



THE HOW, WHERE AND WHAT OF TRADE MARK REGISTRATION FOR SMMEs IN SOUTH AFRICA

DEBUNKING COMMON MISCONCEPTIONS – PART 1

Introduction

In today's competitive business landscape, protecting your brand is essential for the success and longevity of your Small, Medium and Micro Enterprise (SMME). One of the most effective ways to safeguard your brand identity is by applying for the registration of a trade mark.

In this article, we will address common misconceptions surrounding the trade mark application and registration process in South Africa and shed light on why it is imperative for SMMEs to consider this process.

Misconception 1: SMMEs do not need trade mark registrations

Some entrepreneurs mistakenly believe that trade mark registrations are only necessary for larger enterprises. However, trade marks are invaluable assets for SMMEs as well.

Benefits of protecting trade marks include brand recognition and differentiation, building trust and reputation, legal protection and exclusivity, competitive advantage and market expansion and enhancing business valuation.

The benefits of registering a trade mark have already been fully explored in our previous article in August 2023, published on the CIPC website (https://www.cipc.co.za/?page_id=4745).

Misconception 2: The trade mark application process is too difficult

Contrary to popular belief, the trade mark application process is more straightforward than many think. The Companies and Intellectual Property Commission (CIPC) has streamlined the process, making it accessible to SMMEs.

From online to manual options, CIPC has ensured smooth trade mark application procedures. With the right guidance and understanding of the steps involved, entrepreneurs can navigate the process efficiently.

The next article in this series will provide a step-by-step guide for the trade mark application process.

Misconception 3: The process is too expensive

Cost concerns often deter SMMEs from pursuing trade mark registration. However, South Africa offers affordable trade mark application fees compared to other African countries. The CIPC charges reasonable fees, making it accessible for businesses of all sizes.

To put things into some perspective, let's compare South Africa's fees in USD to those of other prominent intellectual property (IP) offices in Africa. The affordability of South Africa's trade mark registration becomes evident in this comparison.

In South Africa, the trade mark application fee (both manual and online filing) is R590.00 (32 USD). This fee even includes the issuing of a trade mark registration certificate, for which in some African countries an additional fee is payable when the application is due to be registered.

The African Regional Intellectual Property Organization (ARIPO) charges a filing fee of 130 USD - excluding the fee for the issuing of a registration certificate.

In Nigeria, there is a manual fee of 20 USD and an online fee of 22 USD, both excluding the fee for the issuing of a registration certificate.

In Morocco, there is an online fee of 176 USD and a manual fee of 235 USD.

As shown above, South Africa offers competitive official fees, making trade mark registration a cost-effective investment for SMMEs.

Misconception 4: Legal representation is required to lodge a trade mark application

Many business owners believe that instructing a practising attorney is a prerequisite to apply for trade mark protection. While legal advice can be beneficial, it is not mandatory. SMMEs can apply for trade mark protection independently and seek assistance from practising attorneys who specialise in IP law only if needed or preferred.

With the comprehensive array of resources available on the CIPC website and helpful officials at hand, SMMEs can be guided through the application process, ensuring the application is accurate and complete.

The next article in this series should not be missed. It will contain an essential step-by-step guide on applying for trade mark protection with CIPC.

Conclusion

Trade mark application and subsequent registration is a vital step for SMMEs in South Africa, offering legal protection, brand recognition and customer trust.

By debunking common misconceptions, we have highlighted the importance of trade mark protection for your business. With an understanding of the simplified process, affordable fees and the option to seek professional guidance if needed, SMMEs can confidently protect their brands and pave the way for future success in the market.

Don't let misconceptions hold you back – invest in your brand's future today through CIPC.

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