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**PRACTICE NOTE 1 OF 2018**  
**TRADE MARKS DIVISION**  
**COMPANIES AND INTELLECTUAL PROPERTY COMMISSION (CIPC)**

Kindly take note that the Trade Marks Division of CIPC is introducing an electronic filing functionality (e-filing) in respect of the lodgements of applications for

**renewal and restoration of trade marks, as from Monday 5 February 2018.**

The e-filing functionality can be accessed at:-

<http://iponline.cipc.co.za>

The operational requirements in respect of this e-filing functionality, including the time frames as will be applied in respect of applications for renewal and restoration of trade marks, together with the accompanying prescribed fees, are detailed in the **annexure** to this notice.

Customers are strongly encouraged to make use of this new value added services in the IP e-Services suite, as opposed to lodging renewal and restoration applications manually.

**RORY VOLLER (MR)**  
**COMMISSIONER: CIPC**

**2... January 2018**



**OPERATIONAL REQUIREMENTS  
IN RESPECT OF ELECTRONIC FILING OF  
APPLICATIONS FOR RENEWAL AND RESTORATION OF TRADE MARKS  
WITH THE COMPANIES AND INTELLECTUAL PROPERTY COMMISSION (CIPC)**

**A. INTRODUCTION**

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

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

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

- Familiarise yourself with the **CIPC e-Filing T&C's** of this functionality, as published on the CIPC website; and
- Familiarise yourself with the **important notice on authorised representatives** as reflected on the CIPC IP e-filing web-services; and
- Review the e-filing user administration guide as made available on the CIPC website; and
- Review the **user manual for e-filing of trade mark renewals and restorations** as made available on the CIPC website; and
- Familiarise yourself with the general information on trade mark renewals and restorations, as set out in detail on the CIPC website.



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## B. LODGING

**IMPORTANT TO NOTE** is that applications for renewal of trade mark registrations cannot be submitted more than 6 (six) months prior to the applicable expiry date.

The e-Filing facility offers two options that could be used for e-filing of applications for renewal or restoration of trade mark registrations, depending on the customer convenience.

### 1. CUBA DESKTOP CLIENT

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

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](http://www.cipc.co.za);
- 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**;
- 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 <http://efile.cipc.co.za/Downloads.aspx>;
- Any development which may be required to utilise CUBA Desktop Client to lodge applications for trade mark renewals and restorations 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>;
- 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](mailto: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;

The dti Campus (Block F - Entfufukweni), 77 Meintjies Street, Sunnyside, Pretoria | Private Bag X400, Pretoria, 0001

Call Centre: 086 100 2472

Website: [www.cipc.co.za](http://www.cipc.co.za)



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- For assistance in using the CUBA Desktop Client, kindly log a call on the CIPC Online Query System (QRS) as available on the CIPC website.

### **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.
- 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 R290.84 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](http://www.trustcentre.co.za).

## **2. WEB CLIENT**

The Web Client interface has been designed to cater for single application submissions. This application will also allow you to attach supporting documents which should accompany your application for a trade mark renewal or restoration.



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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 **ONLINE TRANSACTING** on the homepage, then click on **e-SERVICES**, and follow the instructions under **REGISTER AS A CUSTOMER**;
- Deposit sufficient funds for the transaction you wish to perform into the CIPC account;
- When a customer enters his CIPC customer code into the CIPC e-Filing system, any application for renewal or restoration 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 an application for trade mark renewal or restoration;
- Follow the instruction for filing the application for the trade mark renewal or restoration via the Web Client Interface;
- For assistance in using the Web Client interface, kindly log a call on the CIPC Online Query System (QRS) as available on the CIPC website.

#### **C. WHEN IS A SUBMITTED APPLICATION FOR A TRADE MARK RENEWAL OR RESTORATION DEEMED TO HAVE BEEN RECEIVED BY CIPC**

An application for a trade mark renewal or restoration 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 for trade mark renewal or restoration 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 application for the trade mark renewal or restoration, on condition that (a) there are sufficient funds available upon processing of the application/s by CIPC, and (b) the required supporting documents accompanied the application.



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#### **D. ACKNOWLEDGEMENT OF RECEIPT OF AN APPLICATION FOR A TRADE MARK RENEWAL OR RESTORATION**

Once the application for a trade mark renewal or restoration is received by the CIPC e-Filing system, and if the required funds are available in the customer's account, and the required supporting documents accompanied the application, the application for trade mark renewal or restoration will be processed. Upon successful billing and processing, an **acknowledgment of receipt** (e-mail) will be sent to the customer, containing a duly completed renewal certificate, together with a payment receipt.

It is at this point in time that the application for trade mark renewal or restoration can be considered as having been "processed", for purposes of having the status of the registered trade mark updated in the Trade Marks Register.

#### **E. "LATE REGISTRATIONS"**

Where a trade mark application proceeds to registration after the statutory renewal/expiry date (i.e. 10 years after date of application), a renewal reminder will be issued immediately upon registration, by way of an automated e-mail notification to the proprietor or his duly appointed authorized representative.

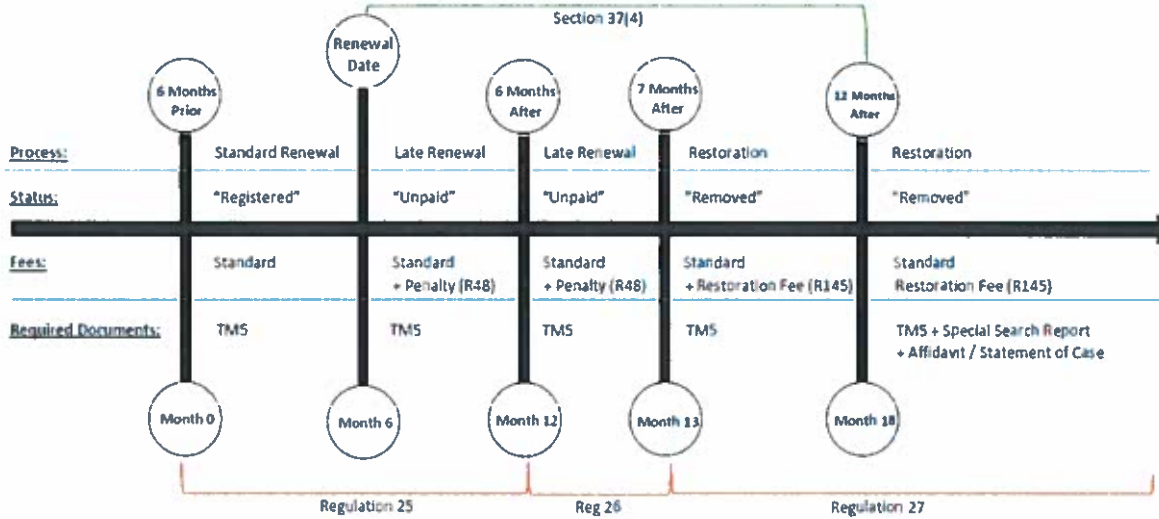
Such trade marks will immediately after registration reflect a status of "unpaid", for a period of 30 days. Renewal fees payable in respect of such registrations shall be in accordance with the timeline at the end of this document, and will be calculated from the statutory renewal/expiry date and NOT from the date of registration.

Upon the expiry of the above-mentioned 30 day period and where application for renewal of the registration had not been lodged within said 30 day period, the status of the mark shall automatically be updated to reflect as "removed", and the process and fees as set out in the timeline herein shall apply.



## TRADE MARK RENEWAL TIMELINE

Section 37, read with Regulations 25, 26 and 27



- Renewal Date = Expiry Date (calculated as 10 years from Application Date).
- Trade marks registered after the renewal date will immediately after registration reflect the status as "unpaid" for a period of 30 days. Fees payable herein shall be as per the above timeline, calculated from the usual renewal / expiry date and **NOT** from the date of registration.
- After expiry of the above 30 days, the mark shall immediately revert to a "removed" status, with the process and fees applicable as per the above timeline.
- Where two or more renewal periods have lapsed in respect of a 'late registration', a single restoration application (including the required documents) shall be required. The fees payable herein shall be R260 + R145 for each 10 year period.