

TRADE MARKS (AMENDMENT) REGULATIONS, 2002 (LI 1707).

IN exercise of the powers conferred on the Minister responsible for Justice by section 65 of the Trade Marks Act, 1965 (Act 270) these Regulations are made this 14th day of June, 2002.

1. The Trade Marks Regulations, 1970 (L.I. 667) as amended is further amended by the substitution for the Second Schedule of the following new Second Schedule—

"SECOND SCHEDULE

Description Corresponding Forms Fee payable in Cedi, equivalent of \$ US

1. (a) Application to register a trade mark for one or more articles included in one class. TM2
150

(b) Application to register a series of trade marks under section 21 (2) for specified goods included in one class. TM2 150

(c) Application to register a defensive trade mark for a specification of goods included in one class. TM30 120

(d) Application to register a certification trade mark for a specification of goods included in one class (under section 36). TM4 150

2. Request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used (under section 18 (6) and regulation 9 (2)). TM3 130

3. (a) Notice of opposition before the Registrar under section 18 (2) for each application opposed by opponent. TM5 120

(b) Lodging a counter statement in answer to a notice of opposition under section 18 (4) for each application opposed by the applicant: or in answer to an application under section 26, 27, 32, or 33 by the proprietor in respect of each trade mark or in answer to a notice of opposition for each application or conversion opposed by the proprietor. TM6 60

(c) Hearing of each opposition under section 18 by applicant and by opponent respectively or on the hearing of an application under section 26, 27, 32 or 33 by applicant and proprietor respectively or on the hearing of an opposition under section 41 by proprietor and by opponent respectively. TM7 120

(d) Notice of opposition before the Minister under paragraph 2 (2) of the First Schedule of the Act and Regulation 23 (1) for each application opposed by the opponent. TM35 135.00

(e) Lodging a counter statement in answer to a notice of opposition before the Minister under paragraph 2 (2) of the First Schedule of the Act and regulation 23 (1) for each application opposed by the applicant. TM36 60

(f) Hearing of each opposition before the Minister under paragraph 2 (2) of the first schedule of the Act and regulation 23 by applicant and by the opponent respectively. TM37 120.00

4.(a) Registration of a trade mark (not otherwise charged) for specification of goods included in one class. TM8 150.00

(b) Registration of series of Trade Marks under section 21 (2) for a specification of goods included in one class. TM8 150.00

(c) And for every other mark of the series. TM8 55.00

(d) Registration under section 36 of a certification trade mark for a specification of goods included in one class. TM8 150.00

(e) Registration upon application made at the same time of one certification trademark under section 36 for a specification of goods not all included in one class in respect of every class. TM8 150.00

(f) Registration of a defensive mark for specification of goods included in one class. TM8 170

5.(a) Each addition to the registered entry of a trade mark of note that the mark is associated with a newly registered mark. TM8 60

(b) Application under section 23 (5) and regulation 26 (2) to dissolve the association between registered trademarks. TM17 60

6.(a) Application to register a registered user of a registered trade mark in respect of goods within the specification under regulation 49. TM48 170

(b) Application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications and subject to the same conditions and restrictions in each case for the first mark. TM48 170

(c) And for every other mark of the proprietor included in the application and statement of case. TM48 60

(d) Application by the proprietor or registered user of a single trade mark under section 28 (10) (a), and regulation 51 (1) to vary the entries of a registered user. TM49 170

(e) Application by the proprietor of more than one trade mark under section 28 (10) (a) and regulation 51 (1) to vary the entries of a registered user for the first mark TM49 170

(f) And for every other mark of the proprietor for which the same user is registered included in the application. TM49 60

(g) Application by the proprietor or registered user of a single trade mark under section 28 (10) (b) and regulation 51 (2) for cancellation of the entry of a registered user. TM50 60

(h) Application by the proprietor or registered user of more than one trade mark under section 28 (10) (b) and regulation 51 (2) for cancellation of the entries of a registered user for the first mark. TM50 60

(i) and for every other mark of the proprietor for which the same user is registered included in the application. TM50 60

(j) Application under section 28 (10) (c) and regulation 51 (3) to cancel the entry of a registered user of a single trade mark. TM51 60

(k) Application under section 28 (10) (c) and regulation 51 (3) to cancel the entries of a registered user of more than one trade mark for the first mark. TM51 60

(l) and for every other mark of the same proprietor for which the same user is registered included in the application. TM51 60

(m) Notice under section 28 (11) and regulation 51 (4) of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trademarks. TM52 60

7.(a) Request to enter in the Register and advertise a certificate of validity under section 44 and regulation 45 (1) for the first registration certified. TM47 170

(b) For every other registration certified in the same certificate. TM47 90

8. Application under section 29 (4) and regulation 36 (2) for extension of time for registering a corporation as subsequent proprietor of trade marks on one assignment.

(i) not exceeding two months TM12 60

(ii) not exceeding four months TM12 90

(iii) not exceeding six months TM12 135

9. (a) Application for certificate of the Registrar under section 22 (6) and regulation 39—for the first mark proposed to be assigned. TM38 170

(b) For every other mark of the same proprietor or included in that assignment. TM38 60

10.(a) Application for approval of the Registrar under section 22 (8) or paragraph 2 of the Second Schedule to the Act and regulation 39 for the first mark. TM39 OR 40 135

(b) For every other mark of the same proprietor included in the same transfer. TM39 OR 40 60

(c) Application for directions by the Registrar for advertisement of assignment of trade marks in use without goodwill (see. 22 (9) and regulation 40 for one mark assigned. TM41 135

(d) For every other mark assigned with the same devolution of title. TM41 60

(e) Application for extension of time for applying for directions for advertisement of assignment of trade marks in use without goodwill in respect of one devolution of title. (Sec. 22 (9) and regulation 40 (5)).

(f) not exceeding one month. TM42 60

(g) not exceeding two months. TM42 110

(h) not exceeding three months. TM42 160

(i) Notice of opposition to application for leave to add to or alter registered trade marks for each application opposed (section 35 regulation 46 (3)). TM45 135

11. Application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark,

(a) if made within six months from the date of acquisition of proprietorship. TM13/14
135

(b) if made after expiration of six months but within twelve months from the date of acquisition of proprietorship. TM13/14 170

(c) If made after expiration of twelve months. TM13/14 180

(d) Application to register a subsequent proprietor of more than one trade mark standing in the same name. The devolution of the title being the same in each case.

(e) If made within six months from the date of acquisition of proprietorship for the first mark.
TM13/14 135

(f) And for every other mark TM13/14 60

(g) If made after expiration of six months but within twelve months from the date of acquisition of proprietorship for the first mark. TM13/14 170

(h) And for every other mark TM13/14 60

(i) If made after expiration of twelve months from the date of acquisition of proprietorship for the first mark. TM13/14 170

(j) And for every other mark TM13/14 60

12. (a) Application to change the name or description of a proprietor or a registered user of a single trade mark where there has been no change in the identity of the user. TM19 60

(b) Application to change to the name or description of a proprietor or registered user of more than one trade mark standing in the same name, where there has been no change in the proprietorship or in the identity of the user, the change being the same in each case for the first mark. TM19 60

(c) And for every other mark. TM19 60

- 13.(a) Renewal of registration of a trade mark at expiration of last registration. TM9 340
- (b) Renewal of registration of a series of trade marks under section 21 (3) at the expiration of last registration for the first mark of the series. TM9 340
- (c) And for every other mark of the series. TM9 60
- (d) For renewal of registration of the same certification trade mark with the same date for goods in more than one class. TM9 340
- (e) For every class TM9 340
- (f) Additional fee under regulation 30 (3) TM10 170
- (g) Restoration fee under regulation 31 TM11 120
14. (a) Application to the Registrar for leave to add to or alter a single registered trade mark under section 35 and regulation 46. TM23 120
- (b) Application to the Registrar for leave to add or alter more than one registered trade mark of the same proprietor being identical marks the addition or alteration to be made in each case being the same for the first mark. TM23 120
- (c) And for every other mark (section 35 regulation 46 (1) TM23 60
- (d) Notice of opposition to application for leave to add to or alter registered trade marks for each application opposed (section 35) regulation 46 (3) TM45 60
- 15.(a) Alteration of one or more entries of the trade or business address of a registered proprietor or a registered user of a trade mark where the address in each case is the same and is altered in the same way, for the first entry. TM16 60
- (b) And for every other entry. TM16 60
16. Every entry in the register of a rectification or an alteration not otherwise charged under regulation 63 (2) TM46 60
17. Cancellation of the entry or part of the entry of a trade mark upon the register on the application of the registered proprietor of the trade mark (section 34 (1) and regulation 44 (1). TM20/21 60
18. (a) Application under sections 26, 27, 32 or 33 and regulation 42 (1) for rectification of the register or removal of trade mark from the register. TM24 120
- (b) Application for leave to intervene in proceedings under sections 26, 27, 32 or 33 for rectification of the Register or removal of trade mark from the register. TM25 120
19. Request (not otherwise charged) for correction of clerical error or for permission to amend application. TM18 60

20. Request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the Register under section 34 (1) (e) and regulation 44 (1) TM22 60

21.(a) Application to the Minister under regulation 47 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of a certification trade mark or of certification trade marks of the same registered proprietor where the regulations are substantially the same. TM34 135

(b) Request to the Minister by the registered proprietor of a certification trade mark to permit alteration of the deposited regulation under regulation 48 for the regulation of one such registration. TM33 60

(c) For the same or substantially the same regulation of each other registration proposed to be altered in the same way and included in the same request. TM33 60

22. (a) Application by registered proprietor under regulation 64 for conversion of specification. TM43 60

(b) Notice of opposition to a conversion of specification/s of registered trade mark/s for one mark. TM44 135

(c) Every other mark of the same proprietor having the same specification. TM44 60

23. Appeal from the Registrar to the Minister in respect of each decision appealed against by appellant (regulation 62). TM28 135

24. (a) A search under regulation 61 in respect of one class without request for Registrar's preliminary advice as to distinctiveness. TM26 60

(b) With request for Registrar's advice as to distinctiveness. TM26 60

(c) Request for Registrar's preliminary advice under section 39 regulation 61 (3) TM27 60

25.(a) Certificate of the Registrar (other than Certificate under section 19 (2) of the registration of trade marks. TM29 60

(b) Certificate of the Registrar (other than certificate under section 19 (2) of the registration of a series of trade marks under section 21 (3) and regulation 58. TM29 60

26.(a) Cancellation or making one or more entries of an address for service of a registered proprietor or a registered user of a trade mark where the address in each case is the same under regulation 41 (2) on application made after registration in each case for the first entry. TM31 40

(b) And for every other entry included in the application. TM31 15

(c) Alteration of one or more entries of an address for service in the Register included in one application for alteration, where the address and the alteration in each case are the same for the first entry. TM31 60

(d) And for every other entry TM31 15

27. Inspection of Register or notice of opposition counter statement or decision in connection with any opposition or application for rectification of the Register relating to any particular trade mark for every quarter of an hour. 30

28. Office copy of documents for every 100 words. 60

29. Photographic copy of documents. Cost according to agreement

30. Certified office copies, photographic or printed matter. 60."

2. The Trade Marks (Amendment) Regulations, 2001 (L.I. 1685) are hereby revoked.

NANA ADDO DANKWA AKUFO-ADDO (MP)

Attorney-General and Minister for Justice

Date of Gazette Notification: 14th June, 2002.