

TRADEMARKS (AMENDMENT) REGULATION, 1980 (LI 1244)

IN exercise of the powers conferred on the Minister responsible for Justice by section 65 of the Trade Marks Act, 1965 (Act 270) this Regulation is made this 9th day of July, 1980.

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

"SCHEDULE 2

FEES

| Corresponding | Amount | Form |
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| 1. (a) On application to register a trade mark for one or more articles included in one class | 15.00 | TM 2 |
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| (b) On application to register a series of trade marks for a specification of goods included in one class | 15.00 | TM 2 |
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| (c) On application to register a defensive trade mark for a specification of goods included in one class | 20.00 | TM 30 |
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| (d) On application to register certification trade mark for a specification of goods included in one class | 15.00 | TM 4 |
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| 2. On request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used | 20.00 | TM 3 |
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| 3. On notice of opposition before the Registrar under section 18, for each application opposed by opponent | 25.00 | TM 5 |
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| 3. (a) On lodging a counter-statement in answer to a notice of opposition under section 18, for each application opposed by the applicant; or in answer to an application under any of the sections 26, 27, 32 and 33 by the proprietor in respect of each trade mark; or in answer to a notice of opposition under section 35 for each application or conversion opposed, by the proprietor | 10.00 | TM 6 |
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| (b) On the hearing of each opposition under section 18 by applicant and by opponent respectively; or on the hearing of an application under any of the sections 26, 27, 32 and 33, by applicant and proprietor respectively; or on the hearing of an opposition under section 35 or section 41 by proprietor, and by opponent respectively | 20.00 | TM 7 |
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| (c) On notice of opposition before the Minister under sub-paragraph 2 of paragraph 2 of the 1st Schedule of the Act, for each application opposed by the opponent | 25.00 | TM 35 |
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| (d) On lodging a counter-statement in answer to a notice of opposition before the Minister under sub-paragraph (2) of paragraph 2 of the 1st Schedule of the Act, for each application opposed by the applicant | 10.00 | TM 36 |
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(e) On hearing of each opposition before the Minister under sub-paragraph (2) of paragraph 2 of the 1st Schedule of the Act, by applicant and by opponent respectively 20.00 TM 31

4. For one registration of a trade mark (not otherwise charged) for a specification of goods included in one class 25.00 TM 8

(a) For one registration of a series of trade marks under section 21 (2) for a specification of goods included in one class 25.00 TM 8

And for every other mark of the series 5.00

(b) For registration under section 36 of a certification trade mark for a specification of goods included in one class 25.00 TM 8

(c) For registration upon application made at the same time of one certification trade mark under section 36 for specification of goods not all included in one class in respect of every class 25.00 TM 8

(d) For one registration of a defensive trade mark for specification of goods included in one class 30.00 TM 8

5. Upon each addition to the registered entry of a trade mark of a note that the mark is associated with newly registered mark 5.00 TM 8

(a) On application to dissolve the association between registered trade marks 10.00 TM 17

6. On application to register a registered user of a registered trade mark in respect of goods within the specification thereof 30.00 TM 48

6. (a) On 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 thereof and subject to the same conditions and restrictions in each case—

For the first mark 30.00 TM 48

And for every other mark of the proprietor included in the application and statement of case 5.00

(b) On application by the proprietor of a single trade mark, under paragraph (a) of section 28 (10) to vary the entries of a registered user thereof 30.00 TM 49

(c) On application by the proprietor of more than one trade mark under paragraph (a) of section 28 (10) to vary the entries of a registered user thereof—

For the first mark. 30.00 TM 49

And for every other mark of the proprietor for which the same user is registered, included in the application 5.00

(d) On application by the proprietor or registered user of a single trade mark under paragraph (b) of section 28 (10) for cancellation of the entry of a registered user thereof.
. 10.00 TM 50

(e) On application by the proprietor or registered user of more than one trade mark under paragraph (b) of section 28 (10) for cancellation of the entries of a registered user thereof—

For the first mark 10.00 TM 50

And for every other mark of the proprietor for which the same user is registered, included in the application 5.00

(f) On application under paragraph (c) of section 28 (10) to cancel the entry of a registered user of a single trade mark 10.00 TM 51

(g) On application under paragraph (c) of section 28 (10) to cancel the entries of a registered user of more than one trade mark—

For the first mark 10.00 TM 51

And for every other mark of the same proprietor for which the same user is registered, included in the application 5.00 TM 51

(h) On 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 trade marks
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7. On request to enter in the register and advertise a certificate of validity under section 44 and regulation 45 (1)—

For the first registration certified 25.00 TM 47

And for every other registration certified in the same certificate 5.00

7. (a) On application under section 29 (4), for extension of time for registering a corporation as subsequent proprietor of trade marks on one assignment—

Not exceeding two months 10.00 TM 12

Not exceeding four months 15.00 TM 12

Not exceeding six months 30.00 TM 12

8. On application for certificate of the Registrar under section 22 (6) and regulation 39—

For the first mark proposed to be assigned 30.00 TM 38

And for every other mark of the same proprietor or included in that assignment 5.00

8. (a) On application for approval of the Registrar under section 22 (8) or paragraph 2 of the 2nd Schedule of the Act and regulation 39—

For the first mark 30.00 TM 39 or 40

And for every other mark of the same proprietor included in the same transfer . . . 5.00

(b) On application for directions by the Registrar for advertisement of assignment of trade marks in use without goodwill—(sec. 22 (9)

For one mark assigned 25.00 TM 41

And for every other mark assigned with the same devolution of title. 5.00

(c) On 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 (section 22 (9) regulation 40 (5)—

Not exceeding one month 10.00 TM 42

Not exceeding two months 15.00

Not exceeding three months 30.00

9. On application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark—If made within six months from the date of acquisition of proprietorship 25.00 TM 13/14

If made after expiration of six months but within twelve months from the date of acquisition of proprietorship 30.00 TM 13/14

If made after expiration of twelve months 40.00 TM 13/14

9. (a) On 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—

If made within six months from the date of acquisition of proprietorship—

For the first mark 25.00 TM 13/14

And for every other mark 5.00

If made after expiration of six months but within twelve months from the date of acquisition of proprietorship—

For the first mark 30.00 TM 13/14

And for every other mark 5.00

If made after expiration of twelve months from the date of acquisition of proprietorship—

For the first mark 40.00 TM 13/14

And for every other mark 5.00

10. On 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
10.00 TM 19

10. (a) On application to change the name or description of a proprietor or a 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 10.00 TM 19

And for every other mark 5.00

11. For renewal of registration of a trademark at the expiration of last registration
20.00 TM 9

11. (a) For renewal of registration of series of trade marks under section 21 (3) at the expiration of last registration—

For the first mark of the series 20.00 TM 9

And for every other mark of the series 5.00

(b) For renewal of registrations of the same certification trade mark with the same date for goods in more than one class

For every class 20.00 TM 9

(c) Additional fee under regulation 30 (3) 10.00 TM 10

(d) Restoration fee under regulation 31 20.00 TM 11

12. On an application to the Registrar for leave to add to or alter a single registered trade mark under section 35 (regulation 46). 20.00 TM 23

12. (a) On an application to the Registrar for leave to add to 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 20.00

And for every other mark

(Section 35 regulation 46 (1)) 10.00 TM 23

(b) On notice of opposition to application for leave to add to or alter registered trade marks, for each application opposed (section 35, regulation 46 (3))
25.00 TM 45

13. For altering one or more entries of the trade or business address of a registered proprietor or 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 10.00

And for every other entry 5.00 TM 16

14. For every entry in the Register of a rectification thereof or an alteration therein, not otherwise charged (under regulation 63 (2) 10.00 TM 46

15. For cancelling 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) (c) and (d) 5.00 TM 20/21

16. On application under any of the sections 26, 27, 32 and 33, for rectification of the Register or removal of trade mark from the Register 25.00 TM 24

16. (a) On application for leave to intervene in proceedings under any of the sections 26, 27, 32 and, 33, for rectification of the Register or removal of trade mark from the Register 20.00 TM 25

17. On request, not otherwise charged for correction of clerical error or for permission to amend application 5.00 TM 18

18. On request by registered proprietor of a trademark for entry of disclaimer or memorandum in the Register 5.00 TM 22

19. On 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 25.00 TM 34

19. (a) On request to the Minister by the registered proprietor of a certification trade mark to permit alteration of the deposited regulation thereof—

For the regulations of one such registration 10.00 TM 33

For the same or substantially the same regulations of each other registration proposed to be altered in the same way and included in the same request 5.00

20. On application by registered proprietor under regulation 64 for conversion of specification 5.00 TM 43

20. (a) On notice of opposition to a conversion of specification/s of registered trade mark/s

For one mark. 25.00

For every other mark of the same proprietor having the same specifications 5.00 TM 44

21. On appeal from the Registrar to the Minister in respect of each decision appealed against, by Appellant (regulation 62) 25.00 TM 28

22. For a search under regulation 61 in respect of one class—without request for Registrar's preliminary advice as to distinctiveness 5.00 TM 26
- With request for Registrar's advice as to distinctiveness 10.00
22. (a) On request for Registrar's preliminary advice under regulation 61 (3) 10.00 TM 27
23. For certificate of the Registrar (other than certificate under section 19 (2)) of the registration of a trade mark 10.00 TM 29
23. (a) For certificate of the Registrar (other than certificate under section 19 (2) of the registration of a series of trade marks under section 21 (3)) .. 10.00 TM 29
24. For cancelling 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, on application made after the registration in each case—
- For the first entry 5.00 TM 31
- And for every other entry included in the Application 1.00
24. (a) For altering 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 5.00 TM 31
- And for every other entry 1.00
25. For inspecting 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 or part thereof .. 2.00
26. For office copy of documents, for every 100 words (but never less than ₹5.00) 5.00
27. For photographic copy of documents cost according to agreement, but not less than 5.00
28. For certifying office copies photographic or printed matter 5.00"

JOE REINDORF

Attorney-General and Minister of Justice

Date of Gazette Notification: 11th July, 1980.