

**LAWS OF MALAWI**

**Trade marks**

**Cap. 49:01**

**Trade Marks(Agents' Fees) Regulations**

**(Subsidiary)**

G.N. 287/1962(F)

**TRADE MARKS (AGENTS' FEES REGULATIONS)**

*under s. 81*

**Citation**

1. These Regulations may be cited as the Trade Marks (Agents' Fees) Regulations.
2. The fee (including disbursements) for any service specified in the first column of the Schedule and performed by a trade mark agent shall be not less than that specified opposite thereto in the second column of the Schedule.

**Fee.**

**SCHEDULE  
TARIFF OF FEES PAYABLE TO TRADE MARK AGENTS**

s.2

<u>Service</u>	<u>Minimum Fee.</u> <u>£ s. d.</u>
<b>1. Ordinary trade mark applications:-</b>	
(a) lodging of an application in one class, including normal prosecution and obtaining certificate	6 18 0
(b) lodging of each additional application at the same time and in the same name.	5 3 0
(c) preparing documents, per application	1 10 0
<b>2. Series trade mark applications:-</b>	
(a) lodging of an application in one class, including normal prosecution and obtaining certificate:-	
(i) for first mark in series	6 18 0
(ii) for each additional mark in series	0 5 0
(b) lodging of each additional application for same series of marks in each additional class:-	
(i) for first mark of series	6 18 0
(ii) for each additional mark in series	0 10 0
<b>3. Priority date; claiming priority under Convention on each ordinary or series application</b>	1 0 0
<b>4. Defensive trade mark applications:-</b>	
(a) lodging of an application, including normal prosecution and obtaining certificate.	6 18 0
(b) lodging of each additional application for same mark in each additional class.	5 3 0

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	<u>Service</u>	<u>Minimum Fee.</u>
<b>5.</b>	<b>Certification trade mark applications:-</b>	
(a)	lodging of an application, including normal prosecution and obtaining certificate.	6 18 0
(b)	lodging of each additional application for same mark in each additional class.	5 30 0
(c)	preparing and lodging request to registrar for alteration of deposited regulations.	5 0 0
(d)	preparing and lodging of an application to Registrar for an order expunging or varying an entry in the register relating to a certification trade mark or varying the deposited regulations.	5 0 0
(e)	drawing statement of case	5 0 0
<b>6.</b>	<b>Registered users:-</b>	
(a)	lodging of an application for registration of user of one trade mark.	5 7 0
(b)	inclusion of each additional mark of the same proprietor in the same application of the same registered user.	0 10 0
(c)	drawing simple registered user agreement.	6 6 0
(d)	drawing simple declaration and statement of case	5 0 0
(e)	lodging of an application for cancellation of registered user entry of a trade mark:-	
	(i) for a single mark	5 0 0
	(ii) for each additional mark included in the same application of the same proprietor or registered user	0 10 0
(f)	lodging of an application for variation of the terms of appointment of a registered user:-	
	(i) for a single mark	5 0 0
	(ii) for each additional mark of the proprietor for which the same user is registered included in the same application.	0 10 0
(g)	preparation of statements to accompany (e) or (f).	5 0 0
(h)	lodging of an application for leave to intervene in variation cancellation of registered user.	5 5 0

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<b>7.</b>	<b>Assignments:-</b>	
(a)	preparing deed of assignment.	2 0 0
(b)	lodging of an application for assignment of a single trade mark:-	
	(i) within six months from the acquisition of proprietorship.	6 8 0
	(ii) between six and twelve months from the acquisition of proprietorship.	6 5 0
	(iii) after twelve months from the acquisition of proprietorship.	6 5 0
(c)	inclusion of second mark in same application.	3 0 0
(d)	inclusion of each subsequent mark in same application.	1 0 0
(e)	lodging of an application for directions to advertise assignment of trade mark in use without goodwill:-	
	(i) for a single trade mark.	2 0 0
	(ii) for each additional mark included in the same application	0 5 0
(f)	lodging of an application for extension of time to advertise assignment without goodwill as in (e) for each month (up to three)	1 0 0
(g)	preparing and lodging affidavit in support of statement of case accompanying request to register subsequent proprietor.	3 0 0
(h)	lodging of an application for extension of time for registration of company about to be formed as a subsequent proprietor for each application (up to six months).	1 0 0
(i)	lodging of an application for certificate of Registrar on proposed assignment of trade marks:-	
	(i) for a single trade mark.	2 0 0
	(ii) for each additional mark of the same proprietor included in the same application	0 5 0
(j)	lodging of an application for approval by Registrar of a proposed assignment of trade marks:-	
	(i) for a single trade mark.	2 0 0
	(ii) for each additional mark of the same proprietor included in the same application.	0 5 0

(k) drawing statement of case. 4 0 0

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	<u>Service</u>	<u>Minimum Fee.</u>
<b>8.</b>	<b>Renewal:-</b>	
(a)	making application and obtaining certificate.	2 0 0
(b)	for each subsequent application of the same proprietor lodged simultaneously with first application..	1 0 0
(c)	submitting additional fee for overdue renewal fee..	1 0 0
<b>9.</b>	<b>Restoration:-</b>	
(a)	lodging of an application in respect of one mark.	5 0 0
(b)	lodging of an application in respect of each additional mark in the name of same proprietor simultaneously with the first application	2 0 0
<b>10.</b>	<b>Prosecution, attending to official objections against trade mark applications; charges according to services rendered, upon the following bases:-</b>	
(a)	attendance at Trade Marks Office for formal matters.	1 0 0
(b)	interviews and consultation, with Trade Marks Office	1 10 0
(c)	examining citations at Trade Marks Office	1 0 0
(d)	obtaining uncertified print of cited device mark	1 0 0
(e)	formal routine correspondence sent and received, per letter	0 5 0
(f)	correspondence involving merits, per letter	1 7 6
(g)	hearings	4 0 0
(h)	each affidavit	2 9 0
(i)	obtaining block, including representations	1 0 0
(j)	obtaining representations (other than block words simpliciter) for lodging.	1 0 0
(k)	lodging application for grounds of Registrar's decision	1 5 0
(l)	preparing and serving notice of advertisement of acceptance on one prior registrant.	1 10 0
(m)	application for extension of time (where no prescribed form)	2 0 0

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<b>11.</b>	<b>Amendments:-</b>	
(a)	amendment of one trade mark registration under section 40 of the Act.	6 18 0
(b)	amendment of each additional mark in the same name at the same time.	3 0 0
(c)	amendment of the same mark in an additional class, in the same name and at the same time.	8 0 0
(d)	lodging of notice of opposition to alteration of or addition to a registered trade mark.	8 0 0
(e)	lodging of an application for correction of clerical error or permission to amend an application.	1 0 0
<b>12.</b>	<b>Miscellaneous:-</b>	
(a)	lodging of an application for registration of memorandum in register or amendment of registered goods:-	
	(i) against one mark	2 10 0
	(ii) against a second mark in the same name effected simultaneously.	1 0 0
	(iii) against each subsequent mark in the same name effected simultaneously.	0 10 0
(b)	lodging of an application for cancellation of trade marks registrations:-	
	(i) for first mark	2 10 0
	(ii) for each additional mark in the same name effected simultaneously.	1 0 0
(c)	lodging of an application for registration of change of address or addresses for service and obtaining certificate:-	
	(i) against one mark	2 10 0
	(ii) against each subsequent mark in the same name at the same time.	0 10 0
(d)	lodging of an application for registration of change of name and obtaining official certificate:-	
	(i) against one mark	2 10 0
	(ii) against second mark in same name at same time	1 0 0
	(iii) against each subsequent mark in the same name at same time	0 10 0

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(e)	late lodging of any document	0 10 0
(f)	associations:-	
(i)	submitting association fee for each application for registration, where not included in original instructions for lodging such application.	0 15 0
(ii)	lodging of an application for dissolving association of marks.	4 0 0
(g)	entering disclaimers and other endorsements for each application for registration where not included in original instructions for lodging of such application	1 0 0
(h)	certification of any document as a true copy	0 15 0
<b>13.</b>	<b>Searches and registrability research:-</b>	
(a)	making and reporting search as to registrability of a single trade mark.	2 0 0
(b)	making and reporting general searches, through the official indexes and additionally or alternatively in the register.	2 0 0
(c)	making and reporting, name index only.	0 10 0
(d)	lodging of a request for Registrar's prima facie opinion as to registrability of mark in one class of goods and reporting.	1 10 0
(e)	lodging of a request for official search for anticipations, and reporting.	1 10 0
<b>14.</b>	<b>Conversion of goods:-</b>	
(a)	converting specification of goods from Schedule III to Schedule IV of the Trade Marks Regulations in a single trade Mark registration:-	
(i)	for the first class converted.	5 0 0
(ii)	for each additional class converted at the same time	2 0 0
(b)	lodging of an opposition to conversion of goods:-	
(i)	for the first mark opposed.	5 0 0
(ii)	for each other opposed at the same time	4 0 0
<b>15.</b>	<b>Certificates;</b> obtaining any certificate of Registrar (not already mentioned above).	2 0 0

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<b>16.</b>	<b>Opposition/rectification proceedings:-</b>	
(a)	lodging of a formal notice of opposition	8 0 0
(b)	lodging counter-statement	8 0 0
(c)	lodging of formal notice to Registrar of attendance at hearing in opposition or rectification proceedings or other matters concerned.	1 0 0
(d)	lodging of an application for expungement of a registered trade mark.	8 0 0
(e)	lodging of an application for leave to intervene in rectification proceedings	2 0 0
<b>17.</b>	<b>Appeals and Court orders:-</b>	
(a)	lodging of a notice to Registrar that notice of appeal has been filed with Tribunal.	2 0 0
(b)	lodging of a notice of order of High Court or Tribunal for alteration or rectification of register	1 10 0
(c)	lodging of an application requesting registration and advertisement of certificate of validity order of High Court or Tribunal:-	
	(i) for the first mark.	2 0 0
	(ii) for each additional mark at the same time	0 10 0

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**SECOND SCHEDULE  
PART I  
TRIBUNAL FEES**

rr. 17, 18, 25 and  
28

<b>Item</b>	<b><u>Matter</u></b>	<b><u>Amount</u></b>		
		<b><u>£</u></b>	<b><u>s.</u></b>	<b><u>d.</u></b>
1	On every appeal to the Tribunal from decision or order of the Registrar of Trade Marks inclusive fee	2	10	0
2	On any application or matter made direct to the Tribunal under the Act – inclusive fee.	2	10	0
3	On every search.	0	2	60
4	For typewritten copies of judgments or records, for additional copies of orders or for copies of documents or proceedings furnished upon direction of the registrar of the Tribunal:	2	10	0
	The first copy for each folio of 100 words or part thereof.	0	1	6
	Additional copies for each folio of 100 words or part thereof.	0	0	6
5	On certifying any document as an office copy.	0	5	0
6	Transcript of shorthand writers' notes.			
				Such fee as may be determined by the Minister

**PART II  
SUBSISTENCE AND TRAVELLING ALLOWANCES PAYABLE TO  
WITNESSES**

Witnesses attending the Tribunal shall be paid subsistence and traveling allowances at the rates prescribed.

**PART III  
REMUNERATION OF ASSESSORS**

An assessor shall be remunerated at the rate of £1 1s. 0d. per hour or part thereof, but his remuneration shall not exceed £5 5s. 0d. per day, unless the Minister, with the approval of the Minister of Finance, otherwise directs. An assessor shall in addition be paid a traveling allowance at the rates prescribed.



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**PART IV  
LEGAL PRACTITIONERS' FEES**

Legal practitioners' fees in any appeal, application, opposition or other matter heard before the Tribunal shall be in accordance with the tariff of fees prescribed save as hereinafter provided:-

For the first 10 folios – per folio.	2s 6d.
For each subsequent folio	1s 0d.

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