



Companies and Intellectual  
Property Commission  
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# Trade Mark

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# AGENDA

## Legislative Framework

- Domestic
- International

## Lodging a trade mark application

## Trade Mark Examination

## Registration and Maintenance

## Renewal and Restoration





## LEGISLATIVE FRAMEWORK - *Domestic*

- Trade Marks Act, Act 194 of 1993
- Trade Marks Regulations, 1993
- Counterfeit Goods Act, Act 37 of 1997
- Merchandise Marks Act, Act 17 of 1941
- Uniform Rules of High Court



## LEGISLATIVE FRAMEWORK - *International*

- Paris Convention
- TRIPS Agreement
- GATT Agreement
- Nice Classification
- Vienna Classification

# LODGING A TRADE MARK APPLICATION

- Manual and electronic applications
- Billing and opening of Trade Mark file
- Capture manual applications
- Figurative Trade Marks coded according to Vienna Classification
- Full search done on data base then results captured into system





# **TRADE MARK EXAMINATION**

- Formal and Substantive Examination
- Conditions of the Act, 194 of 1993
- Meeting requirements fully, accepted
- Conditional acceptance
- Refusal
- Official action sent to applicant / agent
- Formal notice of acceptance
- Advertised in Patent Journal



# TRADE MARK EXAMINATION

## Opposition

- Interested party may file an opposition within prescribed 3 months.
- Hearings before the Registrar of Trade Marks with powers of High Court Judge.
- After hearing both parties judgement delivered with full written reasons provided.



# REGISTRATION AND MAINTENANCE

## Registration

- Official certificate prepared, sealed and issued
- To applicant / agent
- Proof of registration

## Maintenance

- Assignment
  - All changes, names and address, amendment of mark
  - Registered users
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# RENEWAL AND RESTORATION

- Lifespan of Trade Mark, indefinite if renewed every 10 years
- Removal if not renewed
- Restoration when valid reasons provided



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# Questions ?