the effect that a 1<sup>st</sup> extension of the opposition term has been granted, and also state the expiry date of the granted 1<sup>st</sup> opposition term.

**When can an application for a 1<sup>st</sup> extension of the opposition term NOT be lodged or when will an application for a 1<sup>st</sup> extension of the opposition term NOT be successfully processed and granted via this e-filing platform.**

1. An application for a 1<sup>st</sup> extension of the opposition term cannot be lodged in respect of a trade mark where the status is not reflected as "advertised".
2. An application for a 1<sup>st</sup> extension of the opposition term cannot be lodged after the expiry date of the statutory 3-month opposition term following the date of advertisement of the application/s.
3. Where an application for a 1<sup>st</sup> extension of the opposition term is intended to be lodged after the expiry date of the statutory 3-month opposition term following the date of advertisement of the application/s, such application for a 1<sup>st</sup> extension of the opposition term must be lodged in hard copy format and **MUST** be accompanied by a formal application for condonation.