



Companies and Intellectual
Property Commission

a member of the dti group

PRACTICE NOTE 4 OF 2019

TRADE MARKS DIVISION

COMPANIES AND INTELLECTUAL PROPERTY COMMISSION (CIPC)

Kindly take note that on **Monday 2 December 2019** the Trade Marks Division of CIPC will be introducing an electronic filing functionality (e-filing) in respect of the **lodgments of caveats in terms of Regulation 48** of the Trade Mark Regulations under the Trade Marks Act, Act 194 of 1993.

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

The **operational requirements** in respect of this e-filing functionality, 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 caveats manually.

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COMMISSIONER: CIPC
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ISO 9001: 2008 Certified

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**OPERATIONAL REQUIREMENTS
IN RESPECT OF ELECTRONIC LODGEMENT OF CAVEATS
IN TERMS OF REGULATION 48**

TRADE MARKS ACT 194 OF 1993

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 caveats** made available on the CIPC website; and
- Familiarise yourself with the general information on trade mark caveats, as set out on the CIPC website.

B. LODGING

The e-Filing facility offers only one option that could be used for e-filing of caveats, namely via web-client.

WEB CLIENT

The Web Client interface has been designed to cater for single caveat submissions.

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 their CIPC customer code into the CIPC e-Filing system, any caveat 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 caveat via the web-client interface;
- For assistance in using the interface, kindly log a call on the CIPC Online Query System (QRS), available on the CIPC website.

C. WHEN IS A SUBMITTED CAVEAT DEEMED TO HAVE BEEN RECEIVED BY CIPC

A caveat lodged via the web-client interface, is deemed to have been received by CIPC when the applicant receives a system generated confirmatory e-mail from the CIPC e- Filing system confirming that the caveat/s has been received.

At that stage the caveat status is reflected as "received" in the CIPC e-Filing system. **Important to note** is that at this point in time the caveat 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 caveat, on condition that (a) there are sufficient funds available upon processing of the caveat/s by the Trade Marks Division.

D. ACKNOWLEDGEMENT OF RECEIPT OF A CAVEAT AND FURTHER NOTIFICATIONS

Once the caveat is received by the CIPC e-Filing system, and if the required funds are available in the customer's account, the caveat will be processed. Upon successful billing and processing, an acknowledgment of receipt e-mail will be sent to the customer, containing a duly completed form TM2 (caveat), together with a payment receipt.

It is at this point in time that the caveat can be considered as having been "processed", for purposes of having an entry thereon made under "*last proceedings*" in the Trade Marks Register.

Upon any change/update being recorded in the electronic Trade Marks Register against a trade mark in respect of which a caveat has been lodged, an automated email will be sent to the e-mail address linked to the customer code under which the caveat was lodged.

The changes to be notified via automated email will be in relation to:-

- Issuing of official action
- Issuing of notice of acceptance
- Advertisement of the application
- Registration of the application
- Any amendments recorded against the trade mark, both before and/or after registration.

The automated e-mail will contain a link to the associated Register page which will enable the recipient of the automated e-mail to view the change/update in the electronic Register.

An audit trail with the associated system generated history logs, **including the date of lodgement of the caveat and date/s of notification/s** sent, will be maintained in the electronic Register page of the trade mark/s against which a caveat has been lodged, under "*last proceedings*" (Ptolemy system).

E. EXPIRY OF CAVEAT

The expiry date of the caveat will also be captured in the electronic Register (Ptolemy system).

A caveat in respect of registered marks, **expires 12 months from the date of lodgement of the caveat.**

A caveat lodged in respect of an application (i.e. up to the point of registration) expires once the application is registered.