

OFFICIAL GAZETTE
EXTRAORDINARY
OF SOUTH WEST AFRICA
BITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA

PUBLISHED BY AUTHORITY

UITGAWE OP GESAG

R0,30

Saturday 15 July 1989

WINDHOEK

Saterdag 15 Julie 1989

No. 5750

CONTENTS:

INHOUD:

	<i>Page</i>		<i>Bladsy</i>
AG. GOVERNMENT NOTICE		AG. GOEWERMENSKENNISGEWING	
No. AG. 40 Trade Marks in South West Africa Act, 1973: Amendment of Regulations	1	No. AG. 40 Wet op Handelsmerke in Suidwes-Afrika, 1973: Wysiging van Regulasies	1

A G. Government Notice	A G. Goewermentskennisgewing
-------------------------------	-------------------------------------

Office of the

Kantoor van die

ADMINISTRATOR-GENERAL FOR THE
TERRITORY OF SOUTH WEST AFRICA

ADMINISTRATEUR-GENERAAL VIR DIE
GEBIED SUIDWES-AFRIKA

DEPARTMENT OF ECONOMIC AFFAIRS

DEPARTEMENT VAN EKONOMIESE SAKE

No. AG. 40 1989

No. AG. 40 1989

TRADE MARKS IN SOUTH WEST AFRICA
ACT, 1973: AMENDMENT OF
REGULATIONS

WET OP HANDELSMERKE IN SUIDWES-
AFRIKA, 1973: WYSIGING VAN
REGULASIES

The Administrator-General has under section 79 of the Trade Marks in South West Africa Act, 1973 (Act 48 of 1973), amended the regulations promulgated by Government Notice R.2437 of 1973 by the substitution for the Schedule of the following Schedule:

Die Administrateur-generaal het kragtens artikel 79 van die Wet op Handelsmerke in Suidwes-Afrika, 1973 (Wet 48 van 1973), die regulasies afgekondig by Goewermentskennisgewing R.2437 van 1973 gewysig deur die Bylae deur die volgende Bylae te vervang:

"SCHEDULE

The following fees shall be payable in connection with an application, registration, document or other matter mentioned below, and such fees shall be payable before or at the time of doing the matter in respect of which they are payable:

Item No.	Description	Fees R	Corresponding forms
1.	Application to register a trade mark for a specification of goods or services included in one class. (Section 10, 12 and 20 and regulation 11)	65,00	SM 1
2.	Additional representation of trade mark to accompany application for registration. (Regulation 12(3))		SM 2
3.	Request for statement of grounds of decision. (Regulation 73(1)(a))	54,00	SM 3
4.	Request for advertisement. (Sections 8 and 21 and regulations 9(4) and 22)	20,00	SM 4
5.	Application for registration of a certification mark for a specification of goods or services included in one class. (Section 52 and regulation 77(1))	75,00	SM 5
6.	Notice of opposition to application for registration. (Section 26 and regulation 23(2))	21,00	SM 6
7.	Form of counter-statement. (Section 27 and regulation 24)	10,00	SM 7
8.	Additional fee for certification mark:		
	(a) In terms of section 52 and regulation 80(2)	120,00	SM 8
	(b) In terms of section 52 and regulation 89	65,00	SM 8
9.	Renewal of registration before notice given. (Sections 13 and 47 and regulation 41). For each mark:		
	(a) for an ordinary registration	30,00	SM 9
	(b) For a certification mark	30,00	SM 9
	(c) For a defensive registration mark	65,00	SM 9

"BYLAE

Die volgende gelde is betaalbaar in verband met 'n aansoek, registrasie, dokument of ander aangeleentheid hieronder genoem, en sodanige gelde is betaalbaar voor of tydens die verrigting van die saak ten opsigte waarvan hulle betaalbaar is:

Item No.	Beskrywing	Gelde R	Verbandhoudende vorms
1.	Aansoek om 'n handelsmerk te registreer vir 'n spesifikasie van goedere of dienste ingesluit in een klas. (Artikels 10, 12 en 20 en regulasie 11)	65,00	SM 1
2.	Bykomende voorstelling van handelsmerk wat aansoek om registrasie moet vergesel (Regulasie 12(3))	—	SM 2
3.	Versoek om uiteensetting van gronde van beslissing. (Regulasie 73(1)(a))	54,00	SM 3
4.	Versoek om bekendmaking (Artikels 8 en 21 en regulasies 9(4) en 22)	20,00	SM 4
5.	Aansoek om registrasie van 'n waarmerkingsmerk ten opsigte van 'n spesifikasie van goedere of dienste ingesluit in een klas. (Artikel 52 en regulasie 77(1))	75,00	SM 5
6.	Kennisgewing van vernet teen aansoek om registrasie. (Artikel 26 en regulasie 23(2))	21,00	SM 6
7.	Vorm van teenverklaring. (Artikel 27 en regulasie 24)	10,00	SM 7
8.	Bykomende gelde vir waarmerkingsmerk:		
	(a) Ingevolge artikel 52 en regulasie 80(2)	120,00	SM 8
	(b) Ingevolge artikel 52 en regulasie 89	65,00	SM 8
9.	Hernuwing van registrasie voordat kennis gegee word. (Artikels 13 en 47 en regulasie 41). Vir elke merk:		
	(a) Vir 'n gewone registrasie	30,00	SM 9
	(b) Vir 'n waarmerkingsmerk	30,00	SM 9
	(c) Vir 'n defensiewe registrasie merk	65,00	SM 9

10. Renewal of registration of mark after notice. (Regulation 42)	Fees as for 9(a), (b) and (c)	SM 10	10. Hernuwing van registrasie van merk na kennisgewing. (Regulasie 42)	Gelde soos vir 9(a), (b) en (c)	SM 10
11. Additional fee to accompany renewal fee (Form SM 10) within one month after advertisement. (Regulation 42)	10,00	SM 11	11. Bykomende gelde wat hernuwingsgelde (vorm SM 10) binne een maand na bekendmaking moet vergesel. (Regulasie 42)	10,00	SM 11
12. Penalties for restoration of trade mark removed for non-payment of renewal fee. (Regulation 43)	30,00	SM 12	12. Boete vir herstel van handelsmerk wat geskraap is weens versuim om hernuwingsgelde te betaal. (Regulasie 43)	30,00	SM 12
13. Joint application by registered proprietor and assignee to register the assignee as subsequent proprietor of trade mark upon same devolution of title (Section 51 and regulation 47):			13. Gesamentlike aansoek deur geregistreerde eienaar en sessionaris om die registrasie van sessionaris as latere eienaar van die handelsmerk, op dieselfde oordragakte. (Artikel 51 en regulasie 47):		
(a) For first mark	15,00	SM 13	(a) Vir eerste merk	15,00	SM 13
(b) For each additional mark	4,50	SM 13	(b) Vir elke bykomende merk	4,50	SM 13
14. Application to register a subsequent proprietor of a trade mark upon the same devolution of title. (Section 51 and regulation 48):			14. Aansoek om registrasie van 'n opvolgende eienaar van 'n handelsmerk, op dieselfde oordragakte. (Artikel 51 en regulasie 48):		
(a) For first mark	15,00	SM 14	(a) Vir eerste merk	15,00	SM 14
(b) For each additional mark	4,50	SM 14	(b) Vir elke bykomende merk	4,50	SM 14
15. Sworn declaration in support of statement of case accompanying Form SM 13 or 14. (Regulation 50)	—	SM 15	15. Beëdigde verklaring ter ondersteuning van uiteensetting van saak wat vorm SM 13 of 14 vergesel. (Regulasie 50)	—	SM 15
16. Application to dissolve association between one registered trade mark and another registered trade mark. (Section 36(6) and regulation 37(2)): For each mark	10,00	SM 16	16. Aansoek om ontbinding van assosiasie tussen een geregistreerde handelsmerk en 'n ander geregistreerde handelsmerk. (Artikel 36(6) en regulasie 37(2)): Vir elke merk	10,00	SM 16
17. Application for alteration of address or address for service. (Section 32 or 77(2) and regulation 8(2)): For each entry	2,50	SM 17	17. Aansoek om verandering van adres of adres vir bestelling. (Artikel 32 of 77(2) en regulasie 8(2)): Vir elke inskrywing	2,50	SM 17
18. Application for substitution of applicant. (Section 49(7) or 56(2) and regulation 55):			18. Aansoek om vervanging van applikant. (Artikel 49(7) of 56(2) en regulasie 55):		
(a) For first mark	15,00	SM 18	(a) Vir eerste merk	15,00	SM 18
(b) For each additional mark	4,50	SM 18	(b) Vir elke bykomende merk	4,50	SM 18
19. Application for correction of clerical error or for permission to amend application or document. (Section 20(9), 32 or 56(1) and regulations 63 and 89): For each mark	2,50	SM 19	19. Aansoek om verbetering van 'n klerklike fout of om magtiging om 'n aansoek of dokument te wysig. (Artikel 20(7), 32 of 56(1) en regulasies 62 en 89): Vir elke merk	2,50	SM 19

20. Application to enter change of name or description of registered proprietor (or registered user) of trade mark in the register. (Section 32 and regulation 62): For each mark	2,50	SM 20	20. Aansoek om 'n verandering van die naam of beskrywing van 'n geregistreerde eienaar (of geregistreerde gebruiker) van 'n handelsmerk in die register aan te teken. (Artikel 32 en regulasie 62): Vir elke merk	2,50	SM 20
21. Application by registered proprietor to cancel entry in register. (Section 32 and regulation 62) For each mark	2,50	SM 21	21. Aansoek deur geregistreerde eienaar om die intrekking van 'n inskrywing in die register. (Artikel 32 en regulasie 62): Vir elke merk	2,50	SM 21
22. Request to strike out goods or services from those for which a trade mark is registered. (Section 32 and regulation 62)	2,50	SM 22	22. Versoek om die skraping van goedere of dienste uit dié waarvoor handelsmerk geregistreer is. (Artikel 32 en regulasie 62)	2,50	SM 22
23. Request to enter disclaimer or memorandum relating to a trade mark. (Section 32 and regulation 62)	5,00	SM 23	23. Versoek om inskrywing in register van 'n prysgewing of 'n memorandum ten opsigte van 'n handelsmerk. (Artikel 32 en regulasie 62)	5,00	SM 23
24. Application to add to or alter a trade mark (Section 34(1) and regulation 67): For each mark	20,00	SM 24	24. Aansoek om byvoeging tot of wysiging aan 'n handelsmerk. (Artikel 34(1) en regulasie 67): Vir elke merk	20,00	SM 24
25. Request for search. (Regulation 69)	15,00	SM 25	25. Versoek om nasoeking. (Regulasie 69)	15,00	SM 25
26. Notice of order of court for alteration or rectification of register of trade marks. (Section 33(4), 36 and regulation 75(1)): For each mark	10,00	SM 26	26. Kennis van hofbevel vir wysiging of regstelling van register van handelsmerke. (Artikels 33(4), 36 en regulasie 75(1)): Vir elke merk	10,00	SM 26
27. Notification of application to Court. (Section 65 and regulation 73(2))	20,00	SM 27	27. Kennisgewing van aansoek by Hof. (Artikel 65 en regulasie 73(2))	20,00	SM 27
28. Request for information (<i>Caveat</i>) as to future proceedings. (Regulation 70)	20,00	SM 28	28. Versoek om inligting (<i>Caveat</i>) oor toekomstige verrigting. (Regulasie 70)	20,00	SM 28
29. Application for certificate of the Registrar with reference to the proposed assignment of a registered trade mark. (Section 49(5) and regulation 54)	10,00	SM 29	29. Aansoek om die Registrateur se sertifikaat met betrekking tot voorgenome sedering van 'n geregistreerde handelsmerk. (Artikel 49(5) en regulasie 54)	10,00	SM 29
30. Application for approval by the Registrar of a proposed assignment or of a transmission of a trade mark resulting in exclusive rights for different persons in different parts of the territory. (Section 49(6) and regulation 54)	10,00	SM 30	30. Aansoek om goedkeuring deur die Registrateur van 'n voorgenome aansoek om sessie of oordrag van 'n handelsmerk wat lei tot eksklusiewe regte vir verskillende dele van die Gebied. (Artikel 49(6) en regulasie 54)	10,00	SM 30
31. Application to register a trade mark as a defensive registration. (Section 53(1) and regulation 17): For each mark	75,00	SM 31	31. Aansoek om registrasie van handelsmerk as defensiewe registrasie (Artikel 53(1) en regulasie 17): Vir elke aansoek	75,00	SM 31

32. Application for registration of defensive trade mark as ordinary registration (Section 53(2) and regulation 18(2))	20,00	SM 32	32. Aansoek om registrasie van defensiewe handelsmerk as gewone registrasie. (Artikel 53(2) en regulasie 18(2))	20,00	SM 32
33. Application for registration of ordinary trade mark as defensive registration. (Section 53(2) and regulation 18(1))	40,00	SM 33	33. Aansoek om registrasie van gewone handelsmerk as defensiewe registrasie. (Artikel 53(2) en regulasie 18(1))	40,00	SM 33
34. Application for registration of registered user. (Section 48 and regulation 56):			34. Aansoek om registrasie van geregistreerde gebruiker (Artikel 48 en regulasie 56):		
(a) For first mark	15,00	SM 34	(a) Vir eerste merk	15,00	SM 34
(b) For each additional mark	4,50	SM 34	(b) Vir elke bykomende merk	4,50	SM 34
35. Application by registered proprietor of trade mark for variation of the registration of a registered user thereof with regard to the goods or services or the conditions or restrictions. (Section 48(8)(a) and regulation 58)	15,00	SM 35	35. Aansoek deur geregistreerde eienaar van handelsmerk om wysiging van die registrasie van 'n geregistreerde gebruiker daarvan ten opsigte van goedere of dienste of die voorwaardes of beperkings. (Artikel 48(8)(a) en regulasie 58)	15,00	SM 35
36. Application by registered proprietor of trade mark or by any of the registered user by trade mark for the cancellation of an entry of a registered user thereof. (Section 48(8)(b) and regulation 59)	15,00	SM 36	36. Aansoek deur geregistreerde eienaar van handelsmerk of deur enige van die geregistreerde gebruikers van die handelsmerk om die intrekking van 'n inskrywing van 'n geregistreerde gebruiker daarvan. (Artikel 48(8)(b) en regulasie 59)	15,00	SM 36
37. Application for cancellation of entry of a registered user of a trade mark. (Section 43(8) and regulation 60)	15,00	SM 37	37. Aansoek om intrekking van inskrywing van geregistreerde gebruiker van handelsmerk. (Artikel 43(8) en regulasie 60)	15,00	SM 37
38. Notice to the Registrar to intervene in proceedings for the variation or cancellation of an entry of a registered user of trade mark. Section 48(9) and regulation 61)	20,00	SM 38	38. Kennisgewing aan Registrateur om toe te tree tot verrigtinge vir die wysiging of intrekking van 'n inskrywing van 'n geregistreerde gebruiker van 'n handelsmerk. (Artikel 48(9) en regulasie 61)	20,00	SM 38
39. Fees for registration of –			39. Gelde vir registrasie van –		
(a) dissolution of association between marks. (Section 38(2) and regulation 37(2))	5,00	SM 39	(a) ontbinding van assosiasie tussen merke. (Artikel 38 en regulasie 37(2))	5,00	SM 39
(b) assignment or transmission. (Section 49 and regulation 52)	5,00	SM 39	(b) sessie of oordrag. (Artikel 49 en regulasie 52)	5,00	SM 39
(c) registered user of a trade mark of variations or cancellation thereof. (Section 48 and regulation 61(5))	5,00	SM 39	(c) geregistreerde gebruiker van 'n handelsmerk of wysigings of intrekking daarvan. (Artikel 48 en regulasie 61(5))	5,00	SM 39
40. Application for honest concurrent user. (Section 17(2) and regulation 20)	40,00	SM 40	40. Aansoek om eerlike gelyktydige gebruik. (Artikel 17(2) en regulasie 20)	40,00	SM 40
41. Application for determination for rights of parties. (Section 17(3) and regulation 21)	40,00	SM 41	41. Aansoek om die bepaling van regte van partye. (Artikel 17(3) en regulasie 21)	40,00	SM 41

42. Statement of case for assignment or transmission of certification mark. (Section 52 and regulation 90).....	65,00	SM 42	42. Uiteensetting van saak vir sessie of oordrag van waarmerkingsmerk. (Artikel 52 en regulasie 90).....	65,00	SM 42
43. Consent to informal opposition proceedings. (Section 28 and regulation 25).....	5,00	SM 43	43. Toestemming tot informele verset verrigtinge. (Artikel 28 en regulasie 25).....	5,00	SM 43
44. Notice of objection against amendment of trade mark. (Section 34 and regulation 68)	20,00	SM 44	44. Kennisgewing van beswaar teen wysiging van handelsmerk. (Artikel 34 en regulasie 68).....	20,00	SM 44
45. Application to Registrar to rectify register. (Section 69 and regulation 76(1), read with sections 10(3), 33(1), 35 and 53(4))	30,00	SM 45	45. Aansoek by Registrateur vir regstelling van register. (Artikel 69 en regulasie 76 (1) gelees met artikels 10(3), 33(1), 35 en 53(4))	30,00	SM 45
46. Application to Registrar to remove mark from register on ground of non-use. (Section 69 read with section 36 and regulation 76).....	30,00	SM 46	46. Aansoek aan Registrateur om skrapping van register op grond van nie-gebruik. (Artikel 69 gelees met artikel 36 en regulasie 76).....	30,00	SM 46
47. Payment of hearing fee. (Regulation 32).....	20,00	SM 47	47. Betaling van verhoorgelde. (Regulasie 32).....	20,00	SM 47
48. Application for certificate. (Section 31(6) and regulation 91(1)).....	10,00	SM 48	48. Aansoek om sertifikaat. (Artikel 31(6) en regulasie 91(1))...	10,00	SM 48
49. Consent to appeal to Appellate Division. (Section 63(5) and regulation 73(1)(b)).....	5,00	SM 49	49. Toestemming tot appèl na appellafdeling. (Artikel 63(5) en regulasie 73(1)(b)).....	5,00	SM 49
50. Authorization of person to act as agent. (Section 8(2) and regulation 9(1)).....	54,00	SM 50	50. Magtiging van persoon om as agent op te tree. (Artikel 8(2) en regulasie 9(1)).....	54,00	SM 50
51. Leave to make copies of documents; for each application or registered trade mark.....	0,50	-	51. Verlof om afskrifte van dokument te maak: vir elke aansoek of geregistreerde handelsmerk.	0,50	-
52. For inspecting register.....	1,00	-	52. Nagaan van register.....	1,00	-
53. For collating documents for certification for every 100 words or part thereof.....	1,00	-	53. Kollasionering van dokumente vir sertifisering: vir elke 100 woorde of deel daarvan.....	1,00	-
54. Photocopy of any document: per page.....	0,50	-	54. Fotokopie van enige dokument: per bladsy.....	0,50	-
55. Each entry in the register of a mark or a note that the mark is associated with a newly registered mark.....	1,00	-".	55. Elke inskrywing in die register van 'n merk of nota dat die merk geassosieer is met 'n nuut-geregistreerde merk.....	1,00	-".

Printed by
JOHN MEINERT (PTY) LTD.
Obtainable from
STAR BINDERS & PRINTERS
P.O. Box 56, Windhoek
South West Africa

Gedruk deur
JOHN MEINERT (EDMS) BPK.
Verkrygbaar by
STAR BINDERS & PRINTERS
Posbus 56, Windhoek
Suidwes-Afrika