



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$1.00

WINDHOEK - 5 January 2001

No.2470

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#### GOVERNMENT NOTICE

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## Government Notice

### MINISTRY OF TRADE AND INDUSTRY

No. 13 2001

#### AMENDMENT OF SCHEDULE 1 OF THE REGULATIONS PUBLISHED IN TERMS OF THE TRADE MARKS ACT, 1973 (ACT NO. 48 OF 1973)

The Minister of Trade and Industry, in consultation with the Minister of Finance, has under section 79 of the Trade Marks Act, 1973 (Act 48 of 1973), amended the regulations promulgated by Government Notice R.2498 of 1973 as amended by AG Government Notice No. AG. 40 of 15 July 1989 by the substitution for Schedule I thereof, with effect from 1 February 2001, of the following Schedule:

#### SCHEDULE

The following fees are payable in connection with applications, regulations, documents and other matters mentioned below:

Item No.	Description	Fees	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)	N\$260,00	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))	N\$216,00	SM 3
4.	Request for advertisement (Regulation 9(4) and 22)	N\$80,00	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))	N\$300,00	SM 5
6.	Notice of opposition to application for registration (Section 26 and regulation 23 (2))	N\$84,00	SM 6
7.	Form of counter-statement (Section 27 regulation 24)	N\$40,00	SM 7
8.	Additional fee for certification mark:		
	(a) In terms of section 52 and regulation 80(2)	N\$480,00	SM 8
	(b) In terms of section 52 and regulation 89	N\$260,00	SM 8
9.	Renewal of registration before notice given (Section 13 and 47 and regulation 41). For each mark:		
	(a) for ordinary registration	N\$120,00	SM 9
	(b) for certification mark	N\$120,00	SM 9
	(c) for defensive registration	N\$260,00	SM 9
10.	Renewal of registration of mark after notice. Regulation 42)	Fees as for 9(a), (b) and (c)	SM 10
11.	Additional fee to accompany renewal fee (Form SM 10) within one month after advertisement (Regulation 42)	N\$40,00	SM 11
12.	Penalties for restoration of trade mark removed for non-payment of renewal fee. (Regulation 43)	N\$120,00	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)		
	(a) For first mark	N\$60,00	SM 13
	(b) For each additional mark	N\$18,00	SM 13
14.	Application to register a subsequent proprietor of a trade mark upon the same devolution of title (Section 51 and regulation 48)		
	(a) For the first mark	N\$60,00	SM 14
	(b) For each additional mark	N\$18,00	SM 14
15.	Sworn declaration in support of statement of case accompanying Form SM13 or 14. (Regulation 50)	-	SM 15
16.	Application to dissolve association between two or more registered trade marks (Regulation 37 (2)) For each mark	N\$40,00	SM 16
17.	Application for alteration of address or address for service. (Section 32 of 76 (2) and regulation 8(2)): For each entry	N\$10,00	SM 17
18.	Application for substitution of applicant. (Section 49(7) and regulation 55)		
	(a) For first mark	N\$60,00	SM 18
	(b) For each additional mark	N\$18,00	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 regulation 64 and 89): For each mark	N\$10,00	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	N\$10,00	SM 20
21.	Application by registered proprietor to cancel entry in register. (Section 32 and regulation 62): For each mark	N\$10,00	SM 21

22.	Request to strike out goods or services from those for which a trade mark is registered. (Section 32 and regulation 62)	N\$10,00	SM 22
23.	Request to enter disclaimer or memorandum relating to a trade mark. (Section 32 and regulation 62)	N\$20,00	SM 23
24.	Application to add or to alter a trade mark. (Section 34(1) and regulation 67): For each mark	N\$80,00	SM 24
25.	Request for search. (Regulation 69)	N\$60,00	SM 25
26.	Notice of order of court for alteration or rectification of register of trade marks. (Sections 33(4) and 36, and regulation 75(1)): For each mark	N\$40,00	SM 26
27.	Notification of applicant to court. (Section 65 and regulation 73(2))	N\$80,00	SM 27
28.	Request for information (Caveat) (Regulation 70)	N\$80,00	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)	N\$40,00	SM 29
30.	Application for approval by the Registrar of a proposed assignment or a transmission of a trade mark resulting in exclusive rights for different persons in different parts of the Republic: (Section 49(6) and regulation 54)	N\$40,00	SM 30
31.	Application to register a trade mark as a defensive registration. (Section 53(1) and regulation 17): For each mark	N\$300,00	SM 31
32.	Application for registration of defensive registration as ordinary registration. (Section 53(2) and regulation 18(2))	N\$80,00	SM 32
33.	Application for registration of ordinary trade mark as defensive registration. (Section 53(2) and regulation 18(1))	N\$160,00	SM 33
34.	Application for registration of registered user. (Section 48 and regulation 56) (a) For first mark (b) For each additional mark	N\$60,00 N\$18,00	SM 34 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)	N\$60,00	SM 35
36.	Application by a registered proprietor of trade mark or by any of the registered users of the trade mark for the cancellation of an entry of a registered user thereof. (Section 48(8)(b) and regulation 59)	N\$60,00	SM 36
37.	Application for cancellation of entry of a registered user of trade mark. (Section 48(8)(c) and regulation 60)	N\$60,00	SM 37
38.	Notice to the Registrar to intervene in proceedings for the variation or cancellation of an entry of a registered user of a trade mark. (Section 48(9) and regulation 61)	N\$80,00	SM 38
39.	Fees for registration of: (a) dissolution of association between marks (Section 38(6) and regulation 37(2)) (b) assignment or transmission. (Section 49 and regulation 52) (c) registered user or variations or cancellation thereof. (Section 48 and regulation 61(5))	N\$20,00 N\$20,00 N\$20,00	SM 39 SM 39 SM 39
40.	Application for honest concurrent user. (Section 17(2) and regulation 20)	N\$160,00	SM 40

41.	Application for determination of rights of parties (Section 17(3) and regulation 21)	N\$160,00	SM 41
42.	Statement of case for assignment or transmission of certification mark. (Section 52 and regulation 90)	N\$260,00	SM 42
43.	Consent to informal opposition proceedings. (Section 28 and regulation 25)	N\$20,00	SM 43
44.	Notice of objection against amendment of trade mark. (Section 34 and regulation 68)	N\$80,00	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))	N\$120,00	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)	N\$120,00	SM 46
47.	Payment of hearing fee. (Regulation 32)	N\$80,00	SM 47
48.	Application for certificate. (Section 31(6) and regulation 91(1))	N\$40,00	SM 48
49.	Consent to appeal to Supreme Court (Section 63(5) and regulation 73(1)(b))	N\$20,00	SM 49
50.	Authorization of person to act as agent. (Section 8(2) and regulation 9(1))	N\$216,00	SM 50
51.	Leave to make copies of documents; for each application or registered trade mark	N\$2,00	--
52.	For inspection register	N\$4,00	--
53.	For collating documents for certification for every 100 words or part thereof	N\$4,00	--
54.	Photocopy of any document: per page	N\$2,00	--
55.	Each entry in the register of a mark or a note that the mark is associated with a newly registered mark.	N\$4,00	--