



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

PART 2:- THE TRADE MARK APPLICATION PROCESS

Introduction

In this article, we delve into the practical aspects of securing your trade mark rights. Building on the insights shared in [Part 1](#), where we debunked common misconceptions, this article provides a step-by-step breakdown of the trade mark application process tailored for small, medium and micro enterprises (SMMEs).

Whether you're a startup or an established business, understanding the nuances of the trade mark application process is crucial for safeguarding your brand identity and fostering growth.

If you haven't already, be sure to read [Part 1](#) for invaluable insights into dispelling misconceptions surrounding trade mark registration.

Step 1: CIPC customer registration (required to lodge applications manually in hard copy or via the relevant e-filing platform)

To engage in transactions with CIPC, individuals must undergo a one-time registration process as a customer on the CIPC [e-services website](#). Upon successful registration, a virtual account will be established in the customer's name. It is essential to safeguard your customer code and password, as it will be required for all your future transactions with CIPC, including depositing funds for payment of official fees.

The screenshot displays the CIPC eServices website interface. At the top, it says 'Companies and Intellectual Property Commission - eServices' with a 'HOME' button. The main content area is titled 'CIPC eServices System' and includes a welcome message and a list of services offered. The 'Customer Registration & Login' section provides a 7-step process: 1. Click on 'CUSTOMER REGISTRATION', 2. Indicate whether you are South African or not, 3. Type in ID or passport number, 4. Fill in all required fields on the registration form, 5. Set new password, 6. Login using customer code and password, and 7. Security code and password are case sensitive. The 'Password Reset' section includes instructions: click on 'PASSWORD RESET', type in customer code, OTP is sent to cellphone number, once OTP confirmed, set new password, and follow instructions on this page. The 'Services Offered' section lists various services such as Company Registration, Name Reservations, Name Changes, Name Search, Transaction Status, Certificates, Director Amendments, Member Amendments, Financial Year End Changes, Enterprise Enquiry, Balance Enquiry, Domain Registration, Annual Returns, Auditor Changes, Address Changes, Name Extension, Name Transfer, and Update Contact Details. The footer includes 'CIPC eServices v3.3 © Copyright 2018 CIPC | Terms and Conditions | Disclaimer' and social media icons.

Step 2: Deposit funds into your CIPC customer account

It's important to note that a fee of R590 is applicable for each trade mark application that you lodge, as well as for each class in which you want to lodge an application. Ensure that your correct customer code is utilised as a reference number when making a deposit. The banking details for CIPC, along with a variety of payment options, can be located [here](#).

Step 3: Access CIPC IP Online

CIPC IP Online stands as South Africa's dedicated online portal for Intellectual Property (IP) services, streamlining the application process trade marks, as well as for other IP domains. This online platform plays a pivotal role in simplifying the accessibility and administration of intellectual property rights. To access the CIPC IP Online portal on the CIPC website, you can use the link [here](#).

The portal offers a user-friendly interface. Users can log in using their existing CIPC customer account credentials and then create their own IP Online user profile, ensuring a seamless and integrated experience. This not only enhances security but also ensures a personalised and efficient interaction with the platform.

One noteworthy feature of CIPC IP Online is its capability to facilitate the entire trade mark application process. From initial searches to the submission of applications, users can navigate the process entirely through the portal. This end-to-end functionality eliminates the need for paperwork, making it a time-efficient and cost-effective solution for individuals and businesses seeking trade mark protection.

By centralising IP services, CIPC IP Online empowers users to take control of their intellectual property matters, providing a modern and responsive platform for managing trade marks in South Africa. The integration of technology in the trade mark application process through this portal underscores the commitment to fostering innovation and ease of doing business in the realm of intellectual property.

The screenshot displays the CIPC Intellectual Property Online portal. At the top left is the CIPC logo with the text 'Companies and Intellectual Property Commission' and 'a member of the SAG Group'. The main header reads 'CIPC Intellectual Property Online' and 'South Africa's official portal for IP services'. A navigation bar includes 'Home', 'Trade Marks', 'Patents', 'Designs', 'Copyright', 'IKS', and 'Publications', along with a 'Login' button. The main content area features a 'WELCOME TO IP ONLINE PORTAL' banner with a network diagram and a 'SEARCH | APPLY | MAINTAIN' button. To the right is a 'Quick Links' section with buttons for 'Free Patent Search', 'Free Trade Mark Search', 'Commercial Trade Mark Search', 'Free Design Search', and 'Latest Journals'. Below the banner are three featured articles: 'What is IP?', 'How to manage your IP?', and 'How to manage risk?'. At the bottom, there are sections for 'IP Domains' (Patents, Trade Marks, Designs, Copyright) and 'Important Links' (CIPC Enquiries, IP Trade Portal, WIPO, CIPC Website).



The IP Online user registration process comprises of the following steps:

Navigate to the *login button* from the above screenshot

The screenshot shows the CIPC Intellectual Property Online website. At the top, there is a navigation bar with links for Home, Trade Marks, Patents, Designs, Copyright, IKS, and Publications, along with a Login button. Below the navigation bar, the main heading reads "CIPC Intellectual Property Online" and "South Africa's official portal for IP services". The page is divided into three columns: "Sign In", "New Customers", and "Safety and Privacy".

Sign In: Includes fields for Username and Password, a Log in button, and a link for "Forgotten your password? Reset it."

New Customers: Contains text explaining the registration process and a "Create Account" button.

Safety and Privacy: Lists three security benefits with green checkmarks: "We take your privacy seriously...", "Transacting with IPOOnline is safe and secure...", and "We're always there to help you out..."

Login with your existing CIPC customer account credentials
(* For "username" use your existing CIPC customer code and password).

Once your customer account credentials has been successfully authenticated, you will be required to *configure your profile settings* by selecting the IP services you will utilise to transact with CIPC.

The screenshot shows the "Select Profile Settings" form. It includes fields for Username (XXXXX) and Names (XXXX XXXXX). Below these are four tables of service options, each with a master checkbox and individual checkboxes for sub-services.

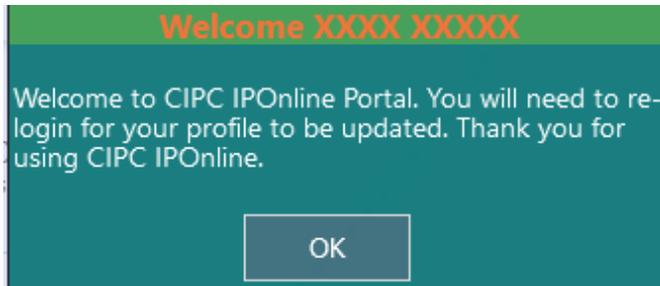
Copyright	Designs
<input type="checkbox"/>	<input type="checkbox"/>
New Applications <input type="checkbox"/>	New Applications <input type="checkbox"/>
Search <input type="checkbox"/>	Search <input type="checkbox"/>
Ammendments <input type="checkbox"/>	Ammendments <input type="checkbox"/>
E-Journal <input type="checkbox"/>	E-Journal <input type="checkbox"/>
	Renewals <input type="checkbox"/>

Patents	Trade Marks
<input type="checkbox"/>	<input type="checkbox"/>
New Applications <input type="checkbox"/>	New Applications <input type="checkbox"/>
Search <input type="checkbox"/>	Search <input type="checkbox"/>
Ammendments <input type="checkbox"/>	Ammendments <input type="checkbox"/>
E-Journal <input type="checkbox"/>	E-Journal <input type="checkbox"/>
Renewals <input type="checkbox"/>	Renewals <input type="checkbox"/>
Documents <input type="checkbox"/>	

At the bottom of the form are "Save" and "Cancel" buttons.

After selecting* the IP services of interest to you, you will need to *save the changes to your profile*. (* This selection is visible to first time users only and can be updated at a later stage)

To confirm that your profile has been saved, you will see the following message:

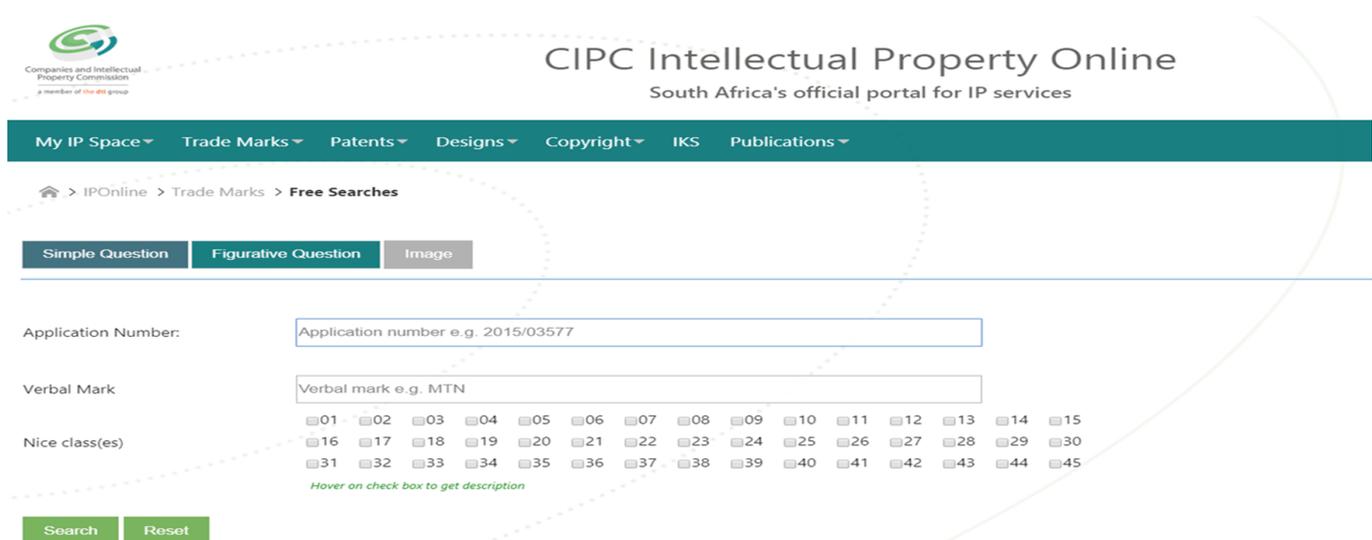


You will be required to *log out of IP Online and login again* for your profile to be updated and then you will be able to start transacting on the IP Online portal.

Step 4: Free trade mark e-searching functionality

On CIPC IP Online, you can perform a quick search on the Trade Marks Register to check the availability of the mark you intend to use. This search tool offers fundamental search information and is provided free of charge.

This resource proves advantageous as it allows you to preliminarily assess the availability of your chosen trade mark, and therefore assisting you to make better informed decisions regarding the chosen trade mark before committing to the registration process.





Step 5: The trade mark application process in detail

Before initiating the trade mark application process, ensure you have all necessary information at hand.

This includes details about the trade mark, applicant information and a physical address within South Africa to be used as the “*address of service*”.

Visit the CIPC IP Online portal and log in using your CIPC customer account credentials. If you do not have an account, follow Step 1.

Once logged in, locate the "Trade Marks" tab on the portal. Click on it to reveal a dropdown menu. From the dropdown menu, select "Apply for Trade Mark". This will initiate the online application process.

CIPC Intellectual Property Online
South Africa's official portal for IP services

My IP Space Trade Marks Patents Designs Copyright IKS Publications Log Out

My Filings

- Trade Marks
 - Free Search
 - Commercial Search
 - Apply for Trade Mark
- Patents
 - New Applications
 - Renewals
 - Advertisements

My Messages

- Trade Marks
 - Unread: 0
 - Today: 0
 - Total: 0
- Patents
 - Unread: 0
 - Today: 0
 - Total: 0

Contact Us
CIPC Enquiries

General Information

- Ask Us
- IP Terminology
- Regulatory & Advisory Bodies
- FAQs

What's New ...
Users management for CUBA Desktop Client, IP Web Client and Journal publication are now being managed in this portal. Trade mark renewals and/or restorations can now be done through this portal.
[More...](#)

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On the next page, carefully read the important notice on who is authorized to lodge trade mark applications. After understanding the information, click "Proceed" to move forward with the application.



CIPC Intellectual Property Online

South Africa's official portal for IP services

My IP Space ▾ Trade Marks ▾ Patents ▾ Designs ▾ Copyright ▾ IKS Publications ▾

Log Out

IMPORTANT NOTICE

IN TERMS OF THE TRADE MARKS ACT (ACT 194 OF 1993) IT IS CLEARLY STATED THAT WHERE TRADE MARK APPLICANTS DO NOT REPRESENT THEMSELVES, THEY MAY ONLY BE REPRESENTED BY A PRACTISING ATTORNEY/S.

AS SUCH, ONLY APPLICANTS THEMSELVES OR A PRACTISING ATTORNEY/S ON BEHALF OF APPLICANTS, MAY LODGED ELECTRONIC DOCUMENTS (SUCH AS NEW TRADE MARK OR RENEWALS APPLICATIONS), SHOULD PERSONS NOT AUTHORISED TO REPRESENT TRADE MARK APPLICANTS MAKE USE OF THIS ELECTRONIC FILING FACILITY TO LODGE ANY OFFICIAL DOCUMENTS, SUCH LODGEMENTS (INCLUDING NEW APPLICATIONS) SHALL BE DEEMED AS INVALID FROM THE DATE OF LODGEMENT THEREOF. THE DOCUMENT/S SHALL THEN NEED TO BE RESUBMITTED BY EITHER THE APPLICANT ITSELF, OR BY A PRACTISING ATTORNEY/S REPRESENTING THE APPLICANT.

KINDLY FURTHER NOTE THAT OFFICIAL FEES ARE NOT REFUNDABLE UNDER ANY CIRCUMSTANCES, AND ANY OFFICIAL FEES DEDUCTED FOR DOCUMENTS AND/OR APPLICATIONS LODGED BY PERSONS NOT AUTHORISED TO REPRESENT TRADE MARK APPLICANTS WILL BE FORFEITED.

What is e-Filing?

The CIPC E-FILING SERVICES in respect of intellectual property introduces an electronic procedure to lodge new trade mark, patent, design and copyright applications in South Africa, from the comfort and convenience of your home or office. It further introduces an electronic procedure to lodge trade mark renewals and restorations in South Africa. The e-filing user administration guide can be accessed here.

CIPC has developed 2 different formats which may be utilized for e-filing, depending on the customer specific requirement.

CUBA Desktop Client

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

Any development which may be required to utilise CUBA 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.

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.

For better performance and predictable system behaviour, users are encouraged to use **Mozilla Firefox** or **Google Chrome** browsers or **Microsoft Internet Explorer 11 and above** (in non-compatibility mode).

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 e-filing functionalities you would wish to make use of; AND
5. Use your CIPC username and password to log in

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

1. Familiarise yourself with the **CIPC e-Filing T&C's** of this functionality, as published on this website.
2. Familiarise yourself with the important notice on authorised representatives as reflected on the e-filing web services.
3. Familiarise yourself with the **notice on operational e-filing in respect of new applications**, as published on the CIPC website (August 2013)
4. Familiarise yourself with the **notice on operational e-filing in respect of trade mark renewals and restorations**, as published on the CIPC website (January 2018)
5. Review the user manual for e-filing of new applications
6. Review the user manual for e-filing of trade mark renewals and restorations
7. Review the user manual for e-filing of new applications

Should you experience any problems in relation to the IP e-Services suite, kindly log a query on the CIPC Online Query Resolution System (QRS) for assistance.

To download the CUBA Client Application, XML Schema and user guide click here.

Proceed

Indicate the type of mark you are applying for - either a “*single*” mark if applying in one class only, or “*series*” if applying in multiple classes.

Select the trade mark nature as “*ordinary*”.



CIPC Intellectual Property Online

South Africa's official portal for IP services

My IP Space ▾ Trade Marks ▾ Patents ▾ Designs ▾ Copyright ▾ IKS Publications ▾

Log Out

My Messages

My Searches

My Account

TM1 - Ownership

TM1 - Mark Details

Attachments

Trade mark type *

Client reference

Trade mark nature *

Next

Cancel

View List

Insert the Applicant's details. Remember that the details of the person or entity who is intended to be the legal owner of the trade mark should be inserted here.

The address for service should be a physical address within South Africa and in the instance of an applicant applying on his/her own behalf without legal representation, these details should match those of the Applicant's details.



My IP Space ▾ Trade Marks ▾ Patents ▾ Designs ▾ Copyright ▾ IKS Publications ▾ Log Out

Apply for Trade Mark

TM1 - Application Type TM1 - Ownership TM1 - Mark Details Attachments

Form TM1 - Ownership

Applicants * Add applicant

Address for service * Add address for service

GPA number

Back Next Cancel View List

Select the trade mark type (“*verbal*” for a word mark or “*figurative*” for a logo).

The representation of the trade mark should then be inserted as this indicates the actual trade mark you want to protect.

Next, select a class number from one of the 45 classes of goods or services in terms of the Nice Classification. The standard class heading will automatically list the goods or services and there is no need to change this.

Detailed information on the goods and services covered in the 45 international classes applicable to trade marks are available [here](#).

My IP Space ▾ Trade Marks ▾ Patents ▾ Designs ▾ Copyright ▾ IKS Publications ▾ Log Out

Apply for Trade Mark

TM1 - Application Type TM1 - Ownership TM1 - Mark Details Attachments

Form TM1 - Mark Details

Trade mark type *

Representation

Case sensitive

Classification *

Goods and services *

Endorsement

Priority claim Add priority

Back Next Cancel View List

Unless you are applying for a figurative (logo) trade mark, no supporting documentation is required in the case of Applicants applying for a trade mark on their own behalf.



My IP Space ▾ Trade Marks ▾ Patents ▾ Designs ▾ Copyright ▾ IKS Publications ▾ Log Out KELSHA

Apply for Trade Mark

TM1 - Application Type ———— TM1 - Ownership ———— TM1 - Mark Details ———— Attachments

Attachments

Supporting documents No file chosen

View List

Preview all entered details/data to ensure accuracy and correctness. If satisfied that all is in order and correct, click the "**Submit**" button to finalise and submit (lodge) your trade mark application.

Within 3 days, and once the application has been processed and the funds therefore successfully deducted from your CIPC customer account, you will receive an automated email with confirmation of the processing of your trade mark application, informing you of the official application number allocated to your trade mark application. This *official application number must be quoted/used at all times when you direct any query on your trade mark application to CIPC.*

Be sure to keep track of any additional communications or notifications issued by CIPC as your trade mark application progresses.

Remember, these steps are equally applicable for manual applications. If you prefer a manual approach, download the application for, [Form TM1](#), and follow the same steps to ensure a successful trade mark application. A sample of a completed form [TM1](#) is available on the CIPC website to assist you to complete the application form.

Once completed the original signed application form must be lodged with CIPC by sending it via standard postal services, or by courier, or by placing it in the drop box at the **dtic** Campus in Sunnyside, Pretoria.

Conclusion

As we conclude Part 2 of our series on *Trade Mark Registration for SMMEs in South Africa*, we trust that the outlined steps have demystified the application process, thereby empowering you to navigate the intricacies of securing your brand.

By now, you've gained valuable insights into where and how to initiate the trade mark application journey.

Be on the lookout for Part 3 of our series which is coming soon, where we'll continue to unravel essential aspects of trade mark protection, providing you with advanced strategies and expert guidance.

Your commitment to understanding and leveraging the trade mark landscape is a key step toward fortifying your brand's position in the competitive market.

Until then, may your entrepreneurial journey be marked with success and innovation!

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Authors:

Ms Fleurette Coetzee, Senior Manager: Trade Marks Division

Mr Sher-Muhammad Khan, Trade Marks Examiner, Trade Marks Division