

## Trade Marks (Amendment) Regulations, 2023 (No. 5)

IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs has, in terms of section 104 of the Trade Marks Act [*Chapter 26:04*], made the following regulations:—

1. These regulations may be cited as the Trade Marks (Amendment) Regulations, 2023 (No. 5).

2. The First Schedule to the Trade Marks Regulations, 2005, published in Statutory Instrument 170 of 2005, is repealed and the substitution of—

“FIRST SCHEDULE (*Section 7*)

## FEES

Matter or proceedings	ZW\$	US\$
1. On application to register		
(a) a trademark or defensive mark.....	50 000	200
(b) a series of trademarks or a series of certification mark –		
(i) of the first mark of a series or the first mark class of the certification mark....	50 000	200
(ii) of every other mark of the series or every other class of the certification mark.....	10 000	40
2. On request for a statement of grounds of decision in terms of section 21(4) of the Act as read with section 21 of these regulations...	40 000	160
3. —		
(i) General Form of Advertisement, in terms of sections 22, 40 or 46 of the Act, as read with section 23 of the regulations. . . . .	10 000	40
(ii) Advertisement of Registered User in terms of section 33 of the Act, as read with section 56 of these regulations in respect of—		
(a) One to ten trademarks . . . . .	10 000	40
(b) Eleven to twenty . . . . .	15 000	60
(c) Twenty one and more . . . . .	20 000	80

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<p>4. On request for a Preliminary Advice in terms of section 51 of the Act, as read with section 10 of these regulations, or for search in terms of section 90 of these regulations—</p> <p>(a) for search only in respect of each class.....</p> <p>(b) for a search together with Preliminary Advice.....</p>	20 000	80
	30 000	120
<p>5. For renewal of registration—</p> <p>(a) for a trademark or defensive mark at the expiry of the last registration.....</p> <p>(b) for a series of trademarks or certification mark at the expiry of the last registration—</p> <p>(i) for the first mark of the series or the first class of certification mark.....</p> <p>(ii) for every other mark of the series or the first class of the certification mark.</p>	50 000	200
	50 000	200
	10 000	40
<p>6. On application for the registration of a Registered User in terms of section 33 of the Act, as read with section 56 of these regulations in respect of—</p> <p>(a) One to five trademarks .....</p> <p>(b) Six to 10 trademarks.....</p> <p>(c) 11 to 20 trademarks.....</p> <p>(d) 21 or more trademarks (for each mark or class)</p>	50 000	200
	70 000	280
	100 000	400
	125 000	500
<p>7. On application to register a Subsequent Proprietor in terms of section 29 of the Act, as read with section 47 of these regulations, in respect of—</p> <p>(a) One to five trademarks .....</p> <p>(b) Six to 10 trademarks.....</p> <p>(c) 11 to 20 trademarks.....</p> <p>(d) 21 or more trademarks (for each mark or class)</p>	50 000	200
	70 000	280
	100 000	400
	125 000	500

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Matter or proceedings	ZW\$	US\$
8. Additional fee in terms of section 45(2) of these regulations.....	10 000	40
9. On restoration of a trademark, a series of trademarks, a certification mark or a defensive mark removed from the Register for non-payment of renewal fees.....	100 000	400
10. For any Certificate, other than a Certificate of Registration issued in terms of section 23(4) of the Act.....	20 000	80
11. On application by a Registered User to vary the entry in the Register of a single Registered User of one or more trademarks in terms of section 33(8) of the Act— (a) For the first entry ..... (b) For every other entry included in the application.....	20 000	80
	10 000	40
12. On application to cancel the entry of a Registered User in terms of section 33(8)(a) of the Act, as read with section 59 of these regulations— (a) For the first entry..... (b) For every other entry in the name of the same proprietor and registered user included in the application.....	10 000	80
	10 000	40
13. On application for a Rectification of the Register or the Removal of a trademark from the Register in terms of sections 31, 32, 37 or 38 of the Act, as read with section 61(1) of these regulations	20 000	80
14. On application for an Amendment before registration in terms of section 21(7) of the Act— (a) of a trademark ..... (b) of a document.....	20 000	80
	10 000	40
15. On application for the Correction of or other Change in the Register in terms of section 39 and 84 of the Act as read with section 65(1) of these Regulations, per mark or class.....	10 000	40

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16. On application for an Extension of Time in terms of sections 32 and 85 of the regulations—		
(a) for an extension not exceeding 3 months per class.....	12 000	50
(b) for an extension not exceeding 6 months per class.....	25 000	100
(c) an extension up to a maximum of 12 months per class.....	37 000	150
17. On request for the registration of a trademark or certification mark in terms of section 38 or 72 of these regulations.....	20 000	80
18. For each entry in the Register of a Note that the mark is associated with a newly registered mark.....	5 000	20
19. On application to dissolve the association between trademarks in terms of section 30 of the Act, as read with section 39 of these Regulations.....	5 000	20
20. On application for the Substitution of an Applicant in terms of section 27(7) of the Act, as read with section 54 of these Regulations in respect of each such application.....	20 000	80
21. On request by the Registered Proprietor of a trademark to strike out goods or services from those in respect of which the trademarks is registered in terms of section 39(1)(d) of the Act as read with section 65(1) of these Regulations or to cancel an entry in terms of those Regulations.....	10 000	40
22. On request by the Registered Proprietor of a Certification mark to permit alteration of the deposited rules thereof in terms of section 46(3) of the Act as read with section 74(1) of these regulations.....	10 000	40
23. On application for an Order Expunging or Varying an entry in the Register relating to a certification mark or varying the Deposited Rules in terms of section 47 of the Act, as read with section 75 of these regulations.....	20 000	80

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<b>Matter or proceedings</b>	<b>ZW\$</b>	<b>US\$</b>
24. On filing of a Notice of Opposition in terms of section 22(2) of the Act.....	20 000	80
25. On a Counter Statement in terms of section 22(3) of the Act.....	20 000	80
26. On every Appeal to the Tribunal from a Decision or Order of the Registrar.....	50 000	200
27. On application or matter made direct to the Tribunal.....	20 000	80
28. For certifying any document.....	10 000	40
29. Rental fee for lodging box per year or part thereof.....	50 000	120
30. For a copy of a document per page.....	1 000	1
31. Search fee per trademark/per class.....	1 000	1
32. On application for revision of classification of goods.....	20 000	80
33. On application for Determination of Rights of Parties.....	100 000	400
34. Registration as an IP agent per year or part thereof.....	50 000	120
35. Application for hearing.....	25 000	100
36. Filing an opposition.....	50 000	200
37. Electronic search(E-Search)	1 000	1.”

3. The Trade Marks (Amendment) Regulations, 2020 (No. 4), published in Statutory Instrument 239 of 2020, are repealed.

