

UNION OF SOUTH AFRICA

**PATENTS, DESIGNS, TRADE MARKS  
and COPYRIGHT ACT, 1916**

(Act No. 2 of 1916)

As amended  
together with Rules, Proclamations, etc.

PRICE 5/-

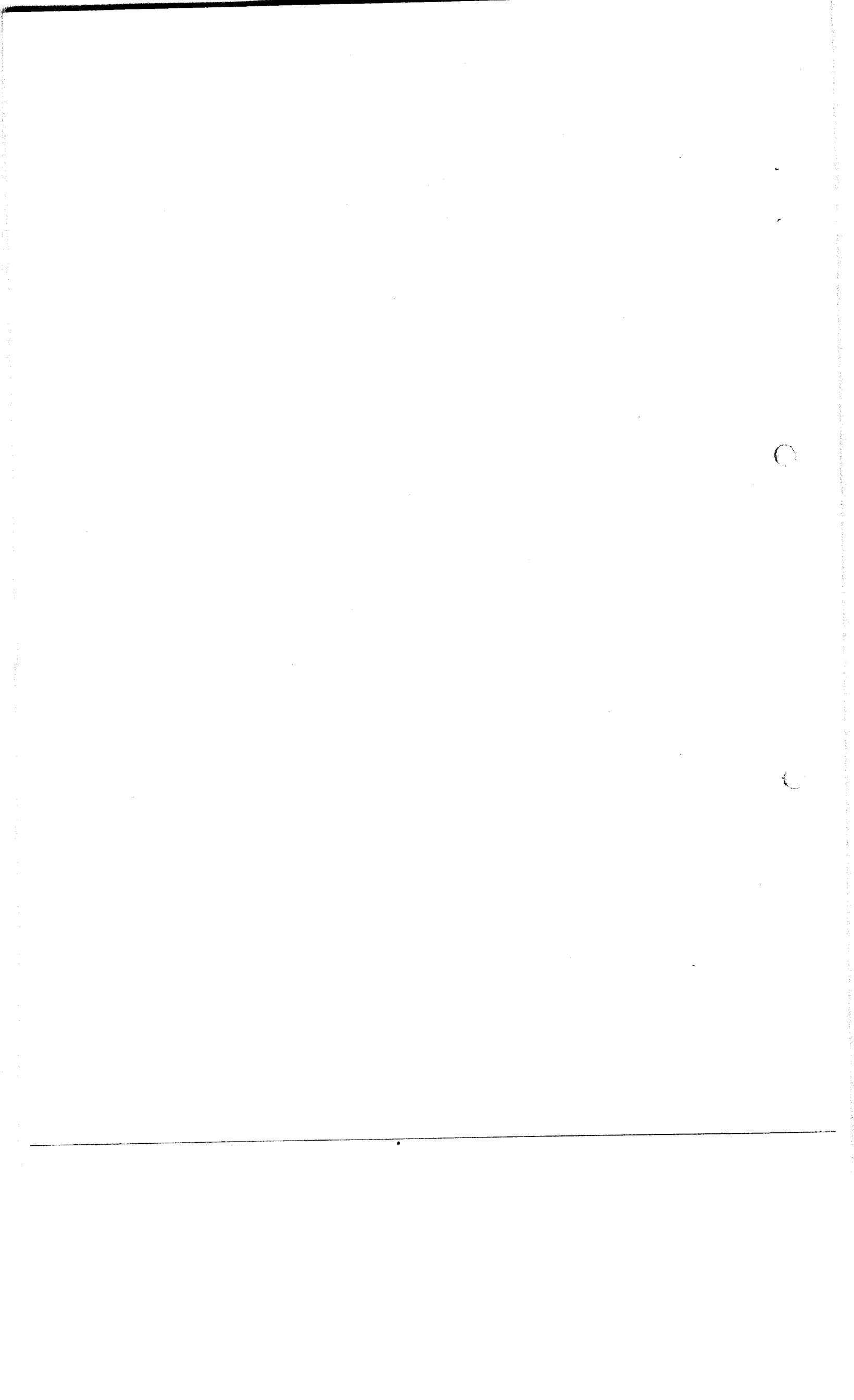
UNIE VAN ZUID-AERIKA

**WET OP PATENTEN, MODELLEN  
ANDELSMERKEN en AUTEURSRECHT, 1916**

(Wet No. 2 van 1916)

Zoals gewijzigd  
samen met Regels, Proklamasies, enz.

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Act No. 9  
of 1916.

# ACT

To Consolidate and Amend the Laws relating to the granting of Letters Patent for inventions and for the registration of Patents, Designs, Trade Marks and Copyright.

**B**E IT ENACTED by the King's Most Excellent Majesty, the Senate, and the House of Assembly of the Union of South Africa, as follows:—

## INTRODUCTORY.

Division of  
Act.

1. This Act is divided into five Chapters relating to the following matters:—

- Chapter I.—Patents;
- Chapter II.—Designs;
- Chapter III.—Trade Marks;
- Chapter IV.—Copyright;
- Chapter V.—General and Supplementary Provisions.

Chapters I., II. and III. are divided into parts.

The Parts of Chapter I. severally relate to—

- Definitions and Transitional Provisions (Part I.);
- Registration of Patents (Part II.);
- Procedure for obtaining a grant of Letters Patent (Part III.);
- Working of Patents and Compulsory Licences (Part IV.);
- Infringements of Patents (Part V.);
- Rights of the Crown in respect of Patented Inventor (Part VI.);
- Patent Agents (Part VII.);
- Miscellaneous Provisions (Part VIII.).

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The Parts of Chapter II. severally relate to—

Transitional Provisions (Part I.);  
Registration of Designs (Part II.);  
Copyright in Registered Designs (Part III.);  
Legal Proceedings (Part IV.);  
General (Part V.).

The Parts of Chapter III. severally relate to—

Transitional Provisions (Part I.);  
Registrable Trade Marks (Part II.);  
Registration of Trade Marks (Part III.);  
Assignment of Registered Trade Marks (Part IV.);  
Register of Trade Marks (Part V.);  
Miscellaneous Provisions (Part VI.).

Operation of  
Act and  
particular  
Chapters  
thereof.

2. (1) Any Chapter of this Act shall come into operation on such date as the Governor-General may by proclamation in the *Gazette* fix.

(2) Different dates may be fixed for the coming into operation of any Chapter of this Act, and the date fixed for the coming into operation of Chapters I., II., III. or IV. shall be the date upon which those provisions of Chapter V. which are incidental to the provisions of any other particular Chapter shall come into operation.

(3) The date of operation of any Chapter of this Act is hereinafter referred to as the commencement of that Chapter.

Ministerial  
responsi-  
bility for  
Administra-  
tion of Act.

3. The Minister of Justice, or any other Minister of State whom the Governor-General may assign for the purpose shall be charged with the administration of this Act.

The Minister of Justice or (as the case may be) any other Minister of State so assigned, is in this Act referred to as the Minister.

Establish-  
ment of  
offices.

4. For the purpose of this Act there shall be established offices called respectively—

- (a) the patent office;
- (b) the designs office;
- (c) the trade marks office;
- (d) the copyright office;

and each such office shall be at Pretoria.

Registrar of  
Patents,  
Designs,  
Trade Marks,  
and Copy-  
right and  
Appointment  
of other  
officers.

5. (1) There shall be an officer for the Union styled the registrar of patents, designs, trade marks and copyright, who shall be appointed by the Governor-General, subject to the laws relating to the public service, and who shall, under the Minister, have the chief control of the several offices established under the last preceding section.

(Assented to on 24th April, 1947.)

**B**E IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. In this Act—

“the principal Act” means the Patents, Designs, Trade Marks and Copyright Act, 1916 (Act No. 9 of 1916), as amended, and, unless inconsistent with the context, any expression to which a meaning has been assigned in the principal Act shall, when used in this Act, bear the meaning which has been so assigned;

“war” means the period from and including the sixth day of September, 1939, to the date which the Governor-General by proclamation in the *Gazette* declares to be the date of termination of the war.

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PART I.—DEFINITIONS AND TRANSITIONAL PROVISIONS.

Interpreta-  
tion of terms  
used in this  
Chapter.

6. For the purposes of this Chapter—

“inventor” shall not include a person importing an invention from outside the Union;

“invention” shall, unless the context of any provision of this Chapter otherwise requires, mean any new and useful art, process, machine, manufacture or composition thereof, capable of being used or applied in trade or industry, and not known or used by others in the Union, and not patented or described in any printed publication in the Union or any other country, before the application for a patent in respect of the same;

“patent office” shall mean the patent office established under section four;

“patent” shall mean letters patent for an invention granted in the Union;

“patented article” shall mean an article in respect of which a patent has been granted;

“patentee” shall mean the person for the time being entitled to the benefit of a patent;

“Provincial Patent Act” shall mean a law relating to patents which was in force in any Province on the thirty-first day of May, 1910, and shall include all regulations in force thereunder.

Saving as to  
existing  
proceedings,  
rights and  
liabilities  
under  
Provincial  
Patent Acts.

7. The provisions of this Chapter shall not affect any proceedings under any Provincial Patent Act, nor save as is otherwise expressly provided in this Chapter, any right or liability acquired or incurred before the commencement of this Chapter; and any pending proceedings may, subject to the provisions relating to the transfer of patent administration to the patent office, be continued and completed as if this Chapter had not been enacted.

Grant to  
patentee  
under  
Provincial  
Patent Act  
of Union  
patent  
under this  
Chapter.

8. (1) The patentee under a Provincial Patent Act, whose patent is still in force, may, within one year after the commencement of this Chapter, make application for an Union patent for his invention. Save as otherwise prescribed, all proceedings in connection with such an application shall be taken within the times and in the manner prescribed for ordinary applications, and shall be subject to the payment of any prescribed fees.

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(2) The registrar may grant a patent under this Chapter for that invention; but such patent shall be granted without prejudice to any prior rights acquired by any other person in respect of the same invention in any Province.

(3) Every patent granted under this section shall be for the unexpired period of the first patent under a Provincial Patent Act.

(4) Subject to the provisions of sub-section (2), the grant of a patent under this section shall be valid notwithstanding that before the application for such grant an invention has been published in any Province.

(5) The patent under the Provincial Patent Act shall continue in force notwithstanding the grant of a patent under this Act.

(6) Any Province (other than that in which the provincial patent was granted) may, if the applicant so notify his desire in his application, be excepted from such patent.

(7) In any proceedings in which the validity of a patent granted under this section comes into question the court may, if it thinks fit, direct that any Province shall be excepted from such patent.

Transfer of  
administra-  
tion of  
Provincial  
Patent Acts,  
to patent  
office.

9. (1) The Governor-General may, by proclamation in the *Gazette*, declare that on a date therein specified the administration of any Provincial Patent Act shall be transferred to the patent office established under this Act,

(2) On and after the date so specified—

(a) the Provincial Patent Acts of the Province mentioned in the proclamation so far as they have any relation to patents shall, subject to the provisions of this Act, cease to be administered in the office in which it was being administered at that date, and the registrar shall thereafter administer those Acts so far as is necessary for the purpose of completing then pending proceedings and giving effect to then existing rights and shall collect the fees due from time to time under those Acts;

(b) all powers and functions vested under any Provincial Patent Act in any Governor, Minister, officer or authority shall vest in the Governor-General, or in the Minister, officer or authority exercising similar powers or functions under the Union as the case requires or as is prescribed;

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- (c) all registers of patents under the Provincial Patent Acts shall be incorporated with and form part of the register established under this Chapter.

(3) After the administration of the Provincial Patent Acts of any Province has been transferred to the patent office, no application for a patent under those Acts shall be receivable except pursuant to some right previously acquired. But nothing in this Chapter shall be construed as preventing any person who has obtained provisional protection in respect of an invention under a Provincial Patent Act from obtaining a patent for that invention under that Provincial Patent Act.

Application  
of Chapter.

10. Save as is otherwise expressly provided, this Chapter shall apply to all patents granted either before or after its commencement, under any Provincial Patent Act, in substitution for the provisions which would have applied thereto if this Chapter had not been enacted: Provided that the date of the expiration of such patent shall not be affected by this Chapter: Provided further that no such patent shall be liable to revocation, save upon some ground on which it would have been liable to be revoked in terms of the law under which it was granted: Provided also that all fees connected therewith shall continue to be payable, as if this Chapter had not been enacted.

#### PART II.—REGISTRATION OF PATENTS.

Keeping of  
register of  
patents.

11. (1) There shall be kept at the patent office a register of patents, wherein shall be entered—

- (a) the names and addresses of grantees of patents;
- (b) notifications of assignments and transmissions of patents, of licences under patents, and of amendments, extensions and revocations of patents; and
- (c) particulars of such other matters affecting the validity or proprietorship of patents as may be prescribed.

(2) Copies of all deeds, agreements, licences and other documents affecting the proprietorship in any letters patent, or in any licence thereunder must be supplied to the registrar in the prescribed manner for filing in the patent office.

Rights of  
registered  
proprietor  
of patent.

12. (1) The person appearing from the register of patents to be the proprietor of a patent shall, subject to any rights appearing from such register to be vested in any other person, have power to deal with the patent as if he were the absolute owner thereof.



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(2) The provisions of sub-section (1) shall not protect any person dealing with the registered proprietor other than as a *bona fide* purchaser for value, and without notice of any fraud on the part of the registered proprietor.

Correction  
of errors and  
omissions,  
etc., in  
register.

13. (1) The registrar may, on request in writing, accompanied by the prescribed fee, correct any clerical error in or in connection with an application for a patent or in any patent or any specification.

(2) The court may, on the application of any person who complains of a wrong entry or wrong omission of an entry or of any other particulars in the register of patents, make such order for the striking out, insertion or amendment of such entry as it shall deem necessary.

(3) The court may, in any proceedings under this section, decide any question that it may be necessary or expedient to decide in connection therewith.

### PART III.—PROCEDURE FOR OBTAINING THE GRANT OF LETTERS PATENT.

#### (a) Application.

Who may  
apply for a  
patent.

14. (1) The following persons, whether British subjects or not, may make application for a patent:—

- (a) The inventor either alone or jointly with one or more other persons; or
- (b) the inventor jointly with the assignee of a part interest in the invention; or
- (c) the assignee of the inventor either alone or jointly with one or more other persons.

(2) If the inventor or his assignee or the assignee of a part interest in the invention is deceased, the application may be similarly made by or on behalf of the legal representative of such inventor, assignee, or assignee of a part interest in the invention.

Form of  
application  
for a patent.

15. (1) An application for a patent shall be made in the form prescribed; and must be lodged by being left at or sent by post to the patent office in the prescribed manner.

(2) The application must contain a declaration in the prescribed form setting out the facts relied on to support the application; and must be signed by the applicant (or his agent or attorney) and it must contain an address in the Union to which all notices, requisitions and communications of every kind may be made.

(3) An assignee or legal representative, making or joining in an application and an agent or attorney signing an application must furnish such proof of title or authority as the registrar may require or as may be prescribed.

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(4) An application must be accompanied by a provisional or a complete specification in quadruplicate.

(5) Subject to the provisions of this Act, the application shall date from the day when it is received at the patent office.

Specifications, form and contents of.

16. (1) All specifications must commence with a title, sufficiently indicating the subject-matter of the invention.

(2) A provisional specification must fairly describe the nature of the invention.

(3) A complete specification must fully describe and ascertain the invention and the manner in which it is to be performed, and must end with a distinct statement of the invention claimed.

(4) Drawings shall accompany every specification if and whenever required by the registrar, and these shall be deemed part of the specification; but if the drawings which accompany a provisional specification are sufficient for the purposes of the complete specification it shall suffice if the complete specification refers to them.

(5) If a complete specification does not accompany the application it may be lodged within ~~nine~~ <sup>three</sup> months after the date of the application, or within such further time, not exceeding one month, as the registrar in writing allows after payment of the prescribed fee.

(6) If a complete specification is not lodged the application shall lapse.

*amended by Act 19 of 1947*

*9 months in S.W.A.*

*no extension*

*See clause (5) of Proclamation 17 of 1923*

3. Section *seventeen* of the principal Act is hereby amended by the insertion of the following paragraph after paragraph (c) of sub-section (1) thereof—

“(d) in the case of an application under section *one hundred and ninety-one*, whether the invention claimed therein is substantially the same as the invention claimed in the application in the Convention country.”

*ACT 19 OF 1947*

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ribed;

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(c) ~~whereby~~ the application, specification and drawings have been prepared as prescribed.

*(d) New sub-section inserted by Act 19 of 1947.*

(2) In the case of a complete specification lodged after a provisional specification the registrar shall also ascertain whether the invention fully described therein is substantially the same as that which is described in the provisional specification.

(3) The registrar may, instead of himself undertaking the examination referred to in sub-sections (1) and (2), refer the application and specification to an examiner to ascertain and report upon the particulars in the said sub-sections enumerated.

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Power of registrar to refuse to accept, or refer for amendment, application, specification or drawing.

18//If, in the case of an application accompanied only by a provisional specification or by a complete specification in the first instance, the decision of the registrar is adverse to the application or specification on any matter referred to in the last preceding section, or if (in case of reference made to an examiner) the examiner report adversely to the registrar in respect of any such matter, the registrar may—

(a) refuse to accept the application; or

*ACT 19 hundred and ninety-one, the prescribed documents do not accompany the application or are not furnished within the prescribed time, the registrar may treat the application as an ordinary application.*

*(2) NEW SUB-SECTION INSERTED BY ACT 19 OF 1947.*

Appeals from registrar.

19. (1) An appeal shall lie to the law officer from any refusal or direction of the registrar under the last preceding section.

(2) The law officer shall hear the applicant and the registrar, and shall decide whether and subject to what conditions, if any, the application and specification shall be accepted.

Refusal to accept specification.

20. (1) If, in an application accompanied by a provisional specification and followed by a complete specification the registrar finds or (in case of a reference to him) the examiner reports that the complete specification has not been prepared in the prescribed manner, or that the invention is not described as prescribed, the registrar may refuse to accept the complete specification until it has been amended to his satisfaction.

(2) If, in such an application, the registrar finds or the examiner reports that the invention particularly described in the complete specification is not substantially the same as that described in the provisional specification the registrar may—

(a) refuse to accept the complete specification until it has been amended to his satisfaction; or

(b) (with the consent of the applicant) cancel the provisional specification and direct that the application be treated as having been made on the date on which the complete specification was left, and thereupon the application shall have effect as if made on that date.

(3) If, in such an application, the registrar finds or the examiner reports that the complete specification includes an invention not included in the provisional specification, the registrar may allow the original application to proceed so far as the invention included both in the provisional and in the complete specification is concerned, and treat the claim for

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of 1916.

the additional invention included in the complete specification as an application for that invention made on the date at which the complete specification was left.

Appeal  
against  
refusal.

21. A refusal of the registrar to accept a complete specification shall be subject to appeal to the law officer, who shall hear the applicant and the registrar and may make an order determining whether, and subject to what conditions, if any, the complete specification shall be accepted.

*Amended by  
Act 19 of 1947* Lapsing of  
application.

22. Unless a complete specification is accepted within <sup>fifteen</sup> twelve months from the date of application or such further time not exceeding three months as may, on payment of the prescribed fee, be allowed by the registrar then, save in the case of an appeal having been lodged against the refusal to accept, the application shall lapse.

Notice and  
advertise-  
ment of  
acceptance.

23. (1) When an application and specification have been accepted the registrar shall give written notice of that fact to the applicant, and shall transmit one of the specifications to the Attorney-General at Cape Town, Pietermaritzberg and Bloemfontein.

(2) The acceptance of the complete specification shall be advertised in the prescribed manner, and if the acceptance is not advertised within the prescribed period or within such further time as the registrar may allow the application shall lapse.

Public in-  
spection of  
applica-  
tions.

24. The application for a patent and the specifications and drawings (if any) connected therewith shall be open to public inspection in the office of the registrar and in the office of the Attorney-General at Cape Town, Pietermaritzburg and Bloemfontein after the first advertisement of the acceptance of the complete specification, but not before <sup>and ninety-one</sup> ~~and ninety-one~~ (one) <sup>save as</sup> provided in sub-section (8) of section one-hundred

*Amended by Act  
19 of 1947* Provisional  
protection.

25. (1) After an application for a patent has been accepted, the invention may, during the period between the date of the application and date of sealing the patent, be used and published without prejudice to the validity of any patent to be granted on the application, and such protection is, in this Act, referred to as provisional protection.

(2) After the acceptance of a complete specification, and until the date of sealing the patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification: Provided that an applicant shall not be entitled to institute any proceedings for infringement unless and until a patent for the invention has been granted to him.

Privilege as  
to reports of  
examiners.

26. Reports of examiners shall in no case—

- (a) be published; or
- (b) be open to inspection except by the applicant in the event of the report being adverse to him; or

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- (c) be liable to be inspected or produced in any legal proceedings unless the court having power to order inspection or production certifies that such inspection or production is desirable in the interests of justice and ought to be allowed.

(b) *Opposition.*

27. (1) Any person may, within ~~two~~ <sup>three</sup> months after the last advertisement of the acceptance of a complete specification or within such further time as the registrar may allow, give notice in the prescribed form at the patent office of opposition to the grant of the patent on any of the following grounds, but on no other:—

- (a) That the applicant has obtained the invention from the person giving such notice (hereinafter referred to as the objector), or from a person of whom the objector is the legal representative or assignee;
- (b) that the invention has been fraudulently obtained to the prejudice of another's rights;
- (c) that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the

*Amended by Act 19 of 1947*  
 (h) that the invention has been claimed in any complete specification for a Union patent which, though not available to public inspection at the date which the patent applied for would bear if granted, was deposited pursuant to an application for a patent which is or will be of prior date to such patent;

(i) that, in the case of an application under section one hundred and ninety-one, the specification describes or claims an invention other than that for which protection has been applied for in the Convention country (regard being had to the provisions of sub-section (7) of that section) and that such other invention either—

(i) forms the subject of an application made by the opponent for a patent which, if granted, would bear a date in the interval between the leaving of the application in the Convention country and the date of the application in the Union; or

(ii) is not novel or is not capable of being patented in terms of the definition of invention in section six, by virtue of action taken in the Union in the said interval.

represented as being the inventor is or the application of the same is public order or good morals; specification does not sufficiently describe the invention or the manner in which it is performed.

*inserted by Act 19 of 1947.*  
 The objector, in duplicate, shall specify the particulars of that ground of opposition, shall state an address for service, and shall be in the prescribed form.

The objector shall also specify full particulars of the ground on which he relies, and, if one of those grounds is that of an alleged prior printed publication, if possible, the edition, place and date of publication or compilation thereof and shall also include material reference to the pages thereof. Except by leave of the court no evidence shall be admitted in proof of any ground, particulars whereof are not so specified.

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Rights of  
inventor not  
prejudiced  
by  
publication.

**28.** The exhibition of an invention at an international or industrial exhibition, certified as such by the Minister or the publication of a description of the invention during the time of any such exhibition, or the use of the invention for the purposes of the exhibition at the place where it is held, or the use of the invention during the time of the exhibition at another place by someone not authorized thereto by the inventor, shall not prejudice the right of the inventor to apply for or obtain a patent for his invention, or the validity of any patent granted on the application: Provided that—

- (a) the exhibitor previous to exhibiting his invention informs the registrar in the prescribed manner of his intention so to do; and
- (b) the application for a patent is made within six months from the opening of the exhibition.

Prior  
publication  
not to  
invalidate  
to be a  
ground for  
refusing  
patent.

**29.** A patent shall not be refused or held to be invalid by reason only of the invention in respect of which the patent is applied for or was granted, or any part thereof, having been published prior to the date of the application for the patent, if the applicant or patentee (as the case may be) proves that the publication was made without his knowledge and consent, and that the matter published was derived or obtained from him, and, if he learnt of the publication before the date of his application for the patent, that he applied for and obtained protection for his invention with all reasonable diligence after learning of the publication.

Opposed  
applications  
to be heard  
and deter-  
mined by  
judge.

**30.** Every opposition to the grant of a patent shall be heard and determined by a judge of the provincial division which has jurisdiction at the place named in the application as the applicant's address for service. If it be made to appear to him that the matter may be more conveniently or fitly heard and determined in another division of the Supreme Court, such judge may order the matter to be removed to such other division and thereupon a judge of such other division shall hear and determine the matter.

Registrar of  
patents to  
transmit  
duplicate of  
notice of  
opposition  
to applicant  
and transmit  
documents  
to the  
registrar of  
the court.

**31.** The registrar of patents shall transmit a duplicate of the notice of opposition to the applicant, and shall forthwith transmit to the registrar of the court all documents relating to the application and to the opposition thereto.

Duty of the  
registrar of  
the court.

**32.** The registrar of the court shall give notice to the applicant and to every objector of the place where and the date and hour when the application and the objections thereto will be heard.

**Act No. 9  
of 1916.**Security for  
costs.

**33.** If an objector or the applicant is residing outside the Union or has no fixed property therein, the applicant or an objector may prior to the hearing of the objection or of the application (as the case may be) apply to the judge for an order that security to the satisfaction of the judge be lodged or given by the objector or applicant (as the case may be) for the costs of the application or objection. Until such security has been lodged or given the objection or application shall not be heard.

Mode of  
hearing and  
determina-  
tion of  
applications  
and objec-  
tions by  
the court.

**34.** (1) At the time and place notified by the registrar of the court, the judge shall, subject to the provisions of the last preceding section as to security for costs, hear the applicant and any objectors to the application, and such evidence as may be tendered by any of them and the judge shall determine whether and in what form the application shall be granted.

(2) The application and notice of opposition, together with the documents transmitted therewith to the registrar of the court shall be treated in proceedings under this section as if they were pleadings in a civil action before the provincial division and for the purpose of hearing and determining the matter before it the judge shall have all such powers and jurisdictions as are possessed by a judge sitting alone in the provincial division to try civil actions, and may further call in the assistance of experts and other persons and may decide what remuneration (if any) shall be paid to them for their assistance by the applicant or any objector.

(3) Any judgment, decree, or order made in proceedings under this section shall be subject to appeal to the appellate division in the same manner and on the same conditions as a judgment, decree or order of a judge in a civil action; but the provisions of the last preceding section as to security for costs shall *mutatis mutandis* apply in respect of the appeal.

(4) The Chief Justice and judges of the Supreme Court may make rules concerning matters relating to practice and procedure on opposition to the grant of a patent.

Notification  
of decision  
of registrar.

**35.** As soon as it has been determined whether the application shall be granted or not, the registrar of the court shall notify to the registrar of patents the judgment, decree or order made upon the application.

*(c) Patents and their Sealing.*Form and  
sealing of  
patent, and  
date of  
sealing.

**36.** (1) If there is no opposition, or, in case of opposition, if the final determination is in favour of the grant of a patent, a patent as nearly as possible in the form set out in the First Schedule to this Act shall, on payment of the prescribed fee, be granted to the applicant, or, in the case of a joint application, to the applicants jointly, and the registrar shall cause the patent to be sealed with the seal of the patent office.





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may be prescribed, enlarge the time to an extent specified in an application made for the purpose, not exceeding three months.

(3) If any proceeding is taken in respect of any infringement of the patent, committed after the failure to pay any fee within the prescribed time, and before any enlargement thereof, the court may, if it thinks fit, refuse to award any damages in respect of such infringement.

Differences between provisional and complete specifications not to invalidate patent.

39. A patent shall not be held to be invalid on the ground that the complete specification claims a further or different invention from that contained in the provisional specification, if the invention therein claimed, so far as it is not contained in the provisional specification, was novel at the date when the complete specification was put in, and the applicant was the inventor thereof, or the assignee or legal representative of the inventor, assignee, or assignee of a part interest in the invention.

Single patent may be granted for cognate inventions.

40. (1) Where the same applicant has put in two or more provisional specifications for inventions which are cognate, or modifications one of the other, and has obtained thereby concurrent provisional protection for the same and the registrar is of opinion that the whole of those inventions are such as to constitute a single invention, and may properly be included in the patent, he may accept one complete specification in respect of the whole of such applications, and grant a single patent thereon.

(2) Such patent shall bear the date of the earliest of such applications, but in considering the validity of the same, and for the purpose of the provisions of this Chapter relating to oppositions to the grant of patents, the court shall have regard to the respective dates of the provisional specifications relating to the several matters claimed or included therein.

Patents not invalidated by certain circumstances.

41. (1) A patent granted to the inventor or his assignee or legal representative, shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

(2) ~~\*The grant of a patent or similar exclusive privilege for an invention in a country other than the Union shall not prevent the grant in the Union of a patent for that invention or any part thereof, and shall not invalidate any patent granted, provided the application for the grant in the Union of a patent is made, within twelve months of the date of the lodging in the other country of the application for the grant~~

*\*As amended by Act No. 42 of 1941.  
Deemed to have come into force on the first day of January, 1917, but shall not apply in respect of any patent which before the commencement of this Act was declared by judgment of any competent court in the Union to be invalid.*

(2) & (3) Deleted by ACT 19 of 1947.

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of a patent or similar exclusive privilege, and by the applicant in the other country or by a person who has derived his title to apply from the applicant in the other country or from the same source as the applicant in the other country.

(3) \*If an application for the grant in the Union of a patent for an invention or any part of an invention is made within twelve months of the date of the lodging in a country other than the Union of an application for the grant of a patent or other similar exclusive privilege for that invention, the publication in print in the Union or any other country or the knowledge or use in the Union of the invention during the said period of twelve months shall not prevent the grant in the Union of a patent for that invention or that part of that invention, and shall not invalidate any patent so granted, provided the application in the Union is made by the applicant in the other country or by a person who has derived his title to apply from the applicant in the other country or from the same source as the applicant in the other country.

Effect of a  
patent.

**42.** The effect of a patent shall be to grant to the patentee, subject to the provisions of this Act and the conditions of the patent, full power, sole privilege and authority, by himself, his agents, and licencees during the term of the patent to make, use, exercise and vend the invention within the Union in such manner as to him seems meet, so that he shall have and enjoy the whole profit and advantage accruing by reason of the invention during the term of the patent.

Patent  
effective  
throughout  
Union.

**43.** Every patent when sealed shall have effect throughout the Union, unless any Province be excepted therefrom, in which case it shall not apply to such excepted Province.

Assignment  
and  
devolution of  
patents.

**44.** The rights granted to a patentee by a patent are capable of assignment and of devolution by operation of law.

Transfer of  
patent.

**45.** A patentee may, in the the prescribed manner, assign his patent to any other person, either wholly or in part, and he may similarly assign if for any place in or for any part of the Union as effectually as if the patent had been granted only for such place in or such part of the Union. But no such assignment shall be of any force or effect unless registered at the patent office.

Issue of  
duplicate  
patent in  
case of loss  
or destruc-  
tion of  
patent.

**46.** If a patent is lost or destroyed or its non-production is accounted for to the satisfaction of the registrar, he may at any time cause a duplicate thereof to be sealed and issued on such terms and subject to the payment of such fees as may be prescribed.

*\*As amended by Act No. 42 of 1941.*

*Deemed to have come into force on the first day of January, 1917, but shall not apply in respect of any patent which before the commencement of this Act was declared by judgment of any competent court in the Union to be invalid.*

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(d) *Amendment of Specification.*

Manner of  
obtaining  
amendment  
of specifica-  
tions and  
conditions on  
which the  
same may be  
allowed.

47. (1) An applicant or a patentee may by request in writing left at the patent office seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction or explanation stating the nature of the amendment and the reasons for it. Where two or more persons are jointly entitled to the benefit of a patent the request shall be made by those persons or by some or one of them with the written consent of the others.

(2) The request and the nature of such proposed amendment shall be advertised in the prescribed form and manner, and, at any time within three months from its first advertisement, any person may give notice, at the patent office, of opposition to the amendment.

(3) Where such notice is given, the registrar shall give notice of the opposition to the person making the request and shall hear and decide the case, subject to an appeal to the law officer.

(4) The law officer shall, if required, hear the person making the request and the person so giving notice, and shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(5) When no notice of opposition is given, or the person so giving notice does not appear, the registrar shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(6) When leave to amend is refused by the registrar, the person making the request may appeal from the decision to the law officer.

(7) The law officer shall, if required, hear the person making the request and the registrar, and make an order determining whether and subject to what conditions, if any, the amendment ought to be allowed.

(8) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before the amendment.

(9) Leave to amend shall be conclusive as to the rights of the party to make the amendment allowed except in case of fraud; and the amendment shall in all courts and for all purposes be deemed to form part of the specification.

(10) The provisions of this section shall not apply when and so long as any action for infringement, or any proceeding for revocation of a patent, is pending.

Jurisdiction  
of court to  
allow  
amendment  
of specifica-  
tion in an  
action for in-  
fringement.

48. (1) In any action for infringement of a patent and in a proceeding for the revocation of a patent the court may, by order allow the patentee, subject to such terms as to costs, advertisement or otherwise as the court may impose, to amend his specification by way of disclaimer: Provided that no amendment shall be so allowed that would make the specifi-

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cation, as amended, claim an invention substantially different from the invention claimed by the specification as it stood before amendment; and where an application for such an order is made to the court notice of the application shall be given to the registrar, and the registrar shall have the right to appear and be heard.

(2) Where an amendment of a specification by way of disclaimer, correction or explanation has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction or explanation, unless the patentee establishes to the satisfaction of the court that his original claim was framed in good faith and with reasonable skill and knowledge.

Advertise-  
ment of  
amendment  
of specifica-  
tion.

49. Every amendment of a specification shall be advertised in manner directed by the registrar.

(e) *Extension of Patents.*

Mode of ob-  
taining  
extension of  
patent.

50. (1) A patentee may, after advertising in manner directed by rule or order of the court his intention so to do, present a petition to the court that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent.

(2) Any person may give written notice to the registrar of the court, objecting to the extension.

(3) The Court may hear the petition and the petitioner and any person who has given such notice of objection. The registrar of patents shall also be entitled to appear and be heard.

Grounds on  
which and  
period for  
which exten-  
sion may be  
granted.

51. (1) The court shall, in considering its decision, have regard to the nature and merits of the invention in relation to the public and to the profits made by the patentee as such and to all the circumstances of the case.

(2) The court, if it is of opinion that the patentee has been inadequately remunerated by his patent, may order the extension of the term of the patent for a further term not exceeding seven, or in exceptional cases, fourteen years, or order the grant of a new patent for the term therein mentioned, and containing any restrictions, conditions and provisions that the court may think fit.

(f) *Patents of Addition.*

Mode of ob-  
taining  
patent of  
addition and  
duration  
thereof.

52. (1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a further patent in respect of any improvement in or modification of the invention, he may, if he thinks fit, in his application for the further patent, request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

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(2) Where an application containing such a request is made, a patent (hereinafter referred as a patent of addition) may be granted for such terms as aforesaid.

(3) A patent of addition shall remain in force so long as the patent for the original invention remains in force, but no longer, and in respect of a patent of addition no fees shall be payable for renewal.

(4) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

(g) *Restoration of Lapsed Patent.*

Application  
for restora-  
tion of  
patent.

**53.** (1) Where any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the registrar in the prescribed manner for an order for the restoration of the patent.

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from the statement that the omission was unintentional, and that no undue delay has occurred in the making of the application, the registrar shall advertise the application in the prescribed manner, and within such time as may be prescribed, any person may give notice of opposition at the patent office.

Opposition  
to  
application.

**54.** (1) Where such notice of opposition is given the registrar shall inform the applicant thereof, and shall forthwith transmit to the registrar of the court the documents relating to the application and to the opposition thereto.

(2) After the expiration of the prescribed period the court shall hear the case, and (subject to an appeal to the appellate division) issue an order either restoring the patent or dismissing the application: Provided that in every order made under this section, restoring a patent, such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had been duly announced and published as void.

(3) The provisions of sections *thirty to thirty-five* shall *mutatis mutandis* apply in respect of the hearing and determination of opposed applications for the restoration of a patent.

(h) *Revocation of Patent.*

Grounds of,  
and persons  
entitled to  
petition for,  
revocation of  
patent.

**55.** (1) Application for revocation of a patent may be made by the petition to the court, upon any one or more of the grounds on which the grant of the patent might have been opposed.

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(2) Where an application containing such a request is made, a patent (hereinafter referred as a patent of addition) may be granted for such terms as aforesaid.

(3) A patent of addition shall remain in force so long as the patent for the original invention remains in force, but no longer, and in respect of a patent of addition no fees shall be payable for renewal.

(4) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

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Application  
for restora-  
tion of  
patent.

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(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from the statement that the omission was unintentional, and that no undue delay has occurred in the making of the application, the registrar shall advertise the application in the prescribed manner, and within such time as may be prescribed, any person may give notice of opposition at the patent office.

Opposition  
to  
application.

54. (1) Where such notice of opposition is given the registrar shall inform the applicant thereof, and shall forthwith transmit to the registrar of the court the documents relating to the application and to the opposition thereto.

(2) After the expiration of the prescribed period the court shall hear the case, and (subject to an appeal to the appellate division) issue an order either restoring the patent or dismissing the application: Provided that in every order made under this section, restoring a patent, such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had been duly announced and published as void.

(3) The provisions of sections *thirty to thirty-five* shall *mutatis mutandis* apply in respect of the hearing and determination of opposed applications for the restoration of a patent.

(h) *Revocation of Patent.*

Grounds of,  
and persons  
entitled to  
petition for,  
revocation of  
patent

55. (1) Application for revocation of a patent may be made by the petition to the court, upon any one or more of the grounds on which the grant of the patent might have been opposed.

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(2) Such petition may be presented by the following persons, and no other:—

- (a) The Minister of Justice or any person authorized by him;
- (b) any person who alleges that the patent has been obtained in fraud of his rights or of the rights of any person under or through whom he claims;
- (c) any person who alleges that he, or any person under or through whom he claims, was the inventor of any invention included in the claim of the patentee;
- (d) any person who alleges that he or any person under or through whom he claims an interest in any trade, business, or manufacture has publicly manufactured, used or sold within the Union before the date of the patent anything claimed by the patentee as his invention.

Particulars  
to  
accompany  
petition for  
revocation.

**56.** (1) The petitioner must deliver with his petition particulars of the objections on which he means to rely, and if one of such objections is want of novelty he must state the time and place of the previous publication or user alleged by him, with the particulars required in sub-section (3) of section *twenty-seven*. No evidence shall, except by leave of the court, be admitted in proof of any objection of which particulars are not so delivered.

(2) Particulars may be from time to time amended by leave of the court.

(3) The defendant shall have the right to begin and give evidence in support of his patent and if the petitioner produces evidence against the validity of the patent the defendant shall be allowed to bring rebutting evidence.

(4) The court may, if it thinks fit, call in the aid of an assessor specially qualified to assist it in the hearing of the case; and any remuneration of such assessor fixed by the court shall be included in the costs of the case and may be dealt with at the discretion of the court as part of such costs.

Grant of  
patent to  
inventor,  
where patent  
revoked on  
grounds of  
fraud.

**57.** Where a patent is revoked on the ground of fraud, of which a patent fraudulently obtained has been surrendered and revoked, the registrar may, on the application of the inventor, his assignee or legal representative, made in accordance with the provisions of this Chapter, grant to him a patent in lieu of and bearing the same date as the patent so revoked: Provided that no action shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

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—  
Revocation  
of patent on  
surrender by  
patentee.

58. (1) A patentee may at any time, by giving notice in the prescribed manner to the registrar, offer to surrender his patent, and the registrar may, if, after giving notice of the offer and hearing all parties who desire to be heard, he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

(2) Where an action for infringement or a proceeding for the revocation of the patent is pending in any court, the registrar shall not accept the offer for the surrender, or make an order for the revocation of the patent, except by leave of the court, or by consent of the parties to the action or proceeding.

(3) In the case of a patent granted under section *eight*, the patentee may offer to surrender his patent to the extent of its application to any particular Province other than that in which the provincial patent was granted, and the registrar may in his discretion, after giving notice of the offer and hearing all parties who desire to be heard, accept the offer and shall thereupon endorse the patent accordingly. The endorsement shall have the effect of excepting the particular Province aforesaid from the patent.

(4) Any decision of the registrar under this section shall be subject to appeal to the court.

PART IV.—WORKING OF PATENTS AND COMPULSORY LICENCES.

59. (1) Any person interested may, after the expiration of ~~two~~ <sup>three</sup> years from the granting of the patent, present a petition to the registrar alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied and praying for the grant of a compulsory licence or in the alternative for the revocation of the patent.

(2) The registrar shall consider the petition and if the parties do not come to an arrangement between themselves the registrar, if satisfied that a *prima facie* case has been made out, shall refer the petition to the court, and, if the registrar is not so satisfied, he may dismiss the petition.

(3) Where any such petition is referred by the registrar to the court, and it is proved to the satisfaction of the court that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by rule or order to grant licences on such terms as the court thinks just or if the court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences the court

Amended by  
Act 19 of 1947  
Grounds on  
which com-  
pulsory  
licences  
granted or  
patent  
revoked.



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Amended by  
Act 19 of 1947

may order the revocation of the patent: Provided that no order of revocation shall be made before the expiration of <sup>(4) four</sup> ~~three~~ years from the date of the patent or if the patentee gives satisfactory reasons for his default. X

~~X~~ "Provided further that no order for revocation shall be made which is at variance with any treaty, convention, arrangement or engagement applying to the Union and any other country." ~~st in the patent, made parties to the proceedings, and the registrar shall be entitled to appear and be heard.~~

(5) For the purposes of this section, the reasonable requirements of the public shall not be deemed to have been satisfied—

- (a) if, by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent, or to grant licences on reasonable terms, any existing trade or industry or the establishment of any new trade or industry in the Union is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or
- (b) if any trade or industry in the Union is unfairly prejudiced by the conditions attached by the patentee, before or after the commencement of this Chapter, to purchase, hire, or use of the patented article, or to the using or working of the patented process.

(6) Any order of the court directing the grant of any licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence, and made between the parties to the proceeding.

Invalidity of prohibitive or restrictive conditions in contracts as to patented processes and articles.

60. (1) It shall not be lawful in any contract made after the commencement of this Chapter in relation to the sale or lease of, or licence to use or work, any article or process protected by a patent to insert a condition the effect of which will be—

- (a) to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor or licensor or his nominees; or

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- (b) to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent;

and any such condition shall be null and void, as being in restraint of trade and contrary to public policy: Provided that this sub-section shall not apply if—

- (i) the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and
- (ii) the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months' notice in writing and on payment in compensation for such relief in the case of a purchase of such sum, or in the case of a lease or licence of such rent or royalty for the residue of the term of the contract as may be fixed by an arbitrator appointed by the Minister.

(2) Any contract relating to the lease of or licence to use or work any patented article or patented process, whether made before or after the commencement of this Chapter, may, at any time after the patent or all the patents by which the article or process was protected at the time of the making of the contract has or have ceased to be in force, and notwithstanding anything in the same or in any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party; but where any such notice is given determining any contract made before the commencement of this Chapter, the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Minister.

(3) Any contract made before the commencement of this Chapter relating to the lease of or licence to use or work any patented article or process and containing any condition which, had the contract been made after the commencement of this Chapter, would, by virtue of this section have been null and void, may at any time before the contract is determinable under the last preceding subsection, and notwithstanding anything in the same or any other contract to the contrary, be determined by either party on giving three months' notice in writing to the

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other party; but where any such notice is given the party giving the notice shall be liable to pay such compensation as failing agreement, may be awarded by an arbitrator appointed by the Minister.

(4) The insertion by the patentee in a contract made after the commencement of this Chapter, of any condition which by virtue of this section is null and void shall be available as a defence to an action for infringement of the patent, to which the contract relates brought while that contract is in force.

(5) Nothing in this section shall—

- (a) affect any condition in a contract whereby a person is prohibited from selling any goods other than those of a particular person;
- (b) be construed as validating any contract which would, apart from this section, be invalid; or
- (c) affect any right of determining a contract or condition in a contract exercisable independently of this section; or
- (d) affect any condition in a contract for the lease of or licence to use a patented article, whereby the lessor or licensor reserves to himself or his nominees the right to supply such new parts of the patented article as may be required to put or keep it in repair.

#### PART V.—INFRINGEMENT OF PATENTS.

Grounds  
isentitling  
patentee to  
recover  
damages.

61. A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Chapter from any defendant who proves that at the date of the infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and the marking of an article with the word "patent," "patented," or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and the number of the patent: Provided that nothing in this section shall affect any proceedings for an interdict.

Procedure  
and pro-  
visions to be  
applied in  
action for in-  
fringement.

62. In action for infringement of a patent the following provisions shall apply:—

- (a) Any ground upon which a patent may be revoked under this Act may be applied by way of defence.

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- (b) The defendant, if entitled to present a petition to the court for the revocation of the patent, may, without presenting such a petition, apply in accordance with the rules of court by way of counter-claim in the action for the revocation of the patent.
- (c) The plaintiff must deliver with his declaration or by order of the court at any subsequent time particulars of the infringement complained of.
- (d) The defendant must deliver with his statement of defence or by order of the court at any subsequent time particulars of any objections on which he relies in support thereof.
- (e) If the defendant disputes the validity of the patent the particulars delivered by him must state the grounds on which he disputes it, and if one of those grounds is want of novelty must state the time and place of the previous publications or user alleged by him, with the particulars required in sub-section (3) of section *twenty-seven*.
- (f) At the hearing no evidence shall, except by leave of the court, be admitted of which particulars have not been so delivered.
- (g) Particulars delivered may from time to time be amended by leave of the court.

Summoning  
of assessors  
to assist the  
court.

**63.** In any action for infringement of a patent the court may, if it thinks fit, call in the aid of an assessor specially qualified to assist it in the hearing of the case, upon the terms as to remuneration already specified in sub-section (4) of section *fifty-six*.

Jurisdiction  
of the court  
in actions for  
infringe-  
ment.

**64.** In any action for infringement—

- (a) if the complete specification contains two or more claims, the invalidity of any one claim shall not, unless it is otherwise determined by the court, affect the validity of any other claim or the validity of the patent in so far as it relates to any valid claim;
- (b) the court may, if it is of opinion that any claim in the complete specification is invalid, order the plaintiff to pay the defendant the whole or such part of the costs of the action as it thinks just, notwithstanding that the patent is held to be valid so far as it relates to any other claim, and order the patentee to amend his specification by way of disclaimer and subject to such terms and conditions as are or may be imposed by section *forty-eight*;

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(c) the court may certify that the validity of the patent came in question; and if the court so certifies then in any subsequent action for infringement the plaintiff in that action on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between attorney and client, unless the court trying the action certifies that he ought not to have the same;

(d) the court may, on the application of either party, make such order for an interdict, inspection or account, and impose such terms and give such directions respecting the same and the proceedings thereon as the court may see fit.

Actions and  
interdict  
arising from  
threat of  
legal pro-  
ceedings.

65. Where any person claiming to be the patentee of an invention, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged infringement of the patent, any person aggrieved thereby may bring an action against him, and may obtain an interdict against the continuance of such threat, and may recover such damages (if any), as he has sustained thereby, if the alleged infringement, to which the threats related, was not in fact an infringement of any legal rights of the person making the threats: Provided that this section shall not apply if the person making such threats, with due diligence, commences and prosecutes an action for infringement of his patent.

#### PART VI.—RIGHTS OF THE CROWN IN RESPECT OF PATENTS.

Crown to be  
bound by  
grant of  
patent.

66. A patent shall to all intents have the like effect against the King as it has against a subject: Provided that a Minister may use the invention for the public service on such terms as are agreed upon with the patentee or in default of agreement on such terms as are settled by arbitration.

Acquisition  
of patent by  
the Govern-  
ment.

67. (1) The Governor-General, if thereto authorized by resolution of both Houses of Parliament, may direct that any patent shall be acquired by the Minister from the patentee.

(2) The Governor-General may thereupon, by proclamation in the *Gazette*, declare that the patent has been acquired by the Minister, and, upon the publication of such proclamation or on any date specified therein, the patent and all rights of the patentee thereunder shall by virtue of this Act be transferred to and vested in the Minister on behalf of the Union Government.

(3) The Government shall pay to the patentee such reasonable compensation as is agreed upon or as is, in default of agreement, settled by arbitration.

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Assignment  
of certain  
patents to  
the Govern-  
ment.

**68.** (1) The inventor of any improvement in instruments or munitions of war may assign the invention and the patent obtained or to be obtained for the invention to the Union Government.

(2) The assignment and all covenants and agreements therein contained shall be valid and effectual and may be enforced by action or other appropriate proceeding in the name of the Minister.

(3) Where an invention has been assigned to the Government the Minister of Defence may, by notice in writing to the registrar, direct that the invention and the manner in which it is to be performed shall be kept secret.

(4) Every application, specification, amendment of specification or drawing received at the patent office relating to any invention in respect of which such notice has been given shall be sealed up by the registrar and the contents of such application, specification, drawing or document shall not be divulged without the written permission of the Minister of Defence.

(5) Letters patent for the invention may be made out in the name of the inventor and sealed, but such letters patent shall be delivered to the Minister of Defence and not to the inventor and shall be the property of the Government, and no proceeding shall lie for the revocation of the patent.

(6) The communication of an invention to the Minister of Defence or to any person authorized by him to investigate the invention shall not, nor shall anything done for the purpose of the investigation by such person, be deemed publication or use of the invention so as to prejudice the grant or validity of any patent for the invention.

(7) The Minister of Defence may by notice in writing to the registrar direct that any invention directed to be kept secret need no longer be kept secret, and thereupon the specification and drawings may be published.

**PART VII.—PATENT AGENTS.**

Registration  
of patent  
agents.

**69.** (1) Any person resident in the Union on passing the prescribed examination and on paying to the registrar a fee of five pounds may be registered by him as a patent agent: Provided that a person who has been an officer in the patent office shall not be registered as a patent agent until at least twelve months have expired since he ceased to be such an officer.

(2) The name of any person registered as a patent agent may be removed from the register in the prescribed manner and on the prescribed grounds.

(3) Any person who proves to the satisfaction of the registrar that he was at the commencement of this Chapter *bona fide* practising as a patent agent in any part of the Union, and has been so practising for twelve months prior to such com-

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mencement, may, on complying with the prescribed conditions, be registered as a patent agent without passing the prescribed examination.

(4) Any person duly registered as a patent agent in any Province at the commencement of this Chapter may be registered as a patent agent without payment of any fee.

Attorneys may practise as patent agents.

70. Every person entitled to practise as an attorney within any Province may practise as a patent agent and exercise such functions as are described in the next succeeding section without passing the prescribed examination and without being registered as a patent agent, but shall not be entitled to be registered as a patent agent except as prescribed by the last preceding section.

Functions of patent agents.

71. A registered patent agent may sign and make all communications between an applicant and the registrar and may represent an applicant at all attendances before the registrar or the law officer and shall have such other privileges as may be prescribed.

PART VIII.—MISCELLANEOUS PROVISIONS.

Fees.

72. (1) There shall be paid to the registrar in respect of the several matters set out in the Second Schedule to this Act the fees therein specified; and there shall be paid to him, in respect of other matters under this Chapter or the regulations, such fees as are prescribed.

(2) The Governor-General may, by proclamation in the Gazette, reduce the fees specified in the said Second Schedule.

User of patents granted to two or more persons jointly.

73. Where, under this Act, a patent is granted to two or more persons jointly, each of such persons shall (subject to any contract to the contrary) be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a licence without their consent; and if any such person dies, his beneficial interest in the patent shall devolve on his personal representatives as part of his estate.

Patents for inventions, use whereof contrary to law, etc., not to be granted.

74. The registrar may refuse to grant a patent for an invention the use whereof would, in his opinion, be contrary to law or morality, but any person aggrieved by such refusal may appeal therefrom to the court, and the court may make an order determining whether; and subject to what conditions (if any) the grant may be made.

75. *Substituted by a new Section vide ACT 19 OF 1947.*

75. (1) A patent shall not prevent the use within the territorial waters of the Union, of an invention for the purpose of navigation or working of a British ship registered at a port or place outside the Union, or of a foreign ship, or the use of

Use of inventions for navigation or working of ships notwithstanding invention patented.

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(2) The Governor-General may, by proclamation in the Gazette, reduce the fees specified in the said Second Schedule.

User of  
patents.

73. Where, under this Act, a patent is granted to two or

75. (1) Subject to the provisions of this section, if such persons shall (subject to any) the rights of a patentee shall not be deemed to be entitled to use the invention for

(a) by the use on board a Convention vessel of the patented invention in the body of the vessel or in the machinery, tackle, apparatus or other accessories thereof, if the vessel comes into the territorial waters of the Union temporarily or accidentally only, and the invention is used exclusively for the actual needs of the vessel; or

(b) by the use of the patented invention in the construction or working of a convention aircraft or land vehicle or of the accessories thereof if the aircraft or vehicle comes into the Union temporarily or accidentally only.

(2) In this section, the expression 'Convention vessel' means a vessel of a Convention country, and the expressions 'Convention aircraft' and 'Convention land vehicle' have corresponding meanings.

(3) For the purposes of this section, vessels and aircraft shall be deemed to be vessels and aircraft of the country in which they are registered, and land vehicles shall be deemed to be vehicles of the

venting to the others, but shall not be without their consent; and if any official interest in the patent shall representatives as part of his estate.

use to grant a patent for an invention in his opinion, be contrary to law or an aggrieved party may apply to the court, and the court may make an order, and subject to what conditions (if

to prevent the use, within the territory, of an invention for the purpose of a British ship registered at a port or of a foreign ship, or the use of

*See Section 19 of 1947*



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of 1916.

an invention in any such vessel within those waters: Provided it is not used therefor, or in connection with, the manufacture or preparation of anything intended to be sold in, or exported from the Union.

(2) This section shall not extend to vessels of any British possession or foreign state of which the laws do not confer corresponding rights with respect to the use of inventions in British vessels while in the ports of that possession or state, or in the waters within the jurisdiction of its courts.

## CHAPTER II.

### DESIGNS.

Interpreta-  
tion of terms  
used in this  
Chapter.

#### 76. For the purposes of this Chapter—

“ article ” in relation to designs, shall mean any article of manufacture and any substance, artificial or natural or partly artificial and partly natural;

“ copyright ” in relation to designs, shall mean the exclusive right to apply a design to any article in any class in which the design is registered;

“ design ” shall mean any design applicable to any article whether for the pattern, for the shape or configuration, or for the ornament thereof or for any two or more of such purposes and by whatever means it is applicable whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined, not being a design for sculpture;

“ proprietor of a new or original design ” shall—

(a) where the author of the design executes the work for some other person, mean the person for whom the design is so executed; and

(b) where any person acquires the design for the right to apply the design to any article either exclusively of any other person or otherwise, mean, in the respect and to the extent in, and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and

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(c) in any other case, mean the author of the design and where the property in or the right to apply the design has devolved from the original proprietor upon any other person shall include that other person ;

“ Provincial Designs Act ” shall mean any law relating to designs in force in a Province on the thirty-first day of May, 1910, and shall include all regulations in force under such law.

#### PART I.—TRANSITIONAL PROVISIONS.

Saving as to existing proceedings, rights and liabilities under Provincial Designs Act.

77. The provisions of this Chapter shall not affect any proceedings under any Provincial Designs Act nor (except where otherwise expressly provided) any right or liability acquired or incurred before the commencement of this Chapter; and any pending proceedings may be continued and completed, as if this Chapter had not been enacted.

Registration by proprietor under Provincial Designs Act of design under this Chapter.

78. (1) The registered proprietor of a design under a Provincial Designs Act, where copyright is in force at the time, may apply for registration under this Chapter. Save as otherwise prescribed, the procedure in such a case shall be subject to the payment of any prescribed fees, and shall be the same as in the case of an ordinary application.

(2) The registrar may register such design under this Chapter; but if he is satisfied that the design is not new or original or has been published in any Province other than the one in which it is registered under the Provincial Designs Act, then any such Province may be excepted by entry duly made in the register from the effect of the registration under this Chapter.

(3) The copyright secured by registration under this section shall not extend beyond the unexpired period of the copyright under the Provincial Designs Act.

Transfer of administration of Provincial Designs Act.

79. (1) The Governor-General may, by proclamation in the *Gazette*, declare that, on a date therein specified the administration of any Provincial Designs Act of any Province shall be transferred to the designs office established under this Act.

(2) On and after that date no application for registration under a Provincial Designs Act of that Province shall be receivable except pursuant to some right previously acquired; and all the provisions of Chapter I, with regard to the Administration of Provincial Patent Acts, to the transference of powers and functions thereunder, and to the substitution of the provisions of this Act for those of such Acts shall apply *mutatis mutandis* to the administration and the provisions of the Provincial Designs Acts concerned and to the transference of powers and functions thereunder.

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PART II.—REGISTRATION OF DESIGNS.

Manner and  
form of  
registration  
of designs  
and  
conditions of  
registration.

80. (1) The registrar may, on the application (made in the prescribed form and manner), of any person claiming to be the proprietor of any new or original design not previously used in the Union, and not described in any printed publication nor registered or patented in the Union or in any other country, register the design under this Chapter.

(2) The same design may be registered in more than one class; and in case of doubt as to the class in which a design ought to be registered, the registrar may decide the question.

(3) The exhibition at an industrial or international exhibition, certified as such by the Minister, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design shall not prevent the design from being registered, or invalidate the registration thereof: Provided that—

(a) the exhibitor, before exhibiting the design or article or publishing a description of the design, gives the registrar the prescribed notice of his intention to do so; and

(b) the application for registration is made before or within six months from the date of the opening of the exhibition.

SUB-SECTIONS (4)  
AND (5) DELETED  
BY ACT 19 OF  
1947.

(4) The registration by the proprietor, his assignee or legal representative, of any design in a country outside the Union, whether a British possession or not, shall not be a bar to the registration by the same person of the same design in the Union: Provided that the application for registration in the Union shall be made within four months of the date of the first registration in any such other country.

(5) The use in the Union during the aforesaid period of such design or the publication in the Union or in any other country during such period of a description or representation of such design shall not invalidate the registration of the design under this section.

(6) The registrar may, if he thinks fit, refuse to register any design presented to him for registration; but any person aggrieved by such refusal may appeal therefrom to the court. The court may make an order, determining whether, and subject to what conditions (if any), registration is to be permitted.

(7) The registrar may refuse to register a design of which the use would in his opinion be contrary to law or morality; such refusal shall be subject to an appeal to the court and the provisions of sub-section (6) shall apply.

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(8) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable the registration to be effected within the prescribed time shall be deemed to be abandoned.

(9) A design when registered shall be registered as from the date of the application for registration.

Registration  
of designs in  
more than  
one class.

**81.** Where a design has been registered in one or more classes of goods, the application of the proprietor of the design to register it, in some one or more other classes, shall not be refused, nor shall the registration thereof be invalidated—

(a) on the ground of a design not being a new or original design, by reason only that it was previously registered.

(b) on the ground of the design having been previously published in the Union, by reason only that it has been applied to goods of any class in which it was so previously registered.

Certificate of  
registration.

**82.** (1) The registrar shall grant a certificate of registration to the proprietor of the design when registered.

(2) The registrar may, in case of loss of the original certificate or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

Keeping of  
register of  
designs.

**83.** (1) There shall be kept at the designs office a book called the register of designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments, and of transmissions of registered designs, and such other matters as may be prescribed.

(2) After the date specified in any proclamation issued under section *seventy-nine*, the register of designs of the Province to which such proclamation refers shall be deemed to be incorporated with and to form part of the register of designs under this Chapter.

Cancellation  
of registra-  
tion.

**84.** The registrar may, on request in writing accompanied by the prescribed fee cancel the registration of a design, either wholly or in respect of any particular goods in connection with which the design is registered.

Registration  
of transfer of  
rights in a  
registered  
design.

**85.** (1) Where a person becomes entitled, by assignment, transmission or other operation of law to the copyright in a registered design, the registrar shall, on request and on proof of title to his satisfaction, register him as the proprietor of the design.

(2) Where a person becomes entitled to any interest in a design the registrar shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of designs.

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of 1916.

Jurisdiction  
of court to  
rectify  
register of  
designs.

86. (1) The court may, on the application of any person aggrieved by the non-insertion in, or omission from, the register of designs of any entry, or by any entry made without sufficient cause or wrongly remaining in such register, or by an error or defect in any entry in such register, give such order for making, expunging or varying such entry as it may think fit.

(2) The court may, in any proceedings under this section, decide any question that it may be necessary or expedient to decide in connection with the register and may, if it thinks fit, direct that any Province shall be excepted from the effect of the registration of any design.

PART III.—COPYRIGHT IN REGISTERED DESIGNS.

Duration of  
copyright in  
registered  
designs.

87. (1) When a design is registered, the registered proprietor of the design shall, save as is provided in section *seventy-eight*, have copyright in the design during five years from the date of registration.

(2) If, within the prescribed time, before the expiration of the said five years, application for the extension of the period of copyright is made to the registrar in the prescribed manner the registrar shall, on payment of the prescribed fee, extend the period of copyright for a second term of five years from the expiration of the original period.

*Substituted by  
new sections  
vide Act No 19  
of 1947*

(2) If, before the expiration of the said five years or within such further time (not exceeding three months) as the registrar may allow, application for the extension of the period of copyright is made in the prescribed manner to the registrar he shall, on payment of the prescribed fee, extend the period of copyright for a second term of five years from the expiration of the original period.

(3) If, before the expiration of such second term or within such further time (not exceeding three months) as the registrar may allow, application for further extension is made in the prescribed manner to the registrar he may, subject to any rules under this Act and on payment of the prescribed fee, extend the period of copyright for a third term of five years from the expiration of the second term.

as the proprietor of a design of this Chapter and to any other person to be vested in any other person in accordance with the provisions of section (1) shall not protect any person other than as a bona fide purchaser for value and without notice of any fraud on the part of the registered proprietor.

Duties of  
proprietor  
before de-  
livery on sale  
of articles to  
which regis-  
tered design  
has been  
applied.

89. (1) Before the delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

(a) (if exact representations or specimens were not furnished on the application for registration) furnish to the registrar the prescribed number of exact representations or specimens of the design, and if he

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Jurisdiction of court to rectify register of designs.

86. (1) The court may, on the application of any person aggrieved by the non-insertion in, or omission from, the register of designs of any entry, or by any entry made without sufficient cause or wrongly remaining in such register, or by an error or defect in any entry in such register, give such order for making, expunging or varying such entry as it may think fit.

(2) The court may, in any proceedings under this section, decide any question that it may be necessary or expedient to decide in connection with the register and may, if it thinks fit, direct that any Province shall be excepted from the effect of the registration of any design.

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(2) If, within the prescribed time, before the expiration of the said five years, application for the extension of the period of copyright is made to the registrar in the prescribed manner the registrar shall, on payment of the prescribed fee, extend the period of copyright for a second term of five years from the expiration of the original period.

(3) If within the prescribed time before the expiration of such second term, application for further extension is made to the registrar in the prescribed manner, he may, subject to any rules under this Chapter, and on payment of the prescribed fee, extend the period of copyright for a third term of five years from the expiration of the second term.

Assignment and dealing with registered design by proprietor thereof.

88. (1) The person registered as the proprietor of a design shall, subject to the provisions of this Chapter and to any rights appearing from the register to be vested in any other person, have power to assign, grant licences as to, or otherwise deal with, the design.

(2) The provisions of sub-section (1) shall not protect any person dealing with the registered proprietor other than as a *bona fide* purchaser for value and without notice of any fraud on the part of the registered proprietor.

Duties of proprietor before delivery on sale of articles to which registered design has been applied.

89. (1) Before the delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

(a) (if exact representations or specimens were not furnished on the application for registration) furnish to the registrar the prescribed number of exact representations or specimens of the design, and if he

*Substituted by new sections vide Act NO 19 of 1947*

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fails to do so, the registrar may erase his name from the register, and thereupon the copyright in the design shall cease; and

(b) cause each such article to be marked with the prescribed mark or figures, denoting that the design is registered; and if he fails to do so, the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design, unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2) Where a representation is made to the Governor-General by or on behalf of any trade or industry that in the interests of such trade or industry it is expedient to dispense with or modify, as regards any class or description of articles, any of the requirements of this section as to marking, the Governor-General may, by rule under this Act, dispense with or modify such requirements, as regards any such class or description of articles to such extent and subject to such conditions as he thinks advisable.

Disclosure of design in certain circumstances not to be such publication as would invalidate the copyright thereof.

90. The disclosure of a design by the proprietor to any other person in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietor, and the acceptance of a first and confidential order for goods bearing a new or original design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof, if registration thereof is obtained subsequently to the disclosure or acceptance.

No inspection of designs during existence of copyright thereof.

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91. (1) During the existence of copyright in a design, or such shorter period (not being less than two years from the registration of the design) as may be prescribed, the design shall not be open to inspection, except by the proprietor, or a person authorized in writing by him, or a person authorized by the registrar, or by the court, and furnishing such information as may entitle the registrar to identify the design, and shall not be open to the inspection of any person, except in the presence of the registrar, or of an officer acting in behalf of him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take a copy of the design or any part thereof. Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

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(2) After the expiration of the copyright in a design or of such shorter period as aforesaid, the design shall be open for inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods.

Information  
by registrar  
as to exist-  
ence of regis-  
tration.

Rule 59  
& 60

92. On the request of any person furnishing such information as may enable the registrar to identify the design, and on payment of the prescribed fee, the registrar shall inform such person whether the registration still exists in respect of such design, and if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

#### PART IV.—LEGAL PROCEEDINGS.

Protection of  
design  
during  
copyright.

93. (1) During the existence of copyright in any design, it shall not be lawful for any person—

- (a) for the purposes of sale to apply or cause to be applied to any article, in any class of goods in which the design is registered, the design, or any fraudulent or obvious imitation thereof, except with the licence or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or
- (b) knowing that the design, or any fraudulent or obvious imitation thereof, has been applied to any article without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section he shall be liable for every contravention to pay to the registered proprietor of the design a sum not exceeding fifty pounds recoverable as a liquidated debt; or if the proprietor elects to bring an action for damages for such contravention, and for an interdict against the repetition thereof, he shall be liable to pay such damages as may be awarded, and to be restrained by interdict accordingly: Provided that the total sum recoverable as a liquidated debt, in respect of any one design shall not exceed one hundred pounds.

Application  
of remedies  
under Chap-  
ter I. in the  
case of regis-  
tered de-  
signs.

94. The provisions of Chapter I. with regard to certificates of the validity of a patent, and to the remedy in the case of groundless threats of legal proceedings by a patentee, shall apply in the case of registered designs, in the manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee and of references to the design for references to the invention.



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## PART V.—GENERAL.

Applications and documents lodged herewith not to be open to public inspection after abandonment.

95. When an application for a design has been abandoned or refused, the application and any drawings, photographs, tracings, representations or specimens left in connection with the application shall not at any time be open to public inspection or be published by the registrar.

## CHAPTER III.

## TRADE MARKS.

Interpretation of terms used in this Chapter.

96. For the purposes of this Chapter—  
*assignment shall mean assignment by act of*  
 "mark" shall include a device, brand, heading, label, ticket, name, signature, word, letter, numeral or any combination thereof;

*\* 'registered user' shall mean a person who is for the time being registered as such under section 131 bis.*

"Provincial Trade Marks Act" shall mean a law in force in any Province on the thirty-first day of May, 1910, relating to the registration of trade marks, and shall include all regulations in force under such law;

"register" shall mean the register of trade marks kept under this Chapter;

"registered trade mark" shall mean a trade mark registered under this Chapter;

*\* 'trade mark' shall mean a mark used or proposed to be used upon or in connection with goods for the purpose of indicating that they are the goods of the proprietor of that trade mark by virtue of manufacture, selection, certification, dealing with or offering for sale.*

*transmission shall mean transfer by operation of law, devolution on the executor of a deceased person, and any other mode of transfer not being assignment.*

## PART I.—TRANSITIONAL PROVISIONS.

Transfer of administration of Provincial Trade Marks Acts.

97. The Governor-General may, by proclamation in the Gazette, declare that on a date therein specified the administration of the Trade Marks Act of any Province shall be transferred to the trade marks office established under this Act.

Effect of such transfer.

98. On and after the date so specified—

- (1) The Trade Marks Acts of any such Province shall, save as is otherwise expressly provided, cease to apply;
- (2) proceedings under a Provincial Trade Marks Act pending at the commencement of this Chapter may be continued and completed under the Provincial Trade Marks Act which shall, so far as is necessary for the purpose of completing then pending proceedings and of giving effect to then existing rights and obligations, be administered by the registrar who shall collect any fees payable thereunder.

*Amended by Act No 19 of 1947*

Act No. 9  
of 1916.

- (3) all powers and functions under any Provincial Trade Marks Act vested in the Governor or in any Minister, officer or authority of any such Province as aforesaid shall vest in the Governor-General, Minister, officer, or authority exercising similar powers under the Union as the case requires or as is prescribed;
- (4) all the registers of trade marks existing under any Provincial Trade Marks Act shall be deemed to be incorporated with and to form part of the register established under this Chapter;
- (5) subject to the provisions of sections *one hundred and twenty-three, one hundred and twenty-eight and one hundred and thirty-five* of this Act, the validity of the original entry of any trade mark upon the registers so incorporated shall be determined in accordance with the statutes in force at the date of such entry, and such trade mark shall retain its original date, but for all other purposes it shall be deemed to be a trade mark registered under this Chapter.

PART II.—REGISTRABLE TRADE MARKS.

Essential  
particulars  
of registrable  
trade marks.

99. A registrable trade mark must contain or consist of at least one of the following essential particulars:—

- (a) The name of a company, individual or firm represented in a special or particular manner; or
- (b) the signature of the applicant for registration or of some predecessor in his business; or
- (c) an invented word or invented words; or
- (d) a distinctive word or words not reasonably required for use in the trade; or
- (e) any other distinctive mark;

but a name or signature other than such as fall within the description in paragraphs (a) and (b) of this section shall not, except by order of the Minister or the court be deemed a distinctive mark:

Provided that any mark used as a trade mark in any Province by the applicant or his predecessor in business for ten years prior to the commencement of this Chapter and which has continued to be so used (either in its original form or with additions or alterations not substantially affecting the identity of the same) down to the date of the application for registration may be registered as a trade mark for any such Province.

For the purposes of this section, "distinctive" shall mean adapted to distinguish the goods of the proprietor of the trade mark from those of other persons. In determining whether a trade mark is so adapted regard may be had in respect to a

old uses

Distinctive

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trade mark in actual use to the extent to which such user has rendered such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.

What a registrable trade mark may not contain.

**100.** Except in the case of a trade mark properly registered under a Provincial Trade Marks Act, the registrar may refuse to register a trade mark which contains—

- (a) a representation of the King, Queen, or any member of the Royal Family, or the Royal Crown; or
- (b) the word "Royal" or any word, letter or device indicating Royal or Government patronage; or
- (c) a representation of the Royal Arms, or of a national flag of the United Kingdom, or of the national arms of the United Kingdom, or of the arms or seal of the Union; or
- (d) a representation of any living person without his written consent.

Limitation of trade mark as to particular colours.

**101.** A trade mark may be limited in whole or in part to a particular colour or colours, and in case of any application for the registration of a trade mark, the fact that the trade mark is so limited shall be taken into consideration by any tribunal in deciding whether it is distinctive or not. If and so far as a trade mark is registered without limitation of colour it shall be deemed to be registered for all colours.

Registration of mark in favour of authorities undertaking examination of goods.

**102.** (1) Where any Union or Provincial authority, or any association or person, undertakes the examination of any goods in respect of origin, material, mode or conditions of manufacture, quality, accuracy, or other characteristic, and certifies the result of such examination by a mark used upon or in connection with such goods, the Minister may, if he judges it to be to the public advantage, permit the authority, association or person to register the mark as a trade mark in respect of such goods, whether the authority, association or person is or is not a trader, or is or is not possessed of a goodwill in connection with such examination and certifying.

(2) When registered, the trade mark shall be deemed in all respects to be a registered trade mark, and the authority, association or person to be the registered proprietor thereof, save that the trade mark shall not be transmissible or assignable except with the permission of the Minister.

(3) This section shall as to conditions of manufacture apply to Union and Provincial authorities only.

Act No. 9  
of 1916.

PART III.—REGISTRATION OF TRADE MARKS.

Trade marks must be registered in respect of particular goods or classes of goods.

**103.** A trade mark must be registered in respect of particular goods or classes of goods as prescribed.

Grounds for requiring disclaimer as to particular parts or matter as a condition of registration.

**104.** If a trade mark—

- (a) contains parts not separately registered by the proprietor as trade marks; or
- (b) contains matter common to the trade or otherwise of a non-distinctive character,

the registrar or the court, as the case may be, in deciding whether the trade mark shall be entered or shall remain upon the register, may in his or its discretion require, as a condition of its being on the register that the proprietor shall disclaim any right to the exclusive use of any of those parts, or of that matter, to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they think needful for the purpose of defining his rights under the registration: Provided that no such disclaimer shall affect any rights of the proprietor of the trade mark except such as depend upon its registration.

Trade marks identical with registered trade marks of another not to be registered.

**105.** Except by order of the court, or, in the case of a trade mark falling within the proviso to section *ninety-nine*, no trade mark shall, save as is provided by section *one hundred and eleven*, be registered in respect of any goods or description of goods if such trade mark is identical with one belonging to a different proprietor and already registered in respect of such goods or description of goods, or if such trade mark so nearly resembles the other trade mark to be calculated to deceive.

Refusal where several applicants for registration of identical trade marks.

**106.** Where each of several persons applies to be registered as the proprietor of the same trade mark or of nearly identical trade marks in respect of the same goods or description of goods, the registrar may refuse to register the trade mark until the rights of the applicants have been determined by the court, or have been settled by agreement in a manner approved by him.

Circumstances under which registration of identical trade marks may take place.

**107.** In case of honest concurrent user or of special circumstances the court may, in its discretion, permit the registration of the same trade mark or of nearly identical trade marks for the same goods or description of goods by more than one proprietor, subject to such conditions and limitations (if any) as to mode or place of user or otherwise as it may think fit to impose.

**Act No. 9  
of 1916.****Registration  
of associated  
trade marks.**

**108.** (1) Where application is made for the registration of a trade mark so nearly resembling a trade mark of the applicant which is already on the register as to be calculated to deceive or cause confusion if used by a person other than the applicant, the registrar may require as a condition of registration that the trade mark shall be entered on the register as associated trade marks.

(2) If the proprietor of a trade mark claims to be entitled to the exclusive use of any part of it separately he may, if the part satisfies all the conditions of a trade mark, register it as a separate trade-mark.

(3) When a part of a registered trade mark is registered separately, it and the trade mark of which it forms a part shall be deemed to be associated trade marks, and shall be entered on the register as such, and the user of the whole trade mark shall for the purposes of this Chapter be deemed to be also a user of the part separately registered as a trade mark.

(4) Associated trade marks shall be assignable or transmissible only as a whole and not separately; but they shall for all other purposes be deemed to have been registered as separate trade marks.

*(5) additional sub-section added by  
the Act of 1917*

**(5) (a)** On application made in the prescribed manner by the registered proprietor of two or more trade marks registered as associated trade marks, the registrar may dissolve the association with respect to any of them if he is satisfied that there would be no likelihood of deception or confusion being caused, if any such trade mark so disassociated were used by another person in relation to any of the goods in respect of which it is registered, and may amend the register accordingly.

**(b)** Any decision of the registrar under this sub-section shall be subject to appeal to the court."

made in the form prescribed, and be accompanied by the prescribed number of representations of the trade mark, and must—

- (a) specify the goods or class of goods in respect of which the applicant desires the trade mark to be registered; and
- (b) state an address within the Union as an address for service.

(3) Separate applications must be made for the registration of a trade mark in respect of each class of goods in respect of which the applicant desires it to be registered.

**Procedure on  
application  
for registra-  
tion of trade  
mark.**

**111.** (1) Every application must be lodged by being left at or sent by post to the trade marks office.

**Act No. 9  
of 1916.**Registration  
of associated  
trade marks.

**108.** (1) Where application is made for the registration of a trade mark so nearly resembling a trade mark of the applicant which is already on the register as to be calculated to deceive or cause confusion if used by a person other than the applicant, the registrar may require as a condition of registration that the trade mark shall be entered on the register as associated trade marks.

(2) If the proprietor of a trade mark claims to be entitled to the exclusive use of any part of it separately he may, if the part satisfies all the conditions of a trade mark, register it as a separate trade-mark.

(3) When a part of a registered trade mark is registered separately, it and the trade mark of which it forms a part shall be deemed to be associated trade marks, and shall be entered on the register as such, and the user of the whole trade mark shall for the purposes of this Chapter be deemed to be also a user of the part separately registered as a trade mark.

(4) Associated trade marks shall be assignable or transmissible only as a whole and not separately; but they shall for all other purposes be deemed to have been registered as separate trade marks.

*(5) additional sub-section added by  
Act No 19 of 1947*

**109.** Where under the provisions of this Chapter user of a registered trade mark is required to be proved for any purpose, the registrar, or the court, as the case may be, may, if and so far as he or it thinks fit, accept user of an associated trade mark, or of the trade mark with additions or alterations not substantially affecting its identity, as an equivalent for the user of the first-mentioned trade mark.

**110.** (1) Any person, claiming to be the proprietor of a trade mark, may make application to the registrar for the registration of his trade mark.

(2) The application must be made in the form prescribed, and be accompanied by the prescribed number of representations of the trade mark, and must—

- (a) specify the goods or class of goods in respect of which the applicant desires the trade mark to be registered; and
- (b) state an address within the Union as an address for service.

(3) Separate applications must be made for the registration of a trade mark in respect of each class of goods in respect of which the applicant desires it to be registered.

Procedure on  
application  
for registra-  
tion of trade  
mark.

**111.** (1) Every application must be lodged by being left at or sent by post to the trade marks office.

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Act No. 9  
of 1916.

(2) Where the same trade mark, or a nearly identical trade mark, is owned or registered by another proprietor in any Province of the Union in respect of the same goods, or description of goods, the trade mark may be registered, but any such Province may be excepted from the registration.

(3) Where the trade mark, or a nearly identical trade mark, is common to the trade in another Province, the registration under this Chapter shall confer no exclusive rights in that Province on the registered proprietor, and that Province may be excepted from the registration under this Chapter.

(4) Subject to the provisions of this Chapter, the registrar may either accept the application, with or without modification or conditions, or refuse it.

Appeal to  
court against  
refusal or  
conditional  
acceptance  
by registrar  
of applica-  
tion.

112. (1) In case of any such refusal or conditional acceptance, the registrar shall, if required by the applicant, state in writing the grounds of his decision, and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the court.

(2) The court shall hear the applicant, and, if required, also the registrar, and shall make an order determining whether, and subject to what conditions, amendments or modifications, if any, the application is to be accepted.

(3) Appeals under this section shall be heard on the materials so stated by the registrar to have been used by him in arriving at his decision; and no further grounds of objection to the acceptance of the application shall be taken by the registrar, other than those stated by him, except by leave of the court. When any further grounds of objection are taken, the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.

(4) The registrar or the court, as the case may be, may at any time, whether before or after acceptance, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as they may think fit.

Advertis-  
ment of  
accepted  
applications.

113. If the application is accepted with or without conditions or modifications, it shall forthwith be advertised in the prescribed manner.

Non-com-  
pleted appli-  
cations.

114. If, by reason of default on the part of the applicant, the registration of a trade mark has not been completed within twelve months from the date of lodging of the application, the registrar shall give notice of the non-completion to the applicant, and if, at the expiration of fourteen days from that notice or of such further time as the registrar may allow, the registration is not completed, the application shall be deemed to be abandoned.

Also see  
Rule 62

**Act No. 9  
of 1916.**

Notice of  
opposition to  
registration.

**115.** (1) Any person (hereinafter referred to as an objector) may, within two months after the date of the last advertisement of the application or within such further time as the registrar may allow, lodge at the trade marks office a notice of opposition in duplicate to the registration of the trade mark, setting out the grounds on which he relies to support his notice.

(2) The registrar shall send a duplicate of the notice of opposition to the applicant.

(3) Every notice of opposition shall state an address in the Union as an address for service.

Lodging of  
counter-  
statement by  
applicant.

**116.** (1) Within one month after the lodging of notice of opposition or within such further time not exceeding three months as the registrar (on application made within such first mentioned one month) allows, the applicant may lodge at the trade marks office, a counter-statement in duplicate setting out the grounds on which he relies to support his application.

(2) The registrar shall send a duplicate of the counter-statement to the objector.

(3) If the applicant fails so to lodge a counter-statement he shall be deemed to have abandoned his application.

(4) The registrar may order that the cost of any proceeding under this section shall be paid by either party and his order shall be enforceable in all respects as if it were an order of a judge of the court.

Hearing of  
opposed  
applica-  
tions.

**117.** (1) The registrar shall fix a day for the hearing of the application, and shall give notice thereof to the applicant and the objector.

(2) On the day so fixed, or on any other day to which the hearing is adjourned, the registrar shall hear the applicant and the objector and their respective witnesses, if any, and shall decide whether the application is to be refused or whether it is to be granted either with or without modifications or conditions.

Appeal  
against  
registrar's  
decision.

**118.** (1) The decision of the registrar shall be subject to appeal to the court in like manner and in all respects as if he were a judge of the court.

(2) On such appeal the court shall hear the parties, and if required, the registrar, and shall make an order determining whether and subject to what conditions, if any, the registration is to be permitted.

(3) On the hearing of any such appeal any party may, either in the manner prescribed or by special leave of the court, bring forward further material for its consideration.

(4) In proceedings under this section no further grounds of objection to the registration of a trade mark shall be allowed to be taken by the objector or the registrar other than those stated by the objector as hereinbefore provided, except by leave of the court. Where any further grounds of objec-



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tion are taken the applicant shall be entitled to withdraw his application without payment of the costs of the objector on giving notice as prescribed.

(5) In any appeal under this section the court may, after hearing the registrar, permit the trade mark proposed to be registered to be modified in any manner not substantially affecting the identity of such trade mark; but in such case the trade mark as so modified shall be advertised in the prescribed manner before being registered.

Security for  
costs.

119. If a party giving notice of opposition or of appeal neither resides nor carries on business within the Union, the registrar may order him to give security for costs, and if the order is not duly complied with, may treat the opposition or appeal as abandoned.

Registration  
and date  
thereof.

120. When an application for registration has been accepted and has not been opposed, and the time for notice of opposition has expired, or has been opposed and has been granted, the registrar shall, unless otherwise directed by the law officer, register the trade mark as on the date of the lodging of the application, and such date shall be deemed to be the date of the registration, and shall issue to the applicant a certificate of the registration of the trade mark in the prescribed form.

Duration of  
registration  
of trade  
mark.

121. The registration of a trade mark effected upon an application made under this Chapter shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Chapter.

Assignment  
of registered  
trade mark.

122. Subject to the provisions of this Chapter, the person for the time being entered in the register as proprietor of a trade mark shall have power to assign the trade mark.

Registration  
*prima facie*  
evidence of  
right to  
exclusive  
use.

123. (1) The registration of a person as proprietor of a trade mark shall be *prima facie* evidence of his right to the exclusive use of the trade mark upon the goods in respect to which it is registered and the validity of the registration.

(2) The registration of a person as proprietor of a trade mark shall, after the expiration of seven years from the date of the registration (in the absence of fraud), be conclusive evidence of the validity of the registration and subject to this Chapter of his right to the exclusive use of the trade mark in respect to the goods in regard to which it is registered, unless the trade mark offends against the provisions of section *one hundred and forty*.

This sub-section shall not apply to a trade mark registered before the commencement of this Chapter, under a Provincial Trade Marks Act.

(3) Nothing in this Chapter contained shall entitle the proprietor of a registered trade mark to interfere with or restrain the user by any person of a similar trade mark upon

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or in connection with goods, upon ~~or~~ in connection with which such person has by himself or his predecessors in business, continuously used such trade mark from a date anterior to the user of the first-mentioned trade mark by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade mark in respect of such goods under the provisions of section *one hundred and seven*.

Registration  
a condition  
precedent to  
action for  
infringe-  
ment or  
damages.

**124.** No person shall be entitled to institute any proceeding to prevent, or recover damages for, the infringement of a trade mark, unless in the case of a registrable trade mark it is registered under this Chapter or under a Provincial Trade Marks Act.

What  
constitutes  
infringe-  
ment of  
right  
acquired by  
registration:

**125.** The rights acquired by registration of a trade mark shall be deemed to be infringed by the use, in respect of the goods in respect of which it is registered, of a mark substantially identical with the trade mark or so nearly resembling it as to be likely to deceive.

In an action for the infringement of a trade mark the court, in trying the question of infringement, shall admit evidence of the usages of the trade in respect to the get-up of those goods and of any trade marks or get-up legitimately used in respect of them by other persons.

Registration  
not to  
interfere  
with use by  
any person  
of his own  
name or  
place of  
business.

**126.** No registration under this Chapter shall interfere with any *bona fide* use by a person of his own name or place of business, or that of any of his predecessors in business or in the use by any person of any *bona fide* description of the character or quality of his goods.

Rights of  
action for  
passing  
off goods not  
affected.

**127.** Nothing in this Chapter contained shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof.

Renewal of  
registration  
and duration  
of renewal.

**128.** The registrar shall, on application made in the prescribed manner and within the prescribed period by the registered proprietor of a trade mark registered or deemed to be registered under this Chapter, renew the registration of such trade mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is in this Part of this Chapter termed "the expiration of the last registration": Provided that in the case of a trade mark registered in the Transvaal before the commencement of this Chapter the expiration of the last registration shall be fourteen years after such commencement.

(other than  
permitted  
use)

(Amended by  
Act 19 of 1947)

Act No. 9 of 1916.

(c) any other matters relating to registered trade marks which are prescribed.

*(2) Substituted by a new clause (Act 19 of 1947)*

"(2) (i) Where a person becomes entitled by assignment or transmission to a registered trade mark, he shall make application to the registrar to register his title, and the registrar shall, on receipt of the application and on proof of title to his satisfaction, register him as the proprietor of the trade mark in respect of the goods in respect of which the assignment or transmission has effect, and shall cause particulars of the assignment or transmission to be entered on the register.

a lawfully assigned or transmission or transmission, in to the registrar, who shall or transmission.

(ii) Any decision of the registrar under this section shall be subject to appeal to the court.

request made in the pre-proprietor of a trade mark to act in his name, amend

(iii) Except for the purposes of an appeal under this section or of an application under section one hundred and thirty-five, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of sub-section (1) of this section shall not be admitted in evidence in any court in proof of title to a registered trade mark, unless the court otherwise directs."

the name or address of the he trade mark; or  
ress of the registered pro- his name or address; or  
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classes of goods from those trade mark is registered; or  
memorandum relating to the not in any way extend the ration of the trade mark.

*bis.* The registrar may, on request made in the prescribed manner by a registered user of a trade mark, correct any error, or enter any change, in the name, address or description of such registered user."

*inserted*  
in amended or altered under  
ration of the trade mark  
of registration; or

(b) make such amendments or alterations in the certificate of registration of the trade mark as are rendered necessary by the amendment or alteration of the register.

(3) Any decision of the registrar under this section shall be subject to appeal to the court.

Addition to or alteration of registered trade mark with the leave of registrar.

134. The registered proprietor of a trade mark may in the prescribed manner apply to the registrar for leave to add to or alter the trade mark in any manner not substantially affecting its identity, and the registrar may refuse or grant the leave on such terms as he thinks fit, but his refusal or the terms on which he grants the leave shall be subject to appeal to the court. If leave be granted, the registrar shall cause the register to be altered and shall in the prescribed manner advertise the trade mark as altered.

Rectification of register by order of the court.

135. (1) Subject to the provisions of this Chapter the court, on the application of any person aggrieved or of the registrar, may order the rectification of the register, by—

(a) the making of an entry wrongly omitted to be made in the register; or

130. (1) A registered trade mark shall be deemed always to have been, a and transmissible either in connection with the goodwill of a business or not.

(2) A registered trade mark shall be deemed always to have been, assignable and transmissible in respect either of all the goods

~~At the expiration of the term of the registration of a trade mark, the registered proprietor at his address for service in the Union shall be deemed to have been, assignable and transmissible in respect either of all the goods~~  
At the expiration of the term of the registration of a trade mark, the registered proprietor at his address for service in the Union shall be deemed to have been, assignable and transmissible in respect either of all the goods

Removal of trade mark from register if not complied with.

(2) Where a trade mark has been removed from the register for non-payment of the fee for renewal, it shall, nevertheless, for the purpose of any application for registration during one year next after the date of the removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the registrar that there has been no bona fide trade user of such trade mark during the two years immediately preceding such removal.

PART IV.—ASSIGNMENT OF REGISTERED TRADE MARKS.

*130 Substituted by a new section (Act 19 of 1947)*

Assignment only in connection with goodwill.

130. A trade mark when registered may be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered, and shall be determinable with that goodwill.

Apportionment in case of dissolution of partnership, etc.

131. (1) In any case where by reason of dissolution of partnership or other cause a person ceases to carry on business, and the goodwill of the person does not pass to one successor but is divided, the registrar may (subject to the provisions of this Chapter as to associated trade marks) on the application of the parties interested, permit an apportionment of the registered trade marks of the person among the persons in fact continuing the business, subject to such conditions and modifications (if any) as he may think necessary in the public interest.

(2) Any decision of the registrar under this section shall be subject to appeal to the court.

*131 bis. -- new section inserted by Act 19 of 1947*

PART V.—REGISTER OF TRADE MARKS.

Particulars to be entered in register.

132. (1) There shall be kept at the trade marks office a register of trade marks wherein shall be entered particulars of—

(a) all registered addresses of users thereof and expiry thereof.

- (a) all registered trade marks, with the name and addresses of their proprietors, together with the date of registration and expiry thereof;
- (b) notification of assignments and transmissions, and disclaimers; and

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(c) any other matters relating to registered trade marks which are prescribed.

(2) *Substituted by a new clause (Act 19 of 1947)*

(2) Where a trade mark has been lawfully assigned or transmitted, a notification of the assignment or transmission, in the form prescribed, may be given to the registrar, who shall thereupon register the assignment or transmission.

Amendment  
of register.

133. (1) The registrar may, on request made in the prescribed manner by the registered proprietor of a trade mark or by some person entitled by law to act in his name, amend or alter the register by—

- (a) correcting any error in the name or address of the registered proprietor of the trade mark; or
- (b) altering the name or address of the registered proprietor who has changed his name or address; or
- (c) cancelling the registration of the trade mark; or
- (d) striking out any goods or classes of goods from those in respect of which the trade mark is registered; or
- (e) entering a disclaimer or memorandum relating to the trade mark which does not in any way extend the rights given by the registration of the trade mark.

*(Act 19 of 1947) (1) (b) - New Section inserted*

(2) Where the register has been amended or altered under this section the registrar may—

- (a) cancel the certificate of registration of the trade mark and issue a new certificate of registration; or
- (b) make such amendments or alterations in the certificate of registration of the trade mark as are rendered necessary by the amendment or alteration of the register.

(3) Any decision of the registrar under this section shall be subject to appeal to the court.

Addition to  
or alteration  
of registered  
trade mark  
with the  
leave of  
registrar.

134. The registered proprietor of a trade mark may in the prescribed manner apply to the registrar for leave to add to or alter the trade mark in any manner not substantially affecting its identity, and the registrar may refuse or grant the leave on such terms as he thinks fit, but his refusal or the terms on which he grants the leave shall be subject to appeal to the court. If leave be granted, the registrar shall cause the register to be altered and shall in the prescribed manner advertise the trade mark as altered.

Rectifica-  
tion of regis-  
ter by order  
of the court.

135. (1) Subject to the provisions of this Chapter the court, on the application of any person aggrieved or of the registrar, may order the rectification of the register, by—

- (a) the making of an entry wrongly omitted to be made in the register; or

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(b) the expunging of any entry wrongly made in or remaining on the register; or

(c) the insertion in the register of any exception or limitation affecting the registration of a trade mark which in the opinion of the court ought to be inserted; or

(d) the correction of any error or defect in the register.

(2) The registrar shall only make the application to the court under this section in cases where he thinks the application necessary or desirable in the public interest.

(3) The court may, in any proceeding under this section, decide any question that it may be necessary or expedient to decide in connection with the rectification of the register.

(4) No trade mark which is upon any register of trade marks at the commencement of this Chapter and which under this Chapter is a registrable trade mark shall be removed from the register on the ground that it was not registrable under the Acts in force at the date of its registration. But nothing in this section contained shall subject any person to any liability in respect of any act or thing done before the commencement of this Chapter to which he would not have been subject under the Acts then in force.

Non-user of  
trade mark.

136. A registered trade mark may, on application to the court of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any *bona fide* intention to use the same in connection with such goods, and there has in fact been no *bona fide* user of the same in connection therewith, or on the ground that there has been no *bona fide* user of such trade mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shown to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade mark in respect of such goods.

#### PART VI.—MISCELLANEOUS PROVISIONS.

General  
jurisdiction  
of the  
court.

137. In addition to any other powers conferred upon it by this Act, the court may in relation to any appeal or application under this Chapter—

(a) refuse to make any order;

(b) order any issue of fact to be tried in such manner as it directs;

(c) order any party to deliver to the court or to the registrar the certificate of registration of any trade mark; and

(d) order any party to pay costs to any other party.

respect of which it is registered, or was registered as the case may be, or of some (but not all) of those goods.

(3) The provisions of the two foregoing sub-sections shall have effect in the case of an unregistered trade mark used in relation to any goods as they have effect in the case of a registered trade mark registered in respect of any goods, if at the time of the assignment or transmission of the unregistered trade mark it is or was used in the same business as a registered trade mark, and if it is or was assigned or transmitted at the same time and to the same person as that registered trade mark and in respect of goods all of which are goods in relation to which the unregistered trade mark is or was used in that business, and in respect of which that registered trade mark is or was assigned or transmitted.

† (4) Notwithstanding anything in the foregoing sub-sections, a trade mark shall not be, or be deemed to have been, assignable or transmissible in a case in which as a result of an assignment or transmission there would in the circumstances subsist, or have subsisted, whether under the common law or by registration exclusive rights in more than one of the persons concerned to the use, in relation to the same goods or description of goods, of trade marks closely resembling each other or of identical trade marks, if, having regard to the similarity of the goods and of the trade marks, the use of the trade marks in exercise of those rights would be, or have been likely to deceive or cause confusion.

(5) (a) The proprietor of a registered trade mark who proposes to assign it, in respect of any goods in respect of which it is registered, may submit to the registrar in the prescribed manner a statement of case setting out the circumstances, and the registrar may issue to him a certificate stating whether, having regard to the similarity of the goods and of the trade marks referred to in the case, the proposed assignment of the first-mentioned trade mark would or would not be invalid under the last foregoing sub-section.

(b) Such a certificate shall, subject to the provisions of this section as to appeal and unless it is shown that the certificate was obtained by fraud or misrepresentation, be conclusive as to the validity of the assignment.

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Certification  
by the court  
as to right to  
the exclusive  
use of trade  
mark.

**138.** In any legal proceeding in which the validity of the registration of a registered trade mark comes into question, the court may certify that the right to the exclusive use of the trade mark came into question, and was decided in favour of the registered proprietor of the trade mark, and then in any subsequent action for infringement of the trade mark the plaintiff on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between solicitor and client, unless the court trying the subsequent action certifies that he ought not to have them.

Power of  
registrar to  
allow  
amendment  
of applica-  
tion or notice  
of  
opposition.

**139.** The registrar may at any time before registration of a trade mark permit the amendment of the application for the registration of the trade mark and may at any time permit the amendment of any notice of opposition on such terms as to costs or otherwise as he thinks just.

Scandalous  
designs, etc.,  
not to be  
registered.

**140.** No scandalous design, and no mark, the use of which would by reason of its being likely to deceive or otherwise be deemed disentitled to protection in a court of justice or the use of which would be contrary to law or morality, shall be registered as a trade mark or part of a trade mark.

"When  
change of  
form of  
trade con-  
nection not  
to be  
deemed to  
cause  
deception.

**140bis.** The use of a registered trade mark in relation to goods between which and the person using it any form of connection in the course of trade subsists shall not be deemed to be likely to cause deception or confusion on the ground only that the trade mark has been, or is, used in relation to goods between which and that person or a predecessor in title of his a different form of connection in the course of trade subsisted or subsists."

used in this  
Chapter.

"the British Copyright Act" shall mean the Copyright Act 1911 of the Imperial Parliament (1 & 2 Geo. 5 ch. 46);

"Provincial Copyright Act" shall mean a law relating to the registration of copyright, which was in force in any Province on the thirty-first day of May 1910 and shall include all regulations in force thereunder; words and expressions defined in and for the purposes of the British Copyright Act shall, when used in this Act or in that Act as adopted by this Chapter, have the meanings assigned to them in the British Copyright Act.

Transfer of  
administra-  
tion of  
Provincial  
Copyright  
Acts to  
copyright  
office.

**142.** As from the date fixed by the Governor-General under section *two* for the commencement of this Chapter—

- (a) each of the Provincial Copyright Acts, so far as it has any relation to copyright, shall cease to be administered in the office in which it was being administered at that date and the registrar shall thereafter



Act No. 9  
of 1916.

administer those Acts so far as is necessary for the purpose of completing then pending proceedings and giving effect to then existing rights and shall collect any fees due under any of those Acts, and those fees shall continue to be payable as if this Act had not been enacted;

- (b) all powers and functions vested under any Provincial Copyright Act in any Governor, Minister, officer or authority shall vest in the Governor-General or in the Minister, officer, or authority exercising similar powers or functions under the Union, as the case requires;
- (c) all registers of copyright under the Provincial Copyright Acts shall be incorporated with and form part of the register of copyright to be kept under this Chapter.

Adoption of  
British  
Copyright  
Act.

**143.** The British Copyright Act is, in accordance with section *twenty-five* thereof, hereby declared to be in force in the Union, as from the commencement of this Chapter, subject to the modifications and additions provided by this Chapter. A copy of the British Copyright Act is set out in the Third Schedule to this Act.

Modifica-  
tions to  
adapt the  
British  
Copyright  
Act to the  
Union.

**144.** In the application of the British Copyright Act to the Union—

- (a) any powers of the Board of Trade under that Act may be exercised by the Governor-General, and any other reference to the Board of Trade shall be construed as a reference to the Minister;
- (b) any reference in that Act to arbitration shall, until an Arbitration Act of the Union Parliament is in force throughout the Union, be construed as a reference to arbitration under the arbitration law in force in the Province in which the dispute occurs, and as soon as such an Arbitration Act is in force throughout the Union shall be construed as a reference to arbitration under that Act;
- (c) any reference in the British Copyright Act to the Patents and Designs Act, 1907, shall be construed as a reference to the corresponding provisions of Chapter II of this Act;
- (d) any reference in the British Copyright Act to a "legal personal representative" shall be construed as a reference to an executor;
- (e) section *eight* of the British Copyright Act shall be construed as if the following words were added at the end thereof:—"but every person infringing any copyright shall be deemed to be affected with notice

**Act No. 9  
of 1916.**

Certification  
by the court  
as to right to  
the exclusive  
use of trade  
mark.

**138.** In any legal proceeding in which the validity of the registration of a registered trade mark comes into question, the court may certify that the right to the exclusive use of the trade mark came into question, and was decided in favour of the registered proprietor of the trade mark; and then in any subsequent action for infringement of the trade mark the plaintiff on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between solicitor and client, unless the court trying the subsequent action certifies that he ought not to have them.

Power of  
registrar to  
allow  
amendment  
of applica-  
tion or notice  
of  
opposition.

**139.** The registrar may at any time before registration of a trade mark permit the amendment of the application for the registration of the trade mark and may at any time permit the amendment of any notice of opposition on such terms as to costs or otherwise as he thinks just.

Scandalous  
designs, etc.,  
not to be  
registered.

**140.** No scandalous design, and no mark, the use of which would by reason of its being likely to deceive or otherwise be deemed disentitled to protection in a court of justice or the use of which would be contrary to law or morality, shall be registered as a trade mark or part of a trade mark.

*140 bis. -- New sub-section inserted  
by Act 19 of 1947.*

## CHAPTER IV.

## COPYRIGHT.

**141.** For the purpose of this Chapter—

“the British Copyright Act” shall mean the Copyright Act 1911 of the Imperial Parliament (1 & 2 Geo. 5 ch. 46);

“Provincial Copyright Act” shall mean a law relating to the registration of copyright, which was in force in any Province on the thirty-first day of May 1910 and shall include all regulations in force thereunder; words and expressions defined in and for the purposes of the British Copyright Act shall, when used in this Act or in that Act as adopted by this Chapter, have the meanings assigned to them in the British Copyright Act.

**142.** As from the date fixed by the Governor-General under section two for the commencement of this Chapter—

(a) each of the Provincial Copyright Acts, so far as it has any relation to copyright, shall cease to be administered in the office in which it was being administered at that date and the registrar shall thereafter

Transfer of  
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Acts to  
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Interpreta-  
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Act No. 9  
of 1916.

of the existence of copyright if the prescribed particulars have been entered in the register of copyright";

- (f) any such assignment or grant which may be made under sub-section (2) of section *five* of the British Copyright Act as applied to the Union may be made in respect of any particular province or area of the Union;
- (g) the powers which, under the British Copyright Act, the Governor-in-Council of a self-governing dominion may, by order, exercise shall, in the Union, be exercised by proclamation of the Governor-General in the *Gazette*;
- (h) the reference to any date in the British Copyright Act shall be construed as a reference to the date of the commencement of this Chapter.

Provision for reciprocal protection of copyright as between other of His Majesty's Dominions.

**145.** (1) Subject to this section, the Governor-General may, by Proclamation in the *Gazette*, direct that the British Copyright Act and this Chapter shall extend to literary, musical, dramatic and artistic works first produced or published in any part of His Majesty's dominions to which the British Copyright Act does not extend, in like manner as if the works had first been published or produced in the Union.

(2) A proclamation issued under this section may provide—

- (a) that the term of copyright shall not exceed that conferred by the law of the part of His Majesty's dominions to which the proclamation relates;
- (b) that the enjoyment of the rights conferred by virtue of the proclamation shall extend to the Union only, and shall be subject to the accomplishment of such conditions and formalities as are prescribed by the proclamation;
- (c) for the modification of any provision of the British Copyright Act or this Chapter as to the proprietorship of copyright or otherwise, regard being had to the law of the part of His Majesty's dominions to which the proclamation relates; and
- (d) that the British Copyright Act and this Chapter may extend to existing works in which copyright subsists in the part of His Majesty's dominions to which the proclamation relates, but subject to such modifications and restrictions and provisions as are set out in the proclamation.

(3) A proclamation under this section shall only be issued if the Governor-General is satisfied that the part of His Majesty's dominions in relation to which it is proposed to

DEPARTMENT OF COMMERCE AND INDUSTRIES.

No. 574.

26 April 1957.

DESIGNS, TRADE MARKS AND COPYRIGHT

ACT, 1916.

AMENDMENT TO THE TRADE MARK RULES.

It is hereby notified for general information that His Excellency the Governor-General, under the powers vested in him by section one hundred and ninety-two of the Designs, Trade Marks and Copyright Act, 1916 (Act No. 9 of 1916), as amended, has been pleased to approve the following amendments to the Trade Mark Rules, 1917, as published under Government Notice No. 1544 of 1916, as amended by Government Notices Nos. 885 of 1919, 475 of 1923, 316 of 1924, 1851 of 1938, 100 of 1942, 882 of 1942 and 868 of 1948:-

(1) Repeal of sub-rule (2) of rule 70 ter;

(2) repeal of the whole of rule 71; and

(3) amendment to Forms T.M. No. 9 and T.M. No. 10

contained in the Second Schedule to the Rules by -

deletion on each form of footnote (b) where it occurs for the first time and of all the words following and including the word "decision" where it occurs for the second time.

*Gen. Secy*

Act No. 9  
of 1916.

issue the proclamation has made, or has undertaken to make, such provisions, if any, as he thinks fit for the protection of works first produced or published in the Union and entitled to copyright therein.

Provisions as  
to proclama-  
tions under  
British  
Copyright  
Act or this  
Chapter.

**146.** (1) The Governor-General may, by proclamation in the *Gazette*, alter, revoke, or vary any proclamation issued by him in pursuance of any power conferred upon him by the British Copyright Act or this Chapter, but any proclamation issued under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the proclamation takes effect, and shall provide for the protection of such rights and interests.

(2) Every proclamation issued by the Governor-General in pursuance of the power conferred upon him by the British Copyright Act or this Chapter shall be laid upon the Tables of both Houses of Parliament within fourteen days after the issue, if Parliament be then in session, or, if Parliament be not then in session, within fourteen days after the commencement of its next ensuing session, and any provision of that proclamation shall cease to have effect if either House of Parliament resolves, within thirty days after the proclamation has been laid on the Table thereof, that such provision shall be disallowed:

Provided that the disallowance shall be without prejudice to the validity of anything done in the meanwhile under the disallowed provision, or to the power to issue a new proclamation.

Saving of  
copyright in  
certain  
works made  
outside the  
Union.

**147.** (1) Where copyright subsisted in the United Kingdom in respect of any musical, dramatic or artistic work before the commencement of this Chapter, the copyright shall, subject to this section, be deemed to have subsisted in the Union as from the date of the commencement of the copyright in the work, to the same extent as if copyright therein had subsisted under the law of the United Kingdom.

(2) Where a person has, before the commencement of this Chapter, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction of any musical, dramatic, or artistic work in a manner which at the time was lawful, or for the purpose of, or with a view to the reproduction of any such work at a time when such reproduction would, but for this Chapter, have been lawful, nothing in this section shall be construed as diminishing or prejudicing any rights or interest arising from or in connection with such action which were subsisting and valuable at the commencement of this Chapter, unless the person who, by virtue of this section, becomes entitled to restrain such reproduction, agrees to pay such compensation as, failing agreement, may be determined by arbitration.

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- deur -

- (1) Herroeping van artikel (2) van wet 70 tot;
- (2) Herroeping van wet 71 in sy geheel; en
- (3) Wysiging van wets N.M. No. 9 en N.M. No. 10  
 verwant in die tweede bylage van die wet.

Hierby word die algemene inligting bekendgemaak  
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 1938, 100 van 1942, 882 van 1942 en 888 van 1949  
 goed te keur:-

**WYSIGING VAN DIE HANDELSMERKEWET.**

**WET OP MODELLE, HANDELSMERKE EN  
 OPLEERSRECHT, 1916.**

No. 574. 26 APRIL 1957

**DEPARTEMENT VAN HANDEL EN KWATHEID.**

*gete op 26/4/57 No 5857*

*Criminal Remedies.*

**Act No. 9  
of 1916.**

Penalties for  
dealing with  
infringing  
copies, etc.

**148. (1)** Any person who knowingly—

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire into the Union any infringing copy of any such work,

shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds for every copy dealt with in contravention of this section, but not exceeding fifty pounds in respect of the same transaction; and in the case of a second or subsequent offence, either to such fine, or to imprisonment without the option of a fine for a period not exceeding two months.

(2) Any person who makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or who knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, and in the case of a second or subsequent offence, either to such fine or to imprisonment without the option of a fine for a period not exceeding two months.

(3) The court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

*Importation of Copies.*

Importation  
of copies.

**149. (1)** Copies made outside the Union of any work in which copyright subsists which if made in the Union would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Commissioner of Customs, that he is desirous that such copies should not be imported into the Union, shall not be so imported and shall, subject to the provisions of this section, be deemed to be goods the importation whereof into the Union is prohibited under the Customs Management Act 1913. X

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(2) Before detaining any such copies or taking any proceedings with a view to the forfeiture thereof under the regulations relating to the customs, the Commissioner of Customs may require the regulations under this section, whether relating to information, conditions, or other matters, to be complied with, and may satisfy himself in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3) The Governor-General may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such regulations determine the information, notices and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) The regulations may apply to copies of all works, or to the importation of copies of which is prohibited by this section, and different regulations may be made respecting different classes of such work.

(5) The regulations may provide for the informant reimbursing the Commissioner of Customs all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention, and may provide for notices under any law relating to copyright repealed by this Act being treated as notices given under this section, and also that notices given to the Commissioners of Customs and Excise of the United Kingdom and communicated by them to the Commissioner of Customs shall be deemed to have been given by the owner to that Commissioner.

(6) This section shall have effect as the necessary modification of section fourteen of the British Copyright Act.

(2) Alvorens zodanige kopieën te detineren of te handhaven, moet de Kommissaris van Doane de voorschriften, voorwaarden als bedoeld in de artikelen 150 en 151, ingevolge dit artikel te bevestigen, en hij kan overeenkomstig die voorschriften de kopieën behoren tot die, welke verboden is.

(3) De Goeverneur-generaal kan, algemeen of bijzonder, voorschriften vaststellen, betreffende de detening en het verlies van kopieën, welke de invoer daarvan is verboden is, alsmede aangaande de voorwaarden, indien er zoodanige zijn, welke te vervullen zijn vóór die aanhouding en het verlies, en hij kan door voorschriften bepalen, welke inlichtingen, kennisgevingen en zekerheden te geven, en de bewijzen, welke vereischt worden, en de wijze van verificatie van dit artikel vereischte middelen geverifieerd moeten worden.

(4) De regulaties kunnen toegepast worden op alle werken, of op de importatie van kopieën van welke de invoer is verboden is, en verschillende regulaties kunnen worden vastgesteld voor verschillende klassen van werken.

(5) De regulaties kunnen voorschriften bevatten, dat de informant de Kommissaris van Doane alle uitgaven en schade vergoeden, welke voortvloeien uit de detening van de kopieën, en voorschriften, dat kennisgevingen onder de wetten, welke afgeschaft zijn door de wet van 1862, betreffende auteursrecht, als kennisgevingen gedaan ingevolge de wet van 1862, en kennisgevingen gedaan aan de Kommissaris van Doane, als kennisgevingen gedaan aan de Kommissaris van Doane van 't Verenigd Koninkrijk, welke door hem aan de Kommissaris van Doane overgemaakt worden, als kennisgevingen gedaan door de eigenaar of de uitgever.

(6) Dit artikel zal gelden als de noodige wijziging van artikel veertien van de Britse Wet van 1911.

Delivery of Books for Libraries.

Verstrekking van boeken voor bibliotheken.

Delivery of copies of books to certain libraries.

150. (1) The publishers of every book first published in the Union and whether printed therein or not, shall, within one month after the day on which such book is first delivered out of the press for issue, deliver free of any charge, bound, sewed or stitched on the best paper and in the best manner in which such book is issued, one copy to the trustees of the British Museum, and one copy each to the authority having control of each of the following libraries, namely, the South African Public Library, Cape Town, the Library of the Natal Society, Pietermaritzburg, the State Library, Pretoria, and the Bloemfontein Public Library. In the case of an encyclopædia, newspaper, review, magazine or work published in series of

150. (1) De uitgever van een boek, hetzij uitgegeven in de Unie en hetzij niet daarin gedrukt, moet binnen een maand na de dag, waarop het boek voor de eerste maal uit de pers is afgedrukt, gratis, gebonden, ingenaaid of ingeweven op het beste papier en op de beste manier waarop de uitgever het boek uitgeeft, een exemplaar afleveren aan de kuratoren van het Britsch Museum, en een exemplaar afleveren aan de autoriteit, welke de controle heeft over elk van de volgende bibliotheken, te weten: De Zuid-Afrikaansche Openbare Bibliotheek, Kaapstad, de Bibliotheek van de Natalmaatschappij, Pietermaritzburg, de Staatsbibliotheek, Pretoria, en de Bloemfonteinse Openbare Bibliotheek. In het geval van een encyclopedie, nieuwsblad, recensie, tijdschrift of een werk, uitgegeven in reeks van

Library of the Parliament of the Union of South Africa, Cape Town. Oct 22 of 1950



Act No. 9 of 1916.

(3) The registrar shall refuse to register the copyright in any book until sub-section (1) of this section has been complied with, or the copyright in an artistic work until sub-section (2) of this section has been complied with.

(4) Each copy or representation delivered to the Registrar in pursuance of this section shall be retained at the copyright office.

Effect of entry.

159. Registration shall not in any case be deemed to be a condition of the existence of any copyright or of the exercise of any rights granted by this Chapter.

Supplemental Provision.

Abrogation of common law rights.

160. As from the commencement of this Chapter no person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of the British Copyright Act and this Chapter or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

CHAPTER V.

GENERAL AND SUPPLEMENTARY PROVISIONS.

A.—General.

Seals of offices.

161. There shall be seals of the patent office, the designs office, the trade marks office, and the copyright office, and impressions of any such seal shall be judicially noted and admitted in evidence.

161 bis -- New section inserted by Act No 19 of 1947. 162. (1) The registrar may, for the purposes of this Act—

General powers of registrar.

(a) receive evidence and determine whether and how far it shall be given by affidavit or viva voce upon oath:

“ Calculation of periods of time.

161bis. Any period of time specified by this Act as running from the doing of any act or thing shall be reckoned as commencing on the day next following the doing of that act or thing.”

missions de bene esse; and require the due to any proceedings

before him.

(2) The registrar may, on request in writing accompanied by the prescribed fee, correct any clerical error in any register kept by him under this Act or in any proceedings before him.

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(ii) zonder zo om zoals duktie, tegen be zulks ve waarop van zo overeenl bepaald werk in eigenaar dat ver

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(b) waar iema Hoofdstuk uitgaven in verband van een wettig was of op- of waarop di zou zijn getreden artikel ge ling voor naideeld, waarde h dit artik of uitvoe schadelo minnelik paald.

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Keeping of  
register of  
copyright.

152. A register wherein may be registered, as hereinafter provided, the proprietorship in the copyright of works and assignments thereof or the proprietorship of the sole right to perform or authorise the performance of any musical or dramatic work in the Union or any part thereof and assignments thereof shall be kept in the copyright office at Pretoria.

Method of  
registra-  
tion.

153. The proprietor of any copyright or of the sole right to perform, or authorise the performance of any musical or dramatic work in the Union or any part thereof, may, upon payment to the registrar of the prescribed fee, obtain registration of his right in the manner prescribed.

Registration  
of  
assignments  
and trans-  
missions.

154. When any person becomes entitled to any registered copyright or other right under this Chapter by virtue of any assignment or transmission, or to any interest therein by licence, he may, upon payment to the registrar of the prescribed fee, obtain registration of the assignment, transmission, or licence in the manner prescribed.

How  
registration  
effected.

155. The registration of any copyright or other right under this Act, or of any assignment or transmission thereof or of any interest therein by licence, shall be effected by entering in the proper register the prescribed particulars relating to the right, assignment, transmission or licence.

Registration  
of works  
published in  
a series.

156. In the case of an encyclopædia, newspaper, review, magazine or other periodical work, or a work published in a series of books or parts, a single registration for the whole work may be made.

Rectification  
of register by  
the court.

157. Subject to the provisions of this Act, the court may, on the application of the registrar or of any person aggrieved, order the rectification of the register of copyright by—

- (a) the making of any entry wrongly omitted to be made in the register; or
- (b) the expunging of any entry wrongly made in or remaining on the register; or
- (c) the correction of any error or defect in the register.

Delivery of  
copies to  
registrar.

158. (1) Every person who makes application for the registration of the copyright in a book shall deliver to the registrar one copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and bound, sewed, or stitched together and on the best paper on which the book is printed.

(2) Every person who makes application for the registration of the copyright in an artistic work shall deliver to the registrar one copy of the work or a representation of it.

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Act No. 9 of 1916.

(3) Whenever by this Act any time is specified within which any act or thing is to be done the registrar may, unless otherwise expressly provided, extend the time either before or after its expiration.

(3) Wanneer bij deze Wet een termijn welke iets verricht moet worden, kan zover niet uitdrukkelijk anders bepaald of na het verstrijken daarvan verlenigen

Notice to registrar of application to the court.

163. The prescribed notice shall be given to the registrar by every applicant of any application to the court under this Act.

163. Elke aanvrager moet aan de geschreven kennisgeving doen van elke Wet bij het hof te worden gemaakt.

Taxation of costs awarded by the registrar.

164. Any costs awarded by the registrar shall be taxed by a taxing officer of the court and payment thereof may be enforced in the same manner as if they were costs allowed by a judge of the court.

164. Kosten door de registrateur te een taxatie-beambte van het hof getaxteerd, daarvan kan op dezelfde wijze worden betaald, en kosten door een rechter van het hof toegelegd.

Duty of registrar in exercising discretionary power to appoint an agent to appear on behalf of applicant of being heard.

165. Whenever any discretionary power is by this Act given to the registrar he shall not exercise that power adversely to an applicant without (if so required by the applicant within the prescribed time, if any) giving that applicant an opportunity of being heard personally or by his attorney or agent.

165. Waar aan de registrateur in de uitoefening van een discretionair bevoegdheid niet worden uitgeoefend, kan de aanvrager, zonder (op daartoe strekkend verzoek) binnen de eventueel voorgeschreven termijn de gelegenheid te geven om in persoon of door zijn agent gehoord te worden.

Trusts not to be registered.

166. No notice of any trust expressed, implied, or constructive shall be entered in any register kept under this Act, or be receivable by the registrar.

166. Geen kennisgeving van enige trust, uitdrukkelijk, stilzwijgende of afgeleide, kan in een register gehouden worden ingeschreven, noch kan daarvan worden ontvangen.

Register to be prima facie evidence.

167. Any register kept under this Act shall be prima facie evidence of any matters directed or authorised by this Act to be inserted in that register.

167. Elk volgens deze Wet gehouden register is op van al hetgeen volgens de wet moet of mag worden ingeschreven.

Inspection of registers.

168. The registers kept at any office established under this Act shall, on payment of the prescribed fees, and subject to the provisions of this Act, be open at all convenient times in office hours to the inspection of the public.

168. De registers gehouden in een ieders kantoor liggen, tegen betaling van de voorschreven fooien en behoudens de bepalingen van de wet, gedurende kantooruren open voor het publiek.

Certified copies of entries in registers to be furnished on application.

169. A certified copy of an entry in any register kept in any office established under this Act shall, subject to any special provisions to the contrary contained in this Act, be given to any person who applies for such a copy and pays the prescribed fee.

169. Een gecertificeerd afschrift van een register gehouden in een ieders kantoor moet, zo in deze Wet niet uitdrukkelijk anders is bepaald, aan ieder worden verstrekt, die een afschrift van de voorgeschreven fooi betaalt.

Certificates of registrar to be evidence.

170. (1) A certificate purporting to be under the hand of the registrar as to any entry, matter or thing which he is authorized by this Act to make or do shall be prima facie evidence of the entry having been made and of the contents thereof and of the matter or thing having been done or left undone.

170. (1) Een certificaat, dat doet voorkomen te zijn getekend te zijn, betreffende een inschrijving, is krachtens deze Wet bevoegd is te worden gebruikt als bewijs van het doen van de inschrijving en van dat de handeling verricht of nagelaten is.

(2) Printed or written copies or extracts purporting to be certified by the registrar and sealed with the seal of any office established under this Act and documents purporting, when certified, to be copies or extracts from any register or book or document relating to patents, designs, trade marks or copy-

(2) Gedrukte of geschreven afschriften of uittreksels, die doen voorkomen gecertificeerd te zijn door de registrateur, en documenten die, geacht te worden gecertificeerd te zijn door de registrateur, betreffende patenten, modellen, tekeningen, handelsmerken of kopieën van

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right and kept in any such office shall be admitted in evidence in all courts and proceedings without further proof or production of the originals.

Payment of prescribed fees to be made before acts done or documents issued or works received.

**171.** Whenever under this Act any prescribed fee is payable in respect of any application, registration, matter, document or work, the registrar may refuse to perform the act or to receive or to issue the document or to receive the work (as the case may be) until the fee payable in respect thereof is paid.

Lodging of documents with and giving notices may be through the post.

**172.** Any application, notice or document authorised or required under this Act to be lodged, made or given at the patent office, the designs office, the trade marks office, or the copyright office or to the registrar or any other person, may be sent by letter through the post.

Address for service and change of such address.

**173.** (1) Any address for service stated in any application or notice of opposition under this Act shall, for all purposes of the application or the notice of opposition, be deemed to be the address of the applicant or of the opponent (as the case may be) and all documents in relation to the application or notice of opposition may be served by leaving them or sending them to the address for service of the applicant or of the opponent as the case may be.

(2) Any address for service may be changed by notice to the registrar.

Persons under disability.

**174.** If any person is, by reason of minority, lunacy, or other disability, incapable of making any declaration or doing anything required or permitted by this Act, then the guardian, curator or other legal representative (if any) of such person or if there be none, any person appointed by the court upon petition on behalf of the person under disability or on behalf of any other person interested in the making of such declaration or doing such thing, may make the declaration or a declaration as nearly corresponding thereto as circumstances permit, and do the thing in the name and on behalf of the person under disability, and all acts done by such substitute shall, for the purposes of this Act, be as effectual, as if done by the person for whom he is substituted.

Substitution of successor in interest in case of death of party to proceedings.

**175.** If a person who is a party to a proceeding under this Act dies pending the proceeding, the registrar or the court (as the case may be) may, upon request made in the prescribed manner and on proof to his or its satisfaction of the transmission of the interest of the deceased person substitute in the proceeding his successor-in-interest in his place or if the registrar or the court is of opinion that the interest of the deceased

auteursrecht, en in zulk een kantoor gehouden en procedures als bewijs toegelaten staving en zonder overlegging van oorspronkelijk

**171.** Wanneer ingevolge deze Wet een betaalbaarder is ten aanzien van een aanvraagdokument of werk, dan kan de registrateur de verrichten of onderscheidenlijk het vangen of uit te geven, of het werk te onverschuldigde voet betaald is.

**172.** Iedere aanvraag, kennisgeving of volge deze Wet aan het patentkantoor, het len, het kantoor van handelsmerken, het recht, of aan de registrateur of een ander opgemaakt of gegeven mag of moet worden de post gezonden worden.

**173.** (1) Ieder in een aanvraag of ingevolge deze Wet opgegeven adres voor ken, wordt voor alle doeleinden in verband of kennisgeving van verzet geacht het adresvrager of opponent (onderscheidenlijk) dokumente in verband met de aanvraag verzet kan geschieden door afgifte of toez dat voor het dienen van stukken van opponent onderscheidenlijk gegeven is.  
(2) Ieder adres voor het dienen van veranderd door kennisgeving aan de regi

**174.** Wanneer iemand wegens onmondheid of ander beletsel niet in staat is een of een volgens deze Wet vereiste of verrichten, dan kan de voogd, kurator of tegenwoordiger (zo er een is) van de onbevoegd er geen is, ieder die door het hof aangevege de onbekwame persoon of van we heeft bij de aflegging van de verklaring de handeling, de verklaring of een ver na mogelijk overeenkomt als de oms afleggen en de handeling verrichten ter van de onbekwame persoon. Alle vanger verrichte handelingen zijn voor Wet even geldig als waren zij door verricht.

**175.** Wanneer iemand die een partij deze Wet, hangende de procedure komt de registrateur of het hof (onderscheiden) geschreven vorm gedaan verzoek en na rechten van de overledene te zijnen ge procedure de overledene door zijn recht kan, indien de registrateur of het ho

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person is sufficiently represented by the surviving parties, permit the proceeding to be continued without such substitution.

Evidence before law officer and jurisdiction of law officer to make order as to costs.

176. Subject to any regulations prescribed in respect of any proceeding under this Act before the law officer, the evidence shall be given by affidavit in the absence of directions to the contrary but in the case in which he thinks it right to do so the law officer may take evidence *viva voce* in lieu or in addition to evidence by affidavit or allow any declarant to be cross-examined on his declaration. The law officer may order costs to be paid by either party and such order may on the application of either party be made an order of the court.

Application to law officer for directions.

177. The registrar may, in case of doubt or difficulty arising in the administration of any provisions of this Act which are to be administered by the registrar, apply to the law officer for directions in the matter.

Agency.

178. Subject to the provisions of this Act, the registrar shall permit an agent to do on behalf of the person for whom he is agent any act in connection with registration under this act or any procedure relating thereto.

*B.—Offences and Penalties.*

Penalties for making false entries in registers, etc., for producing or tendering false entries.

179. Any person who—

- (a) makes or causes to be made a false entry in any register kept under this Act; or
- (b) makes or causes to be made a writing falsely purporting to be a copy of an entry in any such register; or
- (c) produces or tenders or causes to be produced or tendered as evidence any such entry or copy thereof,

knowing the same to be false, shall be guilty of an offence and liable on conviction to imprisonment without the option of a fine for a period not exceeding three years.

Penalty for making false statements for the purpose of deceiving or influencing registrar or other officer.

180. Any person who—

- (a) for the purpose of deceiving the registrar or any officer in the execution of the provisions of this Act; or
- (b) for the purpose of procuring or influencing the doing or omission of anything in relation to this Act or any matter thereunder,

makes a false statement or representation knowing the same to be false, shall be guilty of an offence and liable on conviction to imprisonment without the option of a fine for a period not exceeding one year.

rechten van de overledene door de overdoende vertegenwoordigd zijn, het de proo vervanging laten voortgaan.

176. Behoudens de regulaties voorgeschiede ingevolge deze Wet ten overstaan van ambtenaar plaatsvinden, geschiedt de gebreke van tegenovergestelde voorschrift schriftelijke beëdigde verklaringen. In hem zulks geraden voorkomt, kan de recht de getuigenis mondeling afnemen in plaats bewijslevering door middel van schriftelijke ringen en toestaan dat iedere verklaard gekruisvraagd worde. De rechtsgeleerd een of andere partij in de kosten verwijz verwijzing op verzoek van een van de p het hof gemaakt kunnen worden.

177. De registrateur kan, wanneer t rijken omtrent de uitvoering van de bepaa waarmede hij belast is, de rechtsgeleerd lichte vragen.

178. Behoudens het bepaalde bij dez registrateur een agent namens de perso is enige handeling te doen in verband m deze Wet of enige procedure met betrek

*B.—Overtredingen en S*

179. Ieder die—

- (a) een vals inschrijving maakt ingevolge deze Wet gehouden
- (b) een geschrift maakt of doet te zijn een afschrift van een register; of
- (c) zodanige inschrijving of een bewijs overlegt of aanbiedt aanbieden,

wetende dat de inschrijving of het afschuldig aan een overtreding bij ve gevangenisstraf, zonder de keuze van drie jaren.

180. Ieder die—

- (a) ten einde de registrateur o uitvoering van de bepalinge leiden; of
- (b) ten einde het doen of nalat verband met deze Wet o verkrijgen of te beïnvloeden.

een valse verklaring of voorstelling vals is, wordt als schuldig aan een deling gestraft met gevangenisstraf boete, van ten hoogste een jaar.

**Act No 9  
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Prohibition  
as to officers  
of patent  
office  
trafficking in  
patents.

**181.** (1) Any officer of the patent office who buys, sells, acquires, or traffics in any invention or patent, or in any right under a patent shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(2) Every purchase, sale, or acquisition and every assignment of any invention or patent by or to any such officer shall be null and void.

(3) Nothing in this section contained shall apply to the inventor or to any acquisition by bequest or devolution in law.

Penalty for  
practising as  
a patent  
agent unless  
registered as  
such.

**182.** Any person, not being a registered patent agent or an attorney, who practices or acts as a patent agent, and any person, not being a registered patent agent, who describes himself as a patent agent, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

Penalty for  
use of word  
"patent  
office," etc.,  
on place of  
business.

**183.** Any person who uses on his place of business or on any document issued by him or otherwise the words "patent office," "designs office," or "trade marks office," or "copyright office," or any other words suggesting that his place of business is officially connected with or is one of the offices established under this Act shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds.

Penalty for  
falsely  
describing  
articles for  
sale as  
patented  
articles.

**184.** (1) Any person who falsely represents that any article sold by him is a patented article shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment without the option of a fine for a period not exceeding three months.

(2) If any person sells any article on which is stamped, engraved, or impressed, or to which is otherwise applied the word "patent," "patented" or any other word expressing or implying that the article is patented, he shall be deemed for the purposes of this section to represent that the article is a patented article.

Penalty for  
falsely  
describing  
as registered  
a design  
which is  
unregistered  
and placed  
on any  
article sold  
by him.

**185.** (1) Any person who falsely represents as being registered a design or trade mark which is not registered and which is applied to any article sold by him shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds.

If any person sells an article on which there is stamped, engraved or impressed, or to which there is otherwise applied the word "registered" or any other word-expressing or implying that the design or trade mark applied to that article is registered he shall be deemed for the purposes of this subsection to represent that the design or trade mark applied thereto is a registered design or trade mark.

(2) Any person who after a copyright in a design has, in accordance with Chapter II., expired, puts or causes to be put on any article to which the design has been applied the word "registered" or any word or words implying that

**181.** (1) Ieder beambte van het patent vinding of patent, of een recht onder een koopt, verwerft, of verhandelt wordt a overtreiding bij veroordeling gestraft met hoogste honderd pond.

(2) Elke koop, verkoop of verwerving of overdracht van een uitvinding of pat beambte is nietig.

(3) Dit artikel is niet van toepassing op een verwerving bij legaat of erfopvolging.

**182.** Ieder, niet zijnde een geregist of een prokureur, die als patentbezorg treedt, alsmede ieder die, niet zijnd patentbezorger, zich als zodanig uitgee aan een overtreiding bij veroordeling g van ten hoogste honderd pond.

**183.** Ieder die op zijn bezigheidspl door hem uitgegeven of anderszins, ( kantoor," of "kantoor van modeller handelsmerken," of "kantoor van au woorden gebruikt die aanleiding kunne derstelling dat zijn bezigheidsplek ar met, of een van de ingevolge deze W is, wordt als schuldig aan een overtr gestraft met een boete van ten hoogst

**184.** (1) Ieder die valselijk doet v hem verkocht artikel gepatenteerd aan een overtreiding bij veroordeling van ten hoogste honderd pond of met de keuze van boete, van ten hoogste d

(2) Ieder die een artikel verkoo gegraveerd, of ingedrukt of op and het woord "patent," "gepatenteerd uitdrukkende of insluitende dat het wordt voor de doeleinden van dit arti komen dat het artikel gepatenteerd is.

**185.** (1) Ieder die valselijk doet v of handelsmerk, dat niet geregistree verkochte artikelen toegepast is, schuldig aan een overtreiding bij v een boete van ten hoogste vijf pond

Ieder, die een artikel verkoopt w veerd of ingedrukt of op andere wijz "geregistreerd" of een ander wo sluitende dat het, op het artikel toe merk geregistreerd is, wordt voor d artikel geacht voor te geven dat het of handelsmerk een geregistreerd me

(2) Ieder die, nadat het auteursre Hoofdstuk II verstreken is, een toegepast is, voorziet of doet voorzi streerd" of van een woord of w

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of 1916.**

Penalty for  
the unauthor-  
ised use of  
Royal arms  
or Union  
arms.

there is a subsisting copyright in the design shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds.

**186.** (1) The grant of a patent or the registration of a design or trade mark under this Act shall not be deemed to authorize the patentee or registered holder of the design or trade mark to use the Royal Arms or the Arms of the Union on any article.

(2) Any person, who, without the authority of the King or of some member of the Royal Family or of the Governor-General in person (the burden of proof of which authority shall be upon the accused), assumes or uses in connection with any patent, design or trade mark, the Royal Arms or arms so nearly resembling the Royal Arms as to be calculated to deceive in such a manner as to be likely to lead other persons to believe that he is carrying on his trade, business, calling, or profession by or under such authority, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds.

(3) Any person who, without the authority of the Governor-General-in-Council (the burden of proof of which authority shall be upon the accused), acts in connection with the Arms of the Union in manner described in sub-section (2) in relation to the Royal Arms shall be guilty of an offence and liable on conviction to the penalty mentioned in that sub-section.

Penalties in  
respect of  
defaulting  
witnesses.

**187.** (1) Any person who, having been duly summoned to appear as a witness before the registrar, fails without lawful excuse and after tender of reasonable expenses, to appear in obedience to the summons shall be guilty of an offence.

(2) Any person who, having appeared as a witness before the registrar, refuses without lawful excuse to be sworn or to make affirmation, or to produce documents, or to answer questions which he may be lawfully required to answer shall be guilty of an offence.

(3) Any person guilty of an offence mentioned in this section shall be liable on conviction to a fine not exceeding fifty pounds.

Imprison-  
ment in  
default of  
payment of  
fines.

**188.** Whenever under this Act an offence is punishable by a fine the court which imposes the fine may, without prejudice to the provisions of any law authorizing the seizure and sale of the movable property of the offender to pay the fine, sentence the offender to imprisonment for a period—

- (a) not exceeding seven days, if the fine imposed do not exceed five pounds;
- (b) not exceeding fourteen days if the fine imposed do not exceed ten pounds;
- (c) not exceeding one month, if the fine imposed do not exceed twenty-five pounds;

er een auteursrecht op het model bestaa aan een overtreding bij veroordeling ge van ten hoogste vijf pond.

**186.** (1) De verlening van een patent een model of handelsmerk ingevolge geacht aan de patenthouder of gereg een model of handelsmerk de bevoegd koninklijk wapen of het Unie wapen gebruiken.

(2) Ieder die, zonder bewilliging van een lid van het Koninklijk Huis of van d in persoon (zullende de bewijslast van op de beschuldigde), in verband met handelsmerk zich van het Koninklijk wapen hetwelk daarop zo zeer lijkt misleiden, op een wijze bedient of het dat het een ander tot de veronderstelt dat hij zijn bedrijf, bezigheid, ambac ingevolge die bewilliging uitoefent, w een overtreding bij veroordeling gestra ten hoogste vijf en twintig pond.

(3) Ieder die zonder bewilliging generaal-in-Rade (zullende de bewijsla rusten op de beschuldigde), in verband handelt gelijk in subartikel (2) mē Koninklijk Wapen bepaald is, wordt overtreding bij veroordeling gestraft m vermelde straf.

**187.** (1) Ieder die, behoorlijk als getu gedagvaard zijnde, zonder geldige red redelijke onkosten niet aan de dagvaarc aan een overtreding.

(2) De getuige die voor de registrate geldige reden weigert een eed of b dokumenten over te leggen of vragen hem wettig gesteld worden is schuldi

(3) Ieder die aan een in dit artikl schuldig is, wordt bij veroordeling van ten hoogste vijftig pond.

**188.** Waar een overtreding ingevo is met boete, kan het hof dat de boe de bepalingen van enige wet vergun verkoop van de roerende goederen va haal van de opgelegde boete, de overtr genisstraf van—

- (a) ten hoogste zeven dagen, wa niet meer bedraagt dan vijf
- (b) ten hoogste veertien dagen boete niet meer bedraagt da
- (c) ten hoogste één maand, wa niet meer bedraagt dan vi

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(d) not exceeding three months if the fine imposed exceed fifty pounds; unless the fine be sooner paid.

Special jurisdiction of magistrate's court.

\*189. A magistrate's court shall have special jurisdiction to impose the maximum penalties prescribed for an offence against this Act punishable by a fine, anything to the contrary notwithstanding in any law relating to magistrate's courts.

C.—Supplemental.

Reference in certain laws to Provincial laws to be construed as being references to corresponding provisions of this Act.

190. Any reference in any law in force prior to the thirty-first day of May, 1910, to any Provincial Patent Act, Provincial Designs Act, Provincial Trade Marks Act, or Provincial Copyright Act (and not being itself such an Act) shall be construed as being a reference to the corresponding provisions, so far as possible, of this Act.

International and inter-colonial arrangements.

*191. Substituted by a new section (Act 19 of 1947)*

191. The provisions of sub-sections (2) and (3) of section forty-one and sub-sections (4) and (5) of section eighty shall not apply to any country outside the Union unless and until the Governor-General has, by proclamation in the Gazette, declared that such country affords privileges similar to those described in the said sub-sections respectively to persons residing in the Union.

Fees and regulations.

192. (1) The Governor-General may prescribe a tariff not inconsistent with this Act, of the fees which shall be payable to the registrar in respect of any application, registration matter or document or work and the fees shall be payable as so prescribed.

(2) The Governor-General may also make regulations, not inconsistent with this Act, as to all matters which by this Act are required or permitted to be prescribed by regulation or which are necessary or convenient for giving effect to the provisions of any Chapter of this Act or for the conduct of any business relating to any office established by this Act.

(3) If either House of Parliament resolve within thirty days after any such tariff or regulation has been laid on the Table thereof in accordance with law that any item of the tariff or that the regulation shall be disallowed, then such item or regulation shall thereupon become of no effect, without prejudice to the validity of anything done in the meanwhile thereunder or to the power to make a new tariff or regulation.

Interpretation of terms.

193. In this Act, unless inconsistent with the context,— "imprisonment" shall mean imprisonment with or without hard labour as the court which passes sentence may direct;

\* Repealed by section 112 of Act No. 32 of 1917.

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Amended by Act  
19 of 1947.



- 1) Opposition T.M. 6 - 2 months £10f
- 2) Counterstatement T.M. 7 - 1 month after receipt of opp.
- 3) Evidence by opponent - 1 month
- 4) Evidence by applicant - 1 month
- 5) Evidence in reply by opponent - 14 days
- 6) within 7 days of notice of set down hearing fees £1. each

With regard to Paragraph 29, Mr. Welsh submits that the only effect of this paragraph is that the straps which respondent distributes are deliberate copies of the Petitioner's invention and that the claim made by the manufacturer is untrue. On that construction he argues that this paragraph is irrelevant to the present proceedings, more particularly if regard is had to the fact that, according to paragraph 27, the only proceedings which the Petitioner intends to bring against the respondent are proceedings for infringement.

It seems to me, however, that the representations in question may induce the public to purchase the 'Coronet' strap in preference to the Petitioner's 'Fixoflex' strap. This may be a relevant factor in considering the balance of convenience and the extent of prejudice and harm likely to be suffered by the Petitioner if an interim interdict is not granted. Paragraph 29 is therefore allowed to stand.

The hearing of the application to strike out took place on the 18th October. The hearing of argument on the merits of the interdict motion was adjourned until the 25th October when the following order was made, it being intimated that reasons, as now given, would be furnished at a later date, namely:—

It is ordered that paragraphs 11, 12, 13, 14, 15, 16, 18, 19, 10 and 28 of the Petition, together with the annexures 'F', 'G', 'H', 'I', 'J', 'K', 'KY8', 'KK', and 'L', introduced by the said paragraphs, be struck from the Petition.

*On the question of costs:*

The interdict application, the striking out application and a Petition in which the Respondent sought a declaration that the distribution and sale by it of the straps in question do not infringe the Petitioner's patent, were all set down for hearing on the 18th October.

At the hearing the Respondent withdrew his application for a declaration of non-infringement, because of the fact that Section 56 (1) had not been complied with.

Had the claim for a declaration of non-infringement been the only matter before the Court, the Respondent would have been ordered to pay all the costs relating thereto, in terms of Section 56 (2). Inasmuch, however, as argument on the striking out application occupied all but a few minutes of the hearing on the 18th October, it seems to me that a fair and equitable ruling as to costs would be to order, as I do, as follows:—

1. Costs in respect of the application for a declaration of non-infringement incurred by the Petitioner to the date of hearing on the 18th October, and one-fourth of its costs of appearance on that date, to be paid by Respondent.
2. Costs incurred by Respondent in respect of the striking-out proceedings, including three-fourths of its costs of appearance on the 18th October, to be paid by Petitioner.

Pretoria this 10th day of December, 1956.

M. RETIEF, *Commissioner of Patents.*

EXTRACTS OF COMPLETE SPECIFICATIONS OF WHICH THE ACCEPTANCE WAS PUBLISHED IN THE PATENT JOURNAL OF THE 28TH NOVEMBER, 1956.

UITTREKSELS UIT VOLLEDIGE SPESIFIKASIES WAARVAN DIE AANNAME GEPUBLISEER IS IN DIE PATENTJOERNAAL VAN 28 NOVEMBER 1956.

1736/56. 29/5/56 (Netherlands, 3/5/55). N.V. DE BATAAFSCHE PETROLEUM MAATSCHAPPIJ. (ADOLF CHRISTIAAN VAN BEEST.)

Class 1 (1) (a), 91 (j).

PROCESS FOR THE PREPARATION OF HYDRO-CARBON OILS ENTIRELY OR PARTLY FREED FROM MERCAPTANS.

20 Claims.

1. A process for the preparation of hydrocarbon oils entirely or partly freed from mercaptans, by bringing mercaptan-containing hydrocarbon oils into contact with sulphuric acid in a mixer and then separating them from the acid phase, characterized in that the hydrocarbon oil and a sulphuric acid-containing phase are intimately mixed, both phases are separated in a settling zone, the hydrocarbon oil is drawn off from the settling zone, the acid phase is returned from the settling zone via a recycling system to the mixer, the quantities of acid phase and hydrocarbon oil phase in the mixer being maintained in the ratio of at least 10 parts by volume of acid

phase to 100 parts by volume of hydrocarbon oil phase, a quantity of fresh sulphuric acid comprising no more than 1 per cent by weight  $H_2SO_4$ , calculated on the hydrocarbon oil to be treated, is supplied to the acid recycling system and a quantity of acid phase is removed therefrom continuously or intermittently.

1735/56. 29/5/56. CTBA, LIMITED. (ERNST GAEUMANN AND VLADIMIR PRELOG.)

Class 81 (1) (j).

A NEW ANTIBIOTIC AND PROCESS FOR ITS MANUFACTURE.

28 Claims.

1. Process for the manufacture of a new crystalline antibiotic, wherein a strain of *Streptomyces* having the properties of *Streptomyces eurythermus* is cultivated until the nutrient solution exhibits a substantial antibacterial action, and angolamycin is then isolated from the culture filtrate.

...action to proceed  
...described by rules of  
...other matters shall mean p  
...under the authority of this Act o  
...regulations;

“register” shall in Chapter V mean any register kept under this Act and in any other Chapter of this Act mean a register kept in accordance with that Chapter;

“registrar” shall mean the registrar of patents, designs, trade marks and copyright appointed under this Act and when used in Chapters I, II, III, and IV shall be respectively the registrar of patents, the registrar of designs, the registrar of trade marks, or the registrar of copyright, as the case may be;

“regulation” shall mean any regulation made, and in force under this Act;

“the court” shall, subject to the provisions of section *thirty*, mean in respect of any matter, the provincial or local division which by law has jurisdiction in respect of that matter;

“this Act” shall include any rules of court or any regulations made thereunder.

Any expression defined for the purposes of any Chapter of this Act shall, when used in any other Chapter, bear the meaning assigned to it in the Chapter in which it is defined.

Repeal of laws.

**194.** Subject to the provisions of this Act, the laws mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the fourth column of that Schedule: Provided that the repeal of any such law relating to a matter for which provision is made by any particular Chapter of this Act shall take effect at the commencement of that Chapter.

Short title.

**195.** This Act may be cited for all purposes as the Patents, Designs, Trade Marks, and Copyright Act, 1916.

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First Schedule.

UNION OF SOUTH AFRICA.

(Union Arms.)

GEORGE the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India :

To all to whom these presents shall come, greeting :

Whereas.....of....., has pursuant to the Patents, Designs, Trade Marks and Copyright Act, 1916, made application for letters patent for an invention for.....and has made a declaration in the prescribed form that.....and has by a complete specification fully described and ascertained the invention.

Now, therefore, we do by these Letters Patent give and grant to the said.....(hereinafter called the patentee) our especial licence, full power, sole privilege and authority that the said patentee by himself, his agents, or licensees and no others may at all times hereafter during the term of years herein mentioned make use, exercise and vend the said invention within the Union of South Africa in such manner as to him or them may seem meet and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of.....years from the date hereunder written of these presents :

Provided always that these letters patent shall be granted subject to the provisions of the said Act.

In witness whereof we have this.....day of..... One thousand nine hundred.....caused these our letters to be made patent and to be dated and sealed as of the..... day of.....One thousand nine hundred.....

(Seal of Patent Office.)

Second Schedule.

FEES PAYABLE IN RESPECT OF PATENT.

On filing application for patent .....	£1 0 0
On filing complete specification .....	3 0 0
On sealing patent .....	1 0 0

RENEWAL FEES.

1. Before the expiration of the third year from the date of the patent .....	£4 0 0
2. Before the expiration of the seventh year from the date of the patent .....	6 0 0
3. Before the expiration of the tenth year from the date of the patent .....	10 0 0

NOTICE.—Any or all of the payments for renewals may be made in one sum.

Third Schedule.

THE BRITISH COPYRIGHT ACT.

CHAPTER 46.

An act to amend and consolidate the Law Relating to Copyright. [16th December, 1911.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

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## PART 1.

## IMPERIAL COPYRIGHT.

*Rights.*

## Copyright.

1. (1) Subject to the provisions of this Act, copyright shall subsist throughout the parts of His Majesty's dominions to which this Act extends for the term hereinafter mentioned in every original literary dramatic musical and artistic work, if—

- (a) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid; and
- (b) in the case of an unpublished work, the author was at the date of the making of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid;

but in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder relating to self-governing dominions to which this Act does not extend and to foreign countries.

(2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right,—

- (a) to produce, reproduce, perform, or publish any translation of the work;
- (b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;
- (c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert into a dramatic work, by way of performance in public or otherwise;
- (d) in the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered,

and to authorise any such acts as aforesaid.

(3) For the purposes of this Act, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculptors and architectural works of art shall not be deemed to be publication of such works.

Infringe-  
ment of  
copyright.

2. (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright: Provided that the following acts shall not constitute an infringement of copyright:—

- (i) Any fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary;

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Act No. 9  
of 1918.

- (ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work;
- (iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building, or the making or publishing of paintings, drawings, engravings, or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art;
- (iv) The publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists: Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged;
- (v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions in paragraph (1) as to newspaper summaries;
- (vi) The reading or recitation in public by one person of any reasonable extract from any published work.

(2) Copyright in a work shall also be deemed to be infringed by any person who—

- (a) sells or lets for hire, or by way of trade exposes or offers for sale or hire; or
- (b) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (c) by way of trade exhibits in public; or
- (d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends,

any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hiring, exposure, offering for sale or hire, distribution, exhibition, or importation took place.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

Term of  
copyright.

3. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death:

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Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of ten per cent. on the price at which he publishes the work; and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties.

Compulsory licences.

4. If at any time after the death of the author of a literary, dramatic, or musical work which has been published or performed in public a complaint is made to the Judicial Committee of the Privy Council that the owner of the copyright in the work has refused to republish or to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a licence to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the Judicial Committee may think fit.

Ownership of copyright etc.

5. (1) Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein :

Provided that—

- (a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright; and
- (b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, other than as part of a newspaper, magazine, or similar periodical.

(2) The owner of the copyright in any work may assign the right either wholly or partially, and either generally or subject to limitations to the United Kingdom or any self-governing dominion or other part of His Majesty's dominions to which this Act extends, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by licence, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by a duly authorized agent :

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5. (1) Behouder het werk de eers verstande :—

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Provided that, where the author of the work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representative as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee as respects the right so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

Civil Remedies.

Civil remedies for infringement of copyright.

6. (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the court.

(3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

(a) If a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

(b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

Rights of owner against persons possessing or dealing with infringing copies, etc.

7. All infringing copies of any work in which copyright subsists or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

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**Act No. 9 of 1916.**

Exemption of innocent infringer from liability to pay damages, etc.

Restriction on remedies in the case of architecture.

Limitation of actions.

Penalties for dealing with infringing copies, etc.

8. Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting that copyright subsisted in the work.

9. (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition.

(2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

10. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

*Summary Remedies.*

11. (1) If any person knowingly—

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire into the United Kingdom any infringing copy of any such work;

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding Forty shillings for every copy dealt with in contravention of this section, but not exceeding Fifty pounds in respect of the same transaction; or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding Fifty pounds, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(3) The court before which any such proceedings are taken may whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

(4) Nothing in this section shall, as respects musical works, affect the provisions of the *Musical (Summary Proceedings) Copyright Act, 1902*, or the *Musical Copyright Act, 1906*.

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Act No. 9  
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Appeals to  
quarter  
sessions.

12. Any person aggrieved by a summary conviction of an offence under the foregoing provisions of this Act may in England and Ireland appeal to a court of quarter sessions and in Scotland under and in terms of the *Summary Jurisdiction (Scotland) Acts*.

Extent of  
provisions as  
to summary  
remedies.

13. The provisions of this Act with respect to summary remedies shall extend only to the United Kingdom.

*Importation of Copies.*Importation  
of copies.

14. (1) Copies made out of the United Kingdom of any work in which copyright subsists which if made in the United Kingdom would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Commissioners of Customs and Excise, that he is desirous that such copies should not be imported into the United Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section *forty-two* of the *Customs Consolidation Act, 1876*, and that section shall apply accordingly.

(2) Before detaining any such copies or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and Excise may require the regulations under this section, whether as to information, conditions or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3) The Commissioners of Customs and Excise may make regulations either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may, by such regulations, determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works.

(5) The regulations may provide for the informant reimbursing the Commissioners of Customs and Excise all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention; and may provide for notices under any enactment repealed by this Act being treated as notices given under this section.

(6) The foregoing provisions of this section shall have effect as if they were part of the *Customs Consolidation Act, 1876*: Provided that, notwithstanding anything in that Act, the Isle of Man shall not be treated as part of the United Kingdom for the purposes of this section.

(7) This section shall, with the necessary modifications, apply to the importation into a British possession to which this Act extends of copies of works made out of that possession.

12. Ieder die wegens overtreding in Engeland en zittingen (court) komstig de *Summary*

13. De bepalingen zijn slechts van to

14. (1) Buiten het enig werk waarop het Koninkrijk vervaardigd is, en ten aanzien van hetwelk de wet of door zijn gemachtigde schriftelijk niet in het Verenigd Koninkrijk worden ingevoerd, worden geacht opgenomen te zijn in de tabel van beperkingen vervat in de *Consolidation Act, 1876*, zullen de bepalingen van die wet of van die *Consolidation Act, 1876*, van toepassing zijn.

(2) Alvorens zodanige verklaring daarvan onder de handtekening van de commissarissen van Doeanen te maken, moeten de regulaties ingevolge de bepalingen van de wet of van andere regulaties mogen vergeworpen worden, en de invoer volgens dit artikel zal niet toegestaan worden.

(3) De Kommissarissen van Doeanen, of biezondere commissarissen, of beide, en verbeurdverklaring van de goederen, die aan de handtekening van de commissarissen van Doeanen zijn gedaan, en welke bewijsmiddelen voor de invoer van de goederen op welke wijze die bepalingen van toepassing zijn.

(4) De regulaties kunnen worden ingevoerd, waarvan krachtens dit artikel of verschillende regulaties klassen van zodanige werken worden ingevoerd.

(5) De regulaties kunnen worden ingevoerd, waarvan de Kommissarissen van Doeanen, of biezondere commissarissen, of beide, opgelopen in verband met een aangifte, en van procederen, en de bepalingen van deze Wet herroepen wet op de handtekening van de commissarissen van Doeanen, of biezondere commissarissen, of beide, als kennisgevingen gedaan in

(6) De voorgaande bepaling zal deel uitmaken van de *Consolidation Act, 1876*, verstaande, dat niettegenstaande de bepalingen van de *Consolidation Act, 1876*, de bepalingen van de *Consolidation Act, 1876* worden als deel van het Verenigd Koninkrijk.

(7) Dit artikel is met die bepalingen van toepassing op de invoer in een Britse bezitting van exemplaren van werken vervaardigd in het Verenigd Koninkrijk.

Act No. 9  
of 1916.

## Delivery of Books to Libraries.

Delivery of  
copies to  
British  
Museum and  
other  
libraries.

15. (1) The publisher of every book published in the United Kingdom shall, within one month after the publication, deliver, at his own expense, a copy of the book to the trustees of the British Museum, who shall give a written receipt for it.

(2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some depôt in London named in the demand a copy of the book for, or in accordance with the directions of, the authority having the control of each of the following libraries, namely: the Bodleian Library, Oxford, the University Library, Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin, and subject to the provisions of this section the National Library of Wales. In the case of an encyclopædia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published.

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such classes as may be specified in regulations to be made by the Board of Trade.

(6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding Five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.

(7) For the purposes of this section, the expression "book" includes every part or division of a book, pamphlet, sheet of letter-press, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letter-press or in the maps, prints, or other engravings belonging thereto.

## Special Provisions as to certain Works.

Works of  
joint  
authors.

16. (1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter, and in the provisions of this Act with respect to the grant of compulsory licences a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author.

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(2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

(3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.

(4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property.

Posthumous  
works.

17. (1) In the case of a literary dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section three of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript.

Provisions  
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18. Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.

Provisions as  
to mechanical  
instruments.

19. (1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make within the parts of His Majesty's dominions to which this Act extends records, perforated rolls, or other contrivances by means of which the work may be mechanically performed, if such person proves—

(a) that such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work; and

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- (b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate hereinafter mentioned :

Provided that—

- (i) nothing in this provision shall authorise any alterations in, or omissions from, the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are reasonably necessary for the adaptation of the work to the contrivances in question; and
- (ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced.

(3) The rate at which such royalties as aforesaid are to be calculated shall—

- (a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one-half per cent.; and

- (b) in the case of contrivances sold as aforesaid after the expiration of that period, five per cent.

on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than a halfpenny for each separate musical work in which copyright subsists reproduced thereon, and, where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing :

Provided that, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as aforesaid is no longer equitable, the Board of Trade may, after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament; but, where an order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work, shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

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(6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties.

(7) In the case of musical works published before the commencement of this Act, the foregoing provisions shall have effect, subject to the following modifications and additions:—

- (a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply.
- (b) The rate of two and one-half per cent. shall be substituted for the rate of five per cent., as the rate at which royalties are to be calculated, but no royalties shall be payable in respect of contrivances sold before the first day of July, Nineteen hundred and thirteen, if contrivances reproducing the same work had been lawfully made, or placed on sale, within the parts of His Majesty's dominions to which this Act extends before the first day of July, Nineteen hundred and ten.
- (c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making, of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal personal representatives and not to the assignee, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal personal representatives.
- (d) The saving contained in this Act of the rights and interests arising from, or in connexion with, action taken before the commencement of this Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Act, except on the terms and subject to the conditions laid down in this section.
- (e) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country, the copyright so conferred shall not except to such extent as may be provided by the Order, include any rights with respect to the making of records perforated rolls, or other contrivances by means of which the work may be mechanically performed.

(8) Notwithstanding anything in this Act, where a record, perforated roll or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived:

Provided that—

- (i) the person who, at the commencement of this Act, is the owner of such original plate shall be the first owner of such copyright; and

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- (ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

Provisions as to political speeches. 20. Notwithstanding anything in this Act, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

Provisions as to photographs. 21. The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.

Provisions as to designs registrable under 7 Edw. 7, c. 29. 22. (1) This Act shall not apply to designs capable of being registered under the *Patents and Designs Act, 1907*, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

(2) General rules under section *eighty-six* of the *Patents and Designs Act, 1907*, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

Works of foreign authors first published in parts of His Majesty's dominions to which Act extends. 23. If it appears to His Majesty that a foreign country does not give, or has not undertaken to give, adequate protection to the works of British authors it shall be lawful for His Majesty by Order in Council to direct that such of the provisions of this Act as confer copyright on works first published within the parts of His Majesty's dominions to which this Act extends, shall not apply to works published after the date specified in the Order, the authors whereof are subjects or citizens of such foreign country, and are not resident in His Majesty's dominions, and thereupon those provisions shall not apply to such works.

Existing works. 24. (1) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the First Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that Schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work was made and the work had been one entitled to copyright thereunder:

Provided that—

- (a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Act, the right would have expired the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act and then subsisting shall determine; but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either—

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- (i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or
- (ii) without any such assignment or grant, to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or, where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment;

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the *London Gazette* and in two London newspapers,

- (b) where any person has, before the twenty-sixth day of July, Nineteen hundred and ten, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

(2) For the purposes of this section, the expression "author" includes the legal personal representatives of a deceased author.

(3) Subject to the provisions of section *nineteen* sub-sections (7) and (8) and of section *thirty-three* of this Act, copyright shall not subsist in any work made before the commencement of this Act, otherwise than under and in accordance with, the provisions of this section.

*Application to British Possessions.*

Application  
of Act to  
British  
dominions.

25. (1) This Act, except such of the provisions thereof as are expressly restricted to the United Kingdom, shall extend throughout His Majesty's dominions: Provided that it shall not extend to a self-governing dominion, unless declared by the Legislature of that dominion to be in force therein either without any modifications or additions, or with such modifications and additions relating exclusively to procedure and remedies, or necessary to adapt this Act to the circumstances of the dominion, as may be enacted by such Legislature.

(2) If the Secretary of State certifies by notice published in the *London Gazette* that any self-governing dominion has passed legislation under which words, the authors whereof were at the date of the making of the works British subjects resident elsewhere than in the dominion or (not being British subjects) were resident in the parts of His Majesty's dominions to which this Act extends, enjoy within the dominion rights substantially identical with those conferred by this Act, then, whilst such legislation continues in force, the dominion shall, for the purposes of the rights conferred by this Act, be treated as if

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## PART II.

## INTERNATIONAL COPYRIGHT.

Act No. 9  
of 1916.Power to  
extend Act  
to foreign  
works.

29. (1) His Majesty may, by Order in Council, direct that this Act (except such parts, if any, thereof as may be specified in the Order) shall apply—

- (a) to works first published in a foreign country to which the Order relates, in like manner as if they were first published within the parts of His Majesty's dominions to which this Act extends;
- (b) to literary, dramatic, musical and artistic works, or any class thereof, the authors whereof were at the time of the making of the work subjects or citizens of a foreign country to which the Order relates, in like manner as if the authors were British subjects;
- (c) in respect of residence in a foreign country to which the Order relates in like manner as if such residence were residence in the parts of His Majesty's dominions to which this Act extends;

and thereupon, subject to the provisions of this Part of this Act and of the Order, this Act shall apply accordingly:

Provided that

- (i) before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright) His Majesty shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the provisions of Part I of this Act.
- (ii) the Order in Council may provide that the term of copyright within such parts of His Majesty's dominions as aforesaid shall not exceed that conferred by the law of the country to which the Order relates;
- (iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order;
- (iv) the Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities (if any) as may be prescribed by the Order;
- (v) in applying the provisions of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country;
- (vi) in applying the provisions of this Act as to existing works, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of section five of the *International Copyright Act, 1886*.

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(2) An Order-in-Council under this section may extend to all the several countries named or described therein.

Application  
of Part II. to  
British  
possessions.

30. (1) An Order-in-Council under this Part of this Act shall apply to all His Majesty's dominions to which this Act extends except self-governing dominions and any other possessions specified in the Order with respect to which it appears to His Majesty expedient that the Order should not apply.

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**Act No. 9  
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it were a dominion to which this Act extends; and it shall be lawful for the Secretary of State to give such a certificate as aforesaid, notwithstanding that the remedies for enforcing the rights, or the restrictions on the importation of copies of works, manufactured in a foreign country, under the law of the dominion differ from those under this Act.

Legislative powers of self-governing dominions.

26. (1) The Legislature of any self-governing dominion may, at any time, repeal all or any of the enactments relating to copyright passed by Parliament (including this Act) so far as they are operative within that dominion: Provided that no such repeal shall prejudicially affect any legal rights existing at the time of the repeal, and that, on this Act or any part thereof being so repealed by the Legislature of a self-governing dominion, that dominion shall cease to be a dominion to which this Act extends.

(2) In any self-governing dominion to which this Act does not extend the enactments repealed by this Act shall, so far as they are operative in that dominion continue in force until repealed by the Legislature of that dominion.

(3) Where His Majesty in Council is satisfied that the law of a self-governing dominion to which this Act does not extend provides adequate protection within the dominion for the works (whether published or unpublished) of authors who at the time of the making of the work were British subjects resident elsewhere than in that dominion. His Majesty in Council may, for the purpose of giving reciprocal protection, direct that this Act, except such parts (if any) thereof as may be specified in the Order, and subject to any conditions contained therein, shall, within the parts of His Majesty's dominions to which this Act extends, apply to works the authors whereof were, at the time of the making of the work, resident within the first-mentioned dominion, and to works first published in that dominion; but, save as provided by such an Order, works the authors whereof were resident in a dominion to which this Act does not extend shall not, whether they are British subjects or not, be entitled to any protection under this Act except such protection as is by this Act conferred on works first published within the parts of His Majesty's dominions to which this Act extends:

Provided that no such Order shall confer any rights within a self-governing dominion, but the Governor in Council of any self-governing dominion to which this Act extends may, by Order, confer within that dominion the like rights as His Majesty in Council is, under the foregoing provisions of this sub-section; authorised to confer within other parts of His Majesty's dominions.

For the purposes of this sub-section, the expression "a dominion to which this Act extends" includes a dominion which is for the purposes of this Act to be treated as if it were a dominion to which this Act extends.

Power of Legislatures of British possessions to pass supplemental legislation.

27. The Legislature of any British possession to which this Act extends may modify or add to any of the provisions of this Act in its application to the possession, but, except so far as such modifications and additions relate to procedure and remedies, they shall apply only to works the authors whereof were, at the time of the making of the work, resident in the possession, and to works first published in the possession.

Application to protectorates.

28. His Majesty may, by Order in Council, extend this Act to any territories under his protection and to Cyprus, and, on the making of any such Order, this Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act extends.

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(2) The Governor-in-Council of any self-governing dominion to which this Act extends may, as respects that dominion, make the like orders as under this Part of this Act His Majesty-in-Council is authorised to make with respect to His Majesty's dominions other than self-governing dominions, and the provisions of this Part of this Act shall, with the necessary modifications, apply accordingly.

(3) Where it appears to His Majesty expedient to except from the provisions of any order any part of his dominions not being a self-governing dominion, it shall be lawful for His Majesty by the same or any other Order-in-Council to declare that such order and this Part of this Act shall not, and the same shall not, apply to such part, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order.

### PART III.

#### SUPPLEMENTAL PROVISIONS.

Abrogation  
of common  
law rights.

31. No person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

Provisions as  
to Orders in  
Council.

32. (1) His Majesty in Council may make Orders for altering, revoking, or varying any Order-in-Council made under this Act, or under any enactments repealed by this Act, but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests.

(2) Every Order-in-Council made under this Act shall be published in the *London Gazette* and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act.

Saving of  
university  
copyright.  
15 Geo. 3, c.  
53.

33. Nothing in this Act shall deprive any of the universities and colleges mentioned in the *Copyright Act, 1775*, of any copyright they already possess under that Act, but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act.

Saving of  
compensa-  
tion to  
certain  
libraries.

34. There shall continue to be charged on, and paid out of, the Consolidated Fund of the United Kingdom such annual compensation as was immediately before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books:

Provided that this compensation shall not be paid to a library in any year, unless the Treasury are satisfied that the compensation for the previous year has been applied in the purchase of books for the use of and to be preserved in the library.

Interpre-  
tation.

35. (1) In this Act, unless the context otherwise requires,—

“Literary work” includes maps, charts, plans, tables, and compilations;

“Dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character;

**Act No. 9  
of 1918.**

"Artistic work" includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs;

"Works of sculpture" includes casts and models;

"Architectural work of art" means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction;

"Engravings" include etchings, lithographs, wood-cuts, prints, and other similar works, not being photographs;

"Photograph" includes photo-lithograph and any work produced by any process analogous to photography;

"Cinematograph" includes any work produced by any process analogous to cinematography;

"Collective work" means—

(a) An encyclopædia, dictionary, year-book, or similar work;

(b) a newspaper, review, magazine, or similar periodical; and

(c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated;

"Infringing," when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made, or imported in contravention of the provisions of this Act;

"Performance" means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;

"Delivery," in relation to a lecture, includes delivery by means of any mechanical instrument;

"Plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made;

"Lecture" includes address, speech, and sermon;

"Self-governing dominion" means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

(2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns.

(3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty's dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty's dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order-in-Council.

**Act No. 9  
of 1916.**

(4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a British subject or a resident within the parts of His Majesty's dominions to which this Act extends.

(5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the parts of His Majesty's dominions to which this Act extends if he is domiciled within any such part.

**Repeal.**

36. Subject to the provisions of this Act, the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule :

Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part.

**Short title  
and com-  
mencement.**

37. (1) This Act may be cited as the *Copyright Act, 1911*.

(2) This Act shall come into operation—

- (a) in the United Kingdom, on the first day of July Nineteen hundred and twelve, or such earlier date as may be fixed by Order-in-Council;
- (b) in a self-governing dominion to which this Act extends, at such date as may be fixed by the Legislature of that dominion;
- (c) in the Channel Islands, at such date as may be fixed by the States of those islands respectively;
- (d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the Governor.

SCHEDULES.

FIRST SCHEDULE.

*Existing Rights.*

Existing Right.	Substituted Right.
<i>(a) In the case of works other than Dramatic and Musical Works.</i>	
Copyright.....	Copyright as defined by this Act.*
<i>(b) In the case of Musical and Dramatic Works.</i>	
Both copyright and performing right	Copyright as defined by this Act.*
Copyright, but not performing right	Copyright as defined by this Act, except the sole right to perform the work or any substantial part thereof in public.
Performing right, but not copyright	The sole right to perform the work in public, but none of the other rights comprised in copyright as defined by this Act.

For the purposes of this Schedule the following expressions, where used in the first column thereof, have the following meanings :—

“Copyright,” in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealings with the work;

“Performing right,” in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public.

\* In the case of an essay, article, or portion forming part of and first published in a review, magazine or other periodical or work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to which the author is entitled at the commencement of this Act, or would, if this Act had not been passed, have become entitled under section *eighteen* of the Copyright Act, 1842.

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## SECOND SCHEDULE.

Act No. 9  
of 1916.

## Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Geo. 2. c. 13	The Engraving Copyright Act, 1734	The whole Act.
7 Geo. 3. c. 38	The Engraving Copyright Act, 1767.	The whole Act.
15 Geo. 3. c. 53	The Copyright Act, 1775 . . . . .	The whole Act.
17 Geo. 3. c. 57	The Prints Copyright Act, 1777	The whole Act.
54 Geo. 3. c. 56	The Sculpture Copyright Act, 1814	The whole Act.
3 & 4 Will. 4. c. 15	The Dramatic Copyright Act, 1833	The whole Act.
5 & 6 Will. 4. c. 65	The Lectures Copyright Act, 1835	The whole Act.
6 & 7 Will. 4. c. 59	The Prints and Engravings Copyright (Ireland) Act, 1836	The whole Act.
6 & 7 Will. 4. c. 110	The Copyright Act, 1836 . . . . .	The whole Act.
5 & 6 Vict. c. 45	The Copyright Act, 1842 . . . . .	The whole Act.
7 & 8 Vict. c. 12	The International Copyright Act, 1844	The whole Act.
10 & 11 Vict. c. 95	The Colonial Copyright Act, 1847	The whole Act.
15 & 16 Vict. c. 12	The International Copyright Act, 1852	The whole Act.
25 & 26 Vict. c. 68	The Fine Arts Copyright Act, 1862	Sections <i>one to six</i> . In section <i>eight</i> the words "and pursuant to any Act for the protection of copyright engravings," and "and in any such Act as aforesaid." Sections <i>nine to twelve</i> .
38 & 39 Vict. c. 12	The International Copyright Act, 1875	The whole Act.
39 & 40 Vict. c. 36	The Customs Consolidation Act, 1876	Section <i>forty-two</i> from "Books wherein" to "such copyright will expire." Sections <i>forty-four, forty-five</i> and <i>one hundred and fifty-two</i> .
45 & 46 Vict. c. 40	The Copyright (Musical Compositions) Act, 1882	The whole Act.
49 & 50 Vict. c. 33	The International Copyright Act, 1886	The whole Act.
51 & 52 Vict. c. 17	The Copyright (Musical Compositions) Act, 1888	The whole Act.
52 & 53 Vict. c. 42	The Revenue Act, 1889 . . . . .	Section <i>one</i> , from "Books first published" to "as provided in that section."

Zitting en Hoofdstuk.	
8 Geo. 2 h. 13	Aut W
7 Geo. 3. h. 38	Aut W
15 Geo. 3. h. 53	Aut
17 Geo. 3. h. 57	Aut 17
54 Geo. 3. h. 56	Aut w
3 & 4 Wilh. 4. h. 15	Drav 18
5 & 6 Wilh. 4. h. 65	Aut W
6 & 7 Wilh. 4. h. 59	Aut G 18
6 & 7 Wilh. 4. h. 110	Aut
5 & 6 Vict. h. 45	Aut
7 & 8 Vict. h. 12	Inte W
10 & 11 Vict. h. 95	Kolc 18
15 & 16 Vict. h. 12	Inte 18
25 & 26 Vict. h. 68	Aut ste
38 & 39 Vict. h. 12	Inter W
39 & 40 Vict. h. 36	Doeg 18
45 & 46 Vict. h. 40	Aut ke
49 & 50 Vict. h. 33	Inter W
51 & 52 Vict. h. 17	Aut ke
52 & 53 Vict. h. 42	Inko

Act No. 9  
of 1916.

Session and Chapter.	Short Title	Extent of Repeal.
Edw. 7. c. 36	The Musical Copyright Act, 1906	In section <i>three</i> the words "and which has been registered in accordance with the provisions of the Copyright Act, 1842, or of the International Copyright Act, 1844, which registration may be effected notwithstanding anything in the International Copyright Act, 1886."

**Fourth Schedule.**

EXISTING RIGHTS IN WORKS THE SUBJECT OF COPYRIGHT UNDER CHAPTER IV.

Existing Right.	Substituted Right.
(a) <i>In the case of Works other than Dramatic and Musical Works.</i>	
Copyright . . . . .	Copyright as defined in the British Copyright Act.
(b) <i>In the case of Musical and Dramatic Works.</i>	
Both copyright and performing right	Copyright as defined in the British Copyright Act.
Copyright, but not performing right	Copyright as defined in the British Copyright Act, except the sole right to perform the work or any substantial part thereof in public.
Performing right, but not copyright	The sole right to perform the work in public, but none of the other rights comprised in copyright as defined in the British Copyright Act.

For the purpose of this Schedule the following expressions, where used in the first column thereof, have the following meaning:—

"copyright," in the case of a work which according to the law in force immediately before the commencement of Chapter IV has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work;

"performing right," in the case of a work which has not been performed in public before the commencement of Chapter IV, includes the right at common law (if any) to restrain the performance thereof in public.

Zitting en Hoofdstuk.	
6 Edw. 7. h. 36	Mus

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Fifth Schedule.

LAWS REPEALED.

Province or Union.	Number and Year of Law.	Long or Short Title or Subject of Law.	Extent of Repeal.	Provincie of Unie.	
		<i>Patents.</i>			
Cape of Good Hope	Act No. 17 of 1860	To provide for the granting within this colony of patents for inventions	The whole.	Kaap de Goede Hoop	W
Do.	Act No. 24 of 1902	The Patent Fees Act, 1902	The whole.	Do.	W
Do.	Act No. 28 of 1904	The Patents, Designs and Trade Marks Act, 1904	The whole.	Do.	W
Natal . . . .	Law No. 4 of 1870	To provide for the granting in this Colony of Patents for inventions.	The whole.	Natal . . . . .	W
Do.	Law No. 5 of 1871	To amend and extend 16th section of Law No. 4 of 1870	The whole.	Do.	W
Do.	Law No. 32 of 1884	To amend the Patents Law No. 4 of 1870	The whole.	Do.	W
Do.	Act No. 2 of 1895	To amend the Patents Law No. 4 of 1870	The whole.	Do.	W
Transvaal.	Proclamation No. 22 of 1902	The Patents Proclamation, 1902	The whole.	Transvaal . .	Pro
Do.	Proclamation No. 29 of 1902	The Patents Amendment Proclamation, 1902	The whole.	Do.	Pro
Do.	Act No. 28 of 1907	The Patents Proclamation Amendment Act, 1907	The whole.	Do.	W
Orange Free State	Chapter CXII of the Law Book	Patent Law . . . . .	The whole.	Oranje Vrijstaat	Ho
Union . . . .	Act No. 10 of 1910	The Patents Amendment (Natal and Orange Free State) Act, 1910	The whole.	Unie . . . . .	We
		<i>Designs.</i>			
Cape of Good Hope	Act No. 28 of 1894	The Registration of Designs Act, 1894	The whole.	Kaap de Goede Hoop	We
Natal . . . .	Act No. 19 of 1899	The Registration of Designs Act, 1899	The whole.	Natal . . . . .	We
		<i>Trade Marks.</i>			
Cape of Good Hope	Act No. 22 of 1877	The Trade Marks Registration Act, 1877	The whole.	Kaap de Goede Hoop	Wet
Do.	Act No. 12 of 1895	The Trade Marks Registration Amendment Act, 1895	The whole.	Do.	We
Natal . . . .	Law No. 4 of 1885	To establish a Register of Trade Marks in Natal	The whole.	Natal . . . . .	Wet
Transvaal .	Proclamation No. 23 of 1902	The Trade Marks Registration Proclamation, 1902	The whole.	Transvaal . .	Pro
Do.	Ordinance No. 3 of 1904	The Trade Marks Registration Amendment Ordinance, 1904	The whole.	Do.	Ord
Orange Free State	Chapter CXIII of the Law Book	Registration of Trade Marks	The whole.	Oranje Vrijstaat	Hoc
Do.	Law No. 13 of 1893	Registration of Trade Marks	The whole.	Do.	Wet

Act No. 9  
of 1916.

Province or Union.	Number and Year of Law.	Long or Short Title or Subject of Law.	Extent of Repeal.
		<i>Copyright.</i>	
Cape of Good Hope	Act No. 4 of 1854	Authorizing the importation of foreign reprints of books	The whole.
Do.	Act No. 2 of 1873	The Copyright Act, 1873 . . .	The whole.
Do.	Act No. 4 of 1888	The Books Registry Act, 1888	The whole.
Do.	Act No. 18 of 1895	The Copyright Protection and Books Registration Act, 1895	The whole.
Do.	Act No. 46 of 1905.	The Copyright of Works in Art Act, 1905	The whole.
Natal . . . .	Act No. 17 of 1897	The Copyright Act, 1897 . . . .	The whole.
Do.	Act No. 44 of 1898	The Playrights' Act, 1898 . . .	The whole.
Do.	Act No. 18-of 1899	To amend the Playrights' Act, 1898	The whole.
Transvaal .	Law No. 2 of 1887	Copyright Law . . . . .	The whole.
Do.	1st Volksraad Resolution, 20th June, 1895—Article 420	Copyright . . . . .	The whole
Do.	Proclamation No. 24 of 1902	Copyright in Military Maps	The whole.

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## PROCLAMATION.

By His Excellency the Right Honourable Viscount Buxton, a Member of His Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, High Commissioner for South Africa, Governor-General and Commander-in-Chief in and over the Union of South Africa.

No. 219, 1916.]

UNDER and by virtue of the powers in me vested by section *two* of the Patents, Designs, Trade Marks and Copyright Act 1916 (Act No. 9 of 1916) I do hereby declare, proclaim and make known that all the Chapters of that Act shall commence and come into operation on the first day of January, 1917.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Pretoria this Fifth day of December One thousand Nine hundred and Sixteen.

BUXTON,  
Governor-General.

By Command of His Excellency the  
Governor-General-in-Council.

N. J. DE WET,  
Minister of Justice.

VAN ZIJN EXCELLENCE  
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ST. MICHAEL  
AFRIKA, GOVERNOR-GENERAL  
OVER DE UNIE VAN ZUID-AFRIKA.

No. 219, 1916.

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GOVERNMENT NOTICE No. 113 of 1929.

*Designation of Law Officer under the Patents, Designs,  
Trade Marks, and Copyright Act, No. 9 of 1916.*

It is hereby notified for general information that the Minister of Justice has, in terms of section *one hundred and ninety-three* of Act No. 9 of 1916, designated George Brebner to exercise the powers and to perform the duties conferred or imposed by the said Act upon the law officer in all Provinces of the Union *vice* Francois Petrus van den Heever.

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## GOVERNMENT NOTICE No. 1542 of 1916.

## THE PATENT RULES, 1917.

(NOTE.—These Rules are printed as amended by Government Notices Nos. 884 of 1919; 1255 of 1919; 2040 of 1920; 474 of 1933; 314 of 1934; 1237 of 1934 and 99 of 1942.)

(NOTA.—I  
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HIS EXCELLENCY THE GOVERNOR-GENERAL has, under the powers vested in him by section *one hundred and ninety-two* of Act No. 9 of 1916 (The Patents, Designs, Trade Marks, and Copyright Act, 1916), been pleased to make the regulations, and to prescribe the tariff of fees, hereunder set forth:—

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## PRELIMINARY.

1. These regulations (herein after referred to as "these rules") may be cited as the Patent Rules, 1917.

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## COMMENCEMENT.

2. These rules shall come into operation contemporaneously with the coming into operation of Chapter I of the Act.

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## INTERPRETATION.

3. Unless the context otherwise requires:—  
any expression to which a meaning has been assigned by any provision of the Act for the purposes thereof shall, when used in these rules, have the same meaning;  
"office" means the Patent Office established under the Act;  
"the Act" means Act No. 9 of 1916;  
and in the interpretation of these rules the Interpretation Act, 1910 (Act No. 5 of 1910), shall apply.

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## FEES.

4. The fees to be paid under the Act, so far as it relates to patents, shall be those specified in the Second Schedule thereto and the additional fees specified in the First Schedule to these rules. All such fees shall be payable in revenue stamps.

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## FORMS.

5. The forms contained in the First Schedule to the Act and in the Second Schedule to these rules shall be used in all cases to which they are applicable and shall be modified as directed by the Registrar to meet other cases.

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## DOCUMENTS.

6. All documents and copies of documents, except drawings, sent to or left at the office or otherwise furnished to the Registrar shall be written, type-written, lithographed, or printed in the English or the Dutch language (unless otherwise directed) in large and legible characters with deep permanent ink upon strong white paper, and, except in the case of affidavits, on one side only, of a size approximately 13 inches by 8 inches, leaving a margin of at least one inch and a half on the left-hand part thereof, and the signatures there-to must be written in a large and legible hand. Duplicate documents shall at any time be left, if required by the Registrar.

At the top of the first page of a specification a space of about two inches should be left blank.

7. (a) Any application, statement, notice or other document authorized or required to be left, made, or given at the office, or to or with the Registrar may be sent through the post; any such document so sent shall not be deemed to have been duly sent unless and until it is actually received in the office.

(b) Any statement, notice or other document authorized or required to be left, made or given with or to a person other than the Registrar may be sent through the post; any document so sent shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post. A letter addressed to a registered proprietor of a patent at his address as it appears on the register, or address for service, or to any applicant for or person opposing the registration of a patent at the address appearing in the application or notice of opposition or given for service as hereinafter provided shall be deemed to be sufficiently addressed.

8. Every applicant for and opponent to the grant of a patent or the revocation of a patent or the restoration of a lapsed patent or the amendment of a specification, and every person who shall hereafter become a patentee, shall give an address for service in the Union, and such address may be treated, for all purposes connected with the patent, as the actual address of such applicant, opponent, or patentee.

If any patentee desires to have two addresses for service entered in the register a request therefor shall be made on Patents Form No. 22.

The Registrar may require any existing patentee, who does not reside in the Union, to give an address for service

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#### AGENCY.

9. (a) All communications to the Registrar relating to patents or patent applications may be signed by and all attendances upon the Registrar may be made by an attorney of the Court or patent agent resident or carrying on business in the Union and duly authorized to the satisfaction of the Registrar. In any particular case the Registrar may, if he think fit, require the personal signature or presence of an applicant, opponent or other person.

(b) Service upon such attorney or patent agent of any document relating to such patent or patent application shall be deemed to be service upon the person so appointing him, and all communications directed to be made to such person may be addressed to such attorney or patent agent.

#### APPLICATIONS FOR THE GRANT OF PATENTS.

10. An ordinary application for a patent shall be made on Patents Form No. 1, and an application for a patent of addition on Patents Form No. 1B. An application for a secret patent shall be made on Patents Form No. 1c, and an application for a patent under section *forty-one* (2) of the Act on Patents Form No. 1D.

11. An application for a patent by the legal representative of a person who has died possessed of an invention shall be accompanied by an official copy of or extract from his will or the letters of administration granted of his estate and effects in proof of the applicant's title as such legal representative and must be supported by such further evidence as the Registrar may require.

12. Applications for patents sent through the post shall, as far as may be practicable, be opened and numbered in the order in which the letters containing the same have been respectively delivered at the office.

Applications left at the office otherwise than through the post shall be in like manner numbered in the order of their receipt at the office.

13. (1) When a specification comprises several distinct matters, they shall not be deemed to constitute one invention by reason only that they are all applicable to or may form parts of an existing machine, apparatus, or process.

Where a person making application for a patent has included in his specification more than one invention, the Registrar may require or allow him to amend such application

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and specification and drawings or any of them so as to apply to one invention only, and the applicant may make application for a separate patent for any invention excluded by such amendment.

Every such last-mentioned application may, if the Registrar at any time so direct, bear the date of the original application, or such date between the date of the original application and date of the application in question, as the Registrar may direct, and shall otherwise be proceeded with as a substantive application in the manner prescribed by the Act and by these rules.

Where the Registrar has required or allowed any application or specification or drawings or any of them to be amended as aforesaid, such application shall, if the Registrar at any time so direct, bear such date, subsequent to the original date of the application and not later than the date when the amendment was made, as the Registrar shall consider reasonably necessary to give sufficient time for the subsequent procedure relating to such application.

(2) Where the same applicant has put in two or more provisional specifications for inventions which he believes to be cognate or modifications one of the other and the Registrar is of opinion that such inventions are not cognate or modifications one of the other, the applicant may divide the complete specification left in connection with his application into such number of complete specifications as may be necessary to enable the application to be proceeded with as two or more separate applications for patents for different inventions.

14. The statement of the invention claimed, with which a complete specification must end, shall be clear and succinct as well as separate and distinct from the body of the specification.

15. If the applicant send to the Registrar on Patents Form No. 21 notice of an alteration in his name or address or address for service the Registrar shall cause the application to be amended accordingly, and may require the altered address to be in the Union.

APPLICATIONS UNDER SECTION *forty-one* (2) OF THE ACT.

\*16. (1) Every application under section *forty-one* (2) of the Act shall be made on Patents Form No. 1D.

(2) The application must be made within twelve months from the date of the lodging of the application for the first foreign patent or similar exclusive privilege, and must be accompanied by four copies of Patents Form No. 3 or Patents Form No. 2.

\* Deleted by Government Notice No. 99 of 1942.

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(3) The Registrar may call for a copy of the specification and drawings or documents filed or deposited by the applicant in the Patent Office of the country outside the Union in respect of any application for a foreign patent or similar exclusive privilege, duly certified by the official chief or head of the Patent Office of the country outside the Union as aforesaid, or otherwise verified to the satisfaction of the Registrar, and if the applicant fails to leave at the office any such specification, drawings, or documents (within the time prescribed by the Registrar), or if, upon examination of any such specification, drawings, or documents, the Registrar is satisfied that the applicant has not acted in good faith, the Registrar may, subject to an appeal to the Law Officer, refuse to seal a patent in favour of the applicant.

(4) Deleted.

(5) Save as aforesaid, all proceedings in connection with an application under section *forty-one* (2) of the Act shall be taken within the times and in the manner provided for ordinary applications.

#### DRAWINGS.

17. Drawings, when furnished, should accompany the provisional or complete specification to which they refer, except in the case provided for by Rule No. 24. No drawing or sketch such as would require the preparation for the printer of a special illustration for use in the letterpress of the specification when printed should appear in the specification itself.

18. Drawings may be made by hand or lithographed, printed, etc. They must be made on pure white, hotpressed, rolled, or calendered strong paper of smooth surface, good quality, and medium thickness without washes or colours, in such a way as to admit of being clearly reproduced on a reduced scale by photography. Mounted drawings must not be used.

19. Drawings must be on sheets which measure 13 inches from top to bottom and are either from 8 inches to  $8\frac{1}{2}$  inches or from 16 inches to  $16\frac{1}{2}$  inches wide, the narrower sheets being preferable.

If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets should be used in preference to employing the larger size. When an exceptionally large figure is required, it should be continued on subsequent sheets. There is no limit to the number of sheets that may be sent in, but no more sheets should be employed than are necessary. The figures should be numbered consecutively throughout and without regard to the number of sheets, and should not be more numerous than is absolutely

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20. Drawings must be prepared in accordance with the following requirements:—

- (a) They must be executed with absolutely black ink.
- (b) Each line must be firmly and evenly drawn, sharply defined, and of the same strength throughout.
- (c) Section lines, lines for effect, and shading lines should be as few as possible, and must not be closely drawn.
- (d) Shading lines must not contrast too much in thickness with the general lines of the drawing.
- (e) Sections and shading should not be represented by solid black or washes.
- (f) They should be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus, machine, etc., should appear as effects this purpose. If the scale is given, it should be drawn, and not denoted by words.

Reference letters and figures, and index numerals used in conjunction therewith, must be bold, distinct, and not less than one-eighth of an inch in height. The same letters should be used in different views of the same parts. Where the reference letters are shown outside the figure, they must be connected with the parts referred to by fine lines.

21. Drawings must bear the name of the applicant (and, in the case of drawings left with a complete specification after one or more provisional specifications, the numbers and years of the applications) in the left-hand top corner; the number of sheets of drawings sent, and the consecutive number of each sheet, in the right-hand top corner; and the signature of the applicant or his agent in the right-hand bottom corner. Neither the title of the invention nor any descriptive matter should appear on the drawings.

22. A facsimile or "true copy" (in triplicate) of the original drawings should be filed at the same time as the original drawings, prepared strictly in accordance with the above rules, except that it may be on tracing cloth and the reference letters and figures shall, if required by the Registrar, be in black-lead pencil.

The words "original" or "true copy" must in each case be marked at the right-hand top corner, under the numbering of the sheet.

The Registrar may permit an applicant to file in lieu of two copies on tracing cloth three blueprints or photographic copies of the drawings and may further permit the applicant to file in lieu of another copy on tracing cloth an approved transparency adapted for the production of contact prints of the prescribed size.

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23. Drawings must be delivered at the office so as to be free from folds, breaks, or creases which would render them unsuitable for reproduction by photography.

24. If an applicant desires to adopt the drawings lodged with his provisional specification as the drawings or part of the drawings for his complete specification, he should refer to them in the complete specification as those left with the provisional specification.

#### EXTENSION OF TIME FOR LEAVING COMPLETE SPECIFICATION.

25. An application for one month's extension of time for leaving a complete specification shall be made on Patents Form No. 6.

#### ACCEPTANCE OF SPECIFICATION.

26. An application for extension of time for accepting a complete specification shall be made on Patents Form No. 7.

27. On the acceptance of a provisional or complete specification the Registrar shall give notice thereof to the applicant, who shall advertise the acceptance of the complete specification in three consecutive issues of the *Gazette*.

The first advertisement shall appear not later than one month from the date of the acceptance of the complete specification.

The Registrar may, if he think fit, on application made on Patents Form 7 A, cancel an acceptance.

28. After the first advertisement of such acceptance in the case of a complete specification the application and specification or specifications with the drawings (if any) may be inspected at the office and at the offices of the Attorney-General at Capetown, Pietermaritzburg, and Bloemfontein upon payment of the prescribed fee.

#### OPPOSITION TO GRANTS OF PATENTS.

29. (1) A notice of opposition to the grant of a patent shall be given on Patents Form No. 8, and shall state the ground or grounds on which the person giving such notice (herein after called the objector) intends to oppose the grant. Such notice shall be accompanied by an unstamped copy, which shall be transmitted by the Registrar to the applicant.

(2) The notice shall also specify full particulars of the grounds on which the objector relies and, if one of those grounds is want of novelty, the particulars of that ground of objection shall, in the case of an alleged prior printed publication, include the title and, if possible, the edition, place, and date of publication or compilation thereof, and shall also include material reference to the pages thereof.

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(3) After the Registrar shall have transmitted a duplicate of the notice of opposition as aforesaid, he shall forthwith transmit to the Registrar of the Court all documents relating to the application and to the opposition thereto.

(4) The Registrar of the Court shall give notice to the applicant and to every objector of the place where and the date and hour when the application and the objections thereto will be heard.

#### SEALING OF PATENT AND PAYMENT OF FEE.

30. If the applicant for a patent desires to have a patent sealed on his application, he shall within the period allowed by section *thirty-six* of the Act pay the sealing fee by leaving at the Patent Office Patents Form No. 9, duly stamped.

Where in consequence of the neglect or failure of the applicant to pay such fee, a patent cannot be sealed within the period allowed by section *thirty-six* of the Act, the applicant may apply to the Registrar on Patents Form No. 10 for an extension of such period not exceeding three months.

The Registrar shall consider such application, and if the circumstances of the case appear to him to warrant the granting of the extension, he may seal the patent within such extended period.

#### FORM OF PATENT.

31. A patent may be in the form contained in the First Schedule to the Act, or in such form modified as directed by the Registrar to meet the other cases.

#### RENEWAL FEES.

32. (1) If a patentee intends, at the expiration of the third, seventh, or tenth year (as the case may be) from the date of his patent, to keep the same in force, he shall before the expiration of any such year pay the prescribed renewal fee by means of Patents Form No. 11. Such fees shall be paid in revenue stamps which shall be affixed to the copy of the patent filed in the office and cancelled in such office.

(2) The patentee may pay all or any of such prescribed renewal fees in advance. An application for an enlargement of time for payment of any fee under this rule shall be made on Patents Form No. 12.

(3) On due compliance with this rule the Registrar shall issue a certificate that the prescribed payment has been duly made.

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## RESTORATION OF Lapsed PATENTS.

33. (1) Where any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time the patentee may apply to the Registrar on Patents Form No. 13 for an order for the restoration of the patent. Every such application shall be accompanied by one or more affidavits verifying the statements contained in such application. If the Registrar entertains the application he shall advertise it in the *Gazette*, and in such other manner as in his opinion is desirable. At any time within two months from the first of such advertisements in the *Gazette* any person may give notice of opposition at the office on Patents Form No. 14, and a copy of such notice shall be transmitted by the Registrar to the applicant.

(2) After the Registrar shall have transmitted a copy of the notice as aforesaid he shall forthwith transmit to the Registrar of the Court all documents relating to the application and to the opposition thereto.

(3) If no notice of opposition is lodged within the prescribed period, the Registrar shall forthwith transmit to the Registrar of the court all the documents relating to the application.

34. (1) In every order of the Court restoring a patent, provision shall be inserted for the protection of persons who may have availed themselves of the subject matter of the patent after the patent has been announced as void in the *Gazette*. Such provisions shall restrain the patentee from commencing or prosecuting any action or other proceeding, and from recovering any damage—

(a) in respect of any infringement of the patent which shall have taken place after the date on which the patent was announced in the *Gazette* to be void and before the date of the order;

(b) in respect of the use or employment at any time thereafter of any mechanism, machine, machinery, process, or operation actually made or carried on within the Union, or of the use, purchase, or sale of any article manufactured or made in infringement of the patent after the date of the said announcement and before the date of the order. Provided that such use, purchase, sale, or employment is by the person or corporation by or for whom such machine or machinery or article was *bona fide* manufactured or made, or such mechanism, machine, machinery, process, or operation was *bona fide* made or carried on, his or their executors, administrators, successors, or vendees or his or their assigns respectively;

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(c) in respect of the use, employment, or sale at any time thereafter by any person or corporation entitled for the time being under the preceding sub-section to use or employ any machine, machinery, mechanism, process, or operation or any improved or additional machine, machinery, mechanism, process or operation, or of the use or sale of any article manufactured or made by any of the means aforesaid in infringement of the patent; provided that the use or employment of any such improved or additional machine, machinery, mechanism, process, or operation shall be limited to the buildings, works, or premises existing at the time being or afterwards erected of the person or corporation by or for whom such machine, machinery, mechanism, process, or operation was made or carried on within the meaning of the preceding paragraph, his or their executors, administrators, successors, or assigns.

(2) The order shall further provide that if any person within one year after the date thereof make an application to the Court for compensation in respect of money, time, or labour expended by the applicant upon the subject matter of the patent in the *bona fide* belief that such patent had become and continued to be void, it shall be lawful for the Court, after hearing the parties concerned, to assess the amount of such compensation if in their opinion the application ought to be granted and to specify the party by whom and the day on which such compensation shall be paid, and if default shall be made in payment of the sum awarded, then the said patent shall become void, but the sum awarded shall not in that case be recoverable as a debt or damages.

AMENDMENT OF SPECIFICATION.

34A. A request for leave to amend a complete specification made before acceptance of the specification has been advertised must be made on Patents Form No. 15 accompanied by a duly certified copy of the original specification or, if the Registrar permits duly certified copies of those pages or drawings on which the proposed amendment appears, showing in red ink the proposed amendment. The Registrar shall, if he think fit, appoint a time for the hearing of the application and shall give the applicant 10 days' notice at least of such appointment. If the applicant desires to be heard he must forthwith notify the Registrar to that effect. The decision of the Registrar shall be notified to the applicant.

35. (1) A request for leave to amend a specification, when the acceptance of such specification has been advertised, must be signed by the applicant or patentee or the attorney or patent agent of the applicant or patentee (herein after called

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the applicant), and accompanied by a duly certified copy of the original specifications and drawings or, if the Registrar permits, duly certified copies of those pages or drawings on which the proposed amendment appears, showing in red ink the proposed amendment, and shall be advertised in three consecutive issues of the *Gazette*.

(2) The request shall be made on Patents Form No. 15 and advertised in the Patents Form No. 16.

(3) A notice of opposition to the amendment shall state the ground or grounds on which the person giving such notice (herein after called the opponent) intends to oppose the amendment, and must be signed by him or by his attorney or patent agent. Such notice shall state his address for service in the Union and shall be accompanied by an unstamped copy.

(4) On receipt of such notice the copy thereof shall be transmitted by the Registrar to the applicant and within two months thereafter the applicant shall give notice in duplicate to the Registrar of his intention to proceed. If no such notice is given the applicant shall be deemed to have abandoned his application.

(5) Within one month after the filing of such notice of intention to proceed the opponent may leave at the office affidavits in support of his opposition, and on so leaving shall deliver to the applicant copies thereof.

(6) Within fourteen days from the delivery of such copies the applicant may leave at the office affidavits in answer, and on so leaving shall deliver to the opponent copies thereof, and within fourteen days from such delivery the opponents may leave at the office his affidavits in reply, and on so leaving shall deliver to the applicant copies of the same. Such last-mentioned affidavits shall be confined to matters strictly in reply.

(7) No further evidence shall be left on either side except by leave of the Registrar upon the written consent of the parties duly notified to him, or by special leave of the Registrar on application in writing made to him for that purpose.

(8) Either party making such application shall give notice thereof to the opposite party who shall be entitled to oppose the application.

(9) On completion of the evidence or at such other time as he may see fit the Registrar shall appoint a time for the hearing of the case, and shall give the parties ten days' notice at the least of such appointment. If the applicant or opponent desires to be heard he must forthwith notify the Registrar to that effect. The Registrar may refuse to hear either party who

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has not sent such notification. If neither party applies to be heard the Registrar shall decide the case and notify his decision to the parties.

(10) The decision of the Registrar after hearing any party who applies under this rule shall be notified by him to the parties.

36. Where leave to amend is given the applicant shall, if the Registrar so require, and within a time to be limited by him, leave at the Patent Office a new specification and drawings as amended to be prepared in accordance with Rules Nos. 6 and 17 to 23.

37. Where a request for leave to amend is made by or in pursuance of an order of the Court an official or verified copy of the order shall be left with the request at the office.

38. Every amendment of a specification shall be advertised by the Registrar in such manner as he may direct.

#### COMPULSORY LICENCES AND REVOCATION OF PATENTS.

39. (1) A petition to the Registrar for an order under section *fifty-nine* of the Act shall be made on Patents Form No. 18, and shall show clearly the nature of the petitioner's interest and the ground or grounds upon which he claims to be entitled to relief, and shall state in detail the circumstances of the case, the terms upon which he asks that an order may be made, and the purport of such order, and the name and address of the patentee and any other person who is alleged in the petition to have made default.

(2) The petition and an examined copy thereof shall be left at the office, and shall be accompanied by affidavits in proof of the allegations contained in the petition, together with any other documentary evidence in support, and the petitioner shall simultaneously with, or as soon as may be after, the leaving of such petition deliver to the patentee and any other person who is alleged in the petition to have made default, copies of the petition and of such affidavits and other documentary evidence in support.

(3) The persons to whom such copies are delivered by the petitioner may give notice of opposition on Patents Form No. 19, and may, within fourteen days after being invited to do so by the Registrar, leave at the office their affidavits in answer, and if they do so shall deliver copies thereof to the petitioner; and the petitioner may within fourteen days from such last-mentioned delivery leave at the office his affidavits in reply, and if he does so shall deliver copies thereof to the patentee or any other person alleged in the petition to have made default, such last-mentioned affidavits being confined to matters strictly in reply.

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(4) No further evidence than as aforesaid may be left by either side at the office except by leave or on requisition of the Registrar, and upon such terms, if any, as the Registrar may think fit.

(5) The Registrar shall consider the petition and the evidence with a view to satisfying himself whether a *prima facie* case has been made out for proceeding further with the petition, and if he is not so satisfied he shall dismiss the petition.

(6) If he is so satisfied, he shall consider whether there is any probability of an arrangement being come to between the parties, and if it appears to him that there is any reasonable probability that such an arrangement can be come to, he may take such steps as he considers desirable to bring it about, and in the meanwhile may defer the reference of the petition to the Court.

(7) If the Registrar is not of opinion that there is a reasonable probability of any arrangement being come to between the parties, and is satisfied that a *prima facie* case has been made out by the petitioner, he shall refer the petition to the Court, with copies of any affidavits, or other documentary evidence which may have been furnished under this rule, and with certified copies of all entries in the Register of Patents relating to the patent in question, and any other information in the possession of the Registrar which it appears to him may be of service to the Court in ascertaining what persons should be made parties to the proceedings before the Court, and the Registrar shall give written notice to the parties that the petition has been referred to the Court.

40. A notice of an offer by a patentee to surrender his patent under section *fifty-eight* of the Act shall be given on Patents Form No. 20, and shall be advertised in the *Gazette* and in such other manner, if any, as the Registrar deems desirable.

#### REGISTER OF PATENTS.

41. Upon the sealing of a patent the Registrar shall cause to be entered in the Register of Patents the name and address of the patentee as the grantee thereof, the title of the invention, the date of the patent, and the date of the grant thereof, together with the address for service.

42. If a patentee send to the Registrar on Patents Form No. 21 notice of an alteration in his name or address or address for service, the Registrar shall cause the register to be altered accordingly, and may require the altered address to be in the Union.

43. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to any interest therein, as licensee or otherwise, a request for the entry in the register of his name as proprietor of the patent,

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or of a notice of such interest, as the case may be, shall be addressed to the Registrar, and left at the office.

44. Such request shall be on Patents Form No. 23 or Patents Form No. 24, as the case may be, and shall in the case of individuals be made and signed by the person requiring to be registered as proprietor, or by his agent, and in the case of a body corporate by its duly authorized officer, attorney, or patent agent.

45. Every such request shall state the name, address, and calling of the person claiming to be entitled to the patent or to any interest therein, as the case may be, and the particulars of the assignment, transmission, or other operation of law, by virtue of which he claims to have entered in the register his name as proprietor or a notice of such interest, so as to show the manner in which, and the person or persons to whom, the patent, or such interest therein as aforesaid, has been assigned or transmitted.

46. Every assignment, and every other document containing, giving effect to, or being evidence of, the transmission of a patent or affecting the proprietorship thereof as claimed by such request, except such documents as are matters of record, shall, unless the Registrar in his discretion otherwise directs, be produced to him together with the request, and he may call for such other proof of title as he may require for his satisfaction.

As to a document which is a matter of record, an official or certified copy thereof shall in like manner be produced to the Registrar.

47. There shall also be left with the request an attested copy of the assignment or other document or copy above required to be produced.

48. The notice of interest in the patent of any person other than the proprietor entered in the register in pursuance of the request shall be such as may appear applicable to the circumstances of the particular case.

49. Where it is desired to enter in the register a notification of any document purporting to affect the proprietorship of a patent, an attested copy of such document shall be left at the office with a request on Patents Form No. 25 that a notification thereof may be entered in the register. The accuracy of such copy shall be certified as the Registrar may direct, and the original document shall at the same time be produced and left at the office if required for further verification.

50. Upon the issue of a certificate of payment under Rule 32, the Registrar shall cause to be entered in the register a record of the date of payment of the fee on such certificate.

51. If a patentee fails to make any prescribed payment within the prescribed time, or any enlargement thereof duly granted, there shall be duly entered in the register a notification of such failure.

52. The register of patents shall be open to the inspection of the public on every day on which the office is open to the public during the time it is so open except at such times when the register is required for any purpose of official use.

52A. Any person may apply to the Registrar on Patents Form 25 A for notice to be given to him of the taking of any of the following proceedings within six months following the date of such application, that is to say, the publication of the acceptance of a specification, the sealing of the patent, or any application for the making of an entry in the Register of Patents. As soon as may be after such proceedings is taken and, in case of an application for the making of an entry, before such entry is made the Registrar may give notice of such proceeding to such person.

52B. Any addition to, alteration or correction of the register shall be advertised by the Registrar, save where otherwise expressly provided, once in the *Gazette*.

#### CORRECTION OF CLERICAL ERRORS.

53. A request for the correction of a clerical error in or in connection with an application for a patent, or in any patent or specification, or in any matter which is entered upon the Register of Patents, shall be made on Patents Form No. 26.

The Registrar may, should he think fit, before proceeding with such application direct the applicant to publish the application once in the *Gazette*. The provisions of Rule 35 (3-10) shall apply as if inserted herein.

#### CERTIFICATES.

54. A request for a certificate of the Registrar as to any entry, matter, or thing which he is authorized by the Act or any of these rules to make or do, shall be made on Patents Form No. 27.

Certified copies of any entry in the register, or certified copies of, or extracts from, patents, specifications, disclaimers, affidavits, and other public documents in the office, or of or from registers and other books kept there, may be furnished by the Registrar on payment of the prescribed fee.

#### SECRET PATENTS.

55. When it has been decided by the Minister of Defence that it is advisable to take out a secret patent for any invention assigned under section *sixty-eight* of the Act, and an application for such patent has been made on Patents Form

No. 1c, accompanied by a notice in writing of the Minister of Defence, under section *sixty-eight* (3) of the Act, the Registrar shall not communicate the application or any documents relating thereto to any member of his staff other than a deputy or special examiner or examiners, who shall make the reports required by the Act to be made in the case of other applications for patents.

Unless and until such invention is reassigned to the inventor by the Minister of Defence—

- (1) no copy of any specification or any other document or drawing relating thereto shall in any manner whatever be published or open to the inspection of the public;
- (2) the application for the patent, and the acceptance of any specification relating to the invention shall not be advertised, nor shall the grant of the patent for such invention be open to opposition under section *twenty-seven* of the Act; but the Registrar shall cause a patent to be sealed in respect of every such invention as soon as may be after the acceptance of the complete specification relating thereto;
- (3) every such secret patent shall be registered in a confidential register at the office, and no details or particulars relating thereto shall at any time be published as required by the Act for ordinary patents. Nor shall any entry be made in the ordinary Register of Patents in respect of any such patent or any assignment thereof;
- (4) no fees shall be payable in respect of any secret patent, and every such patent, notwithstanding the non-payment of such fees, shall remain in force for the full period of fourteen years from its date.

56. When an application has been made otherwise than as provided by the last preceding rule for a patent for an invention, and such application is still pending, and a certificate under section *sixty-eight* (3) of the Act is furnished to the Registrar by the Minister of Defence, the provisions of such rule shall, so far as is practicable, having regard to the date of such certificate, apply to such application and to all documents relating thereto.

57. In the event of any secret patent being reassigned to the inventor by the Minister of Defence, it shall be removed from the Confidential Register of Secret Patents; all fees that would have been thereafter payable if the same had not been a secret patent shall be paid in respect thereof, and the patent shall remain in force only for the same term, and subject to the same conditions as to payment of fees and otherwise as if it had not been a secret patent.

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## LOST PATENT.

58. An application for a duplicate of a patent which has been lost or destroyed shall be made on Patents Form No. 28, and in accordance with the directions thereon.

## INDUSTRIAL OR INTERNATIONAL EXHIBITIONS.

59. Any person desirous of exhibiting an invention at an industrial or international exhibition, or of publishing any description of the invention during the period of the holding of the exhibition, or of using the invention for the purpose of the exhibition in the place where the exhibition is held, may, after the Minister has issued a certificate that the exhibition is an industrial or international one, give to the Registrar notice on Patents Form No. 29 of his intention to exhibit, publish, or use the invention, as the case may be. For the purpose of identifying the invention in the event of an application for a patent being subsequently made, the inventor shall furnish to the Registrar a brief description of his invention, accompanied, if necessary, by drawings and such other information as the Registrar may in each case require.

## EXERCISE OF DISCRETIONARY POWERS BY THE REGISTRAR.

60. Before exercising any discretionary power given to the Registrar by the Act or these rules adversely to the applicant for a patent or for amendment of a specification, the Registrar shall give ten days' notice, or such longer notice as he may think fit, to the applicant of the time when he may be heard personally or by his agent before the Registrar.

61. Within five days from the date on which such notice would be delivered in the ordinary course of post, or such longer time as the Registrar may appoint in such notice, the applicant shall notify in writing to the Registrar whether or not he intends to be heard upon the matter.

62. Whether the applicant desires to be heard or not, the Registrar may at any time require him to submit a statement in writing within a time to be notified by the Registrar, or to attend before him and make oral explanations with respect to such matters as the Registrar may require.

63. The decision or determination of the Registrar in the exercise of any such discretionary powers as aforesaid shall be notified by him to the applicant, and to any other person who appears to him to be affected thereby.

## AMENDMENTS.

64. (1) The Registrar may permit an application to be amended by the deletion of the name of a joint applicant or by the insertion of the name of a new applicant. The application to amend shall be made on Patents Form No. 15 A.

(2) Any amendment of the application other than the amendment in paragraph (1) hereof may be granted by the Registrar on such terms as he may think fit. The application to amend shall be made on Patents Form No. 15 B.

(3) Any document for the amending of which no special provision is made by the Act may be amended, and any irregularity in procedure, which in the opinion of the Registrar may be obviated without detriment to the interests of any person, may be corrected, if and on such terms as the Registrar may think fit.

## ENLARGEMENT OF TIME.

65. The times prescribed by these rules for doing any act, or taking any proceeding thereunder, may, unless otherwise expressly provided, be enlarged by the Registrar if he thinks fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct.

66. Whenever the last day fixed by the Act, or by these rules, for doing any thing shall fall on a day when the office is not open, which day shall be an excluded day for the purposes of the Act and these rules, it shall be lawful to do any such thing on the day next following such excluded day, or days if two or more of them occur consecutively.

67. The office shall not be open to the public on the following days:—

- (a) All days observed as public holidays;
- (b) days which may from time to time be notified by a placard posted in a conspicuous place at the office; and
- (c) days observed as days of public fast or thanksgiving.

68. Where, under these rules, any person is required to do any act or thing, or to sign any document, or to make any declaration or affidavit on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or to make such declaration or affidavit, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, and upon the production of such other evidence, and subject to such terms as he may think fit, dispense with any such Act or thing, document, declaration, or evidence.

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## APPLICATIONS TO AND ORDERS OF COURT.

69. Four clear days' notice of every application to the Court for rectification of the Register of Patents shall be given to the Registrar.

Where any order has been made by the Court under the Act revoking a patent or extending the term of a patent, or allowing a patentee to amend his specification or affecting the validity or proprietorship of a patent, the person in whose favour such order has been made shall forthwith leave at the office an office copy of such order together with Patents Form No. 30. The specification shall thereupon be amended or the register rectified or the purport of such order shall otherwise be duly entered in the register as the case may be.

## REGISTER OF PATENT AGENTS.

70. A register shall be kept by the Registrar for the registration of patent agents in pursuance of the Act.

71. The register shall contain the names of all patent agents who are registered under the Act and these rules, and shall be made out alphabetically according to the surnames of the registered persons, and shall also contain the full name of each registered person with his address and the date of registration.

72. (1) Any person entitled to be registered as a patent agent under the provisions of section *sixty-nine* (3) of the Act may lodge at the office an affidavit in accordance with Patents Form No. 31, and such further or other proof of the allegations contained in such affidavit as the Registrar may require.

(2) Upon receipt of such affidavit or of such further or other proof to his satisfaction, and upon payment of the prescribed fee of £5, the Registrar shall register such person as a patent agent, and shall issue to him a certificate in accordance with Patents Form No. 32.

73. (1) Subject to the provisions of the preceding rule no person shall be entitled to be registered as a patent agent unless he has passed the examination prescribed by this rule.

Upon receipt of proof to his satisfaction that a person has passed the prescribed examination, the Registrar shall, upon payment of the prescribed fee, register such person as a patent agent, and shall issue to him a certificate in accordance with Patents Form No. 33.

(2) Any person must, in order that he may be entitled to present himself for such examination, be a person who has passed the matriculation examination of one of the univer-

## APPLIKATIES AA

69. Van elke applicatie het patentregister, moet strateur worden gegeven

Wanneer het Hof een tot intrekking van een patent of wa van een patent of wa patenthouder om zijn heeft op de geldigheid moet de persoon ten onmiddellik een kant met Patentformulier No. 30. De specificatie shall thereupon be amended or the register rectified or the purport of such order shall otherwise be duly entered in the register as the case may be.

## REGISTER

70. De Registrateur van patentbezorgers

71. Het register n bezorgers die onder en moet in alfabetie de familienamen van inhouden de volle nevens zijn adres en

72. (1) Ieder di worden geregistree *negen en zestig* (3) verklaring inleverde benevens zodanige ringen vervat in strateur mocht eis

(2) Na ontvang zodanige verdere en na betaling Registrateur zod en reikt aan her formulier No. 32

73. (1) Beho is niemand g gistreerd tenzij eksamen geslaag

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sities of the Union, or such examination as may be, in the opinion of the Joint Committee for Professional Examinations equivalent to the aforesaid examination.

(3) (a) The examination shall consist of two parts.

The subjects of Part I shall be:—

- (a) Patents Law and Practice of the Union.
- (b) Designs and Trade Marks Law and Practice of the Union.
- (c) Patents and Trade Marks Law, England and other countries.
- (d) Any other subjects which may from time to time be specified by the Joint Committee for Professional Examinations.

The subjects of Part II shall be:—

- (a) Preparation of Patent Specifications.
  - (b) Interpretation and Criticism of Patent Specifications.
- (3) (b) Where a candidate has failed in one subject only of any part of the examination a supplementary examination in that subject may on the application of the candidate be granted by the Joint Committee for Professional Examinations in its discretion on payment of such fees as may be prescribed by the Committee.
- (3) (c) Where a candidate has passed an examination which in the opinion of the Joint Committee for Professional Examinations is of the same standard as, or of a higher standard than the prescribed examination, and where one or more of the subjects of such examination is or are the same as a subject or subjects of the prescribed examination, the Joint Committee for Professional Examinations may, on the application of the candidate, in their discretion exempt the candidate from examination in any such subject or subjects excepting the paper on Patent Law and Practice of the Union, prescribed by the Committee.
- (4) Subject to the provisions of the preceding paragraph and to any regulations issued from time to time, the Joint Committee for Professional Examinations shall have the management and control of the examination aforesaid. The following matters, that is to say—

- (a) the subjects for and the mode of conducting the examination of candidates;
- (b) the times and places of the examinations, and the notices to be given of the examinations;
- (c) the certificates to be given to persons on their having passed the examinations;
- (d) the appointment and removal of examiners, and the remuneration, by fees or otherwise, of the examiners so appointed; and

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(e) any other matter or thing as to which it may be necessary to make regulations for the purpose of carrying out this rule;

shall be from time to time notified in the *Gazette*.

74. (1) The Registrar shall insert in the register any alteration which is notified to him in writing, or which comes to his knowledge, in the name or address of any registered patent agent, and shall remove from the register the name of any person who is dead or has permanently left the Union, and may correct any entry in the register which is proved to his satisfaction to have been incorrectly made.

(2) For the purposes of this rule a person shall be deemed to have permanently left the Union if he is resident and engages in business in any place outside the Union.

75. The Registrar may erase from the register the name of any registered patent agent who has ceased to practice as a patent agent, but not (save as herein after provided) without the consent of that person. For the purposes of this rule the Registrar may send by post to a registered patent agent to his registered address a notice inquiring whether or not he has ceased to practise or has changed his residence, and if the Registrar does not within three months after sending the notice receive an answer thereto from the said person he may within fourteen days after the expiration of the three months send him by post to his registered address another notice referring to the first notice, and stating that no answer has been received by the Registrar, and if the Registrar either before the second notice is sent receives the first notice back from the dead letter office or receives the second notice back from that office, or does not within three months after sending the second notice receive any answer thereto from the said patent agent that patent agent shall for the purposes of this rule be deemed to have ceased to practise and his name may be erased accordingly.

76. If any registered patent agent shall be convicted in His Majesty's Dominions or elsewhere of a criminal offence or after due inquiry is proved to the satisfaction of the Registrar, subject to appeal to the Minister, to have been guilty of disgraceful professional conduct the Registrar may erase from the register the name of such patent agent: Provided that no person shall be adjudged by the Registrar to have been guilty of disgraceful professional conduct unless such person has received notice of and had an opportunity of defending himself from any charge brought against him.

#### APPEAL TO THE LAW OFFICER.

77. (1) When any person intends to appeal to the law officer from a refusal, direction, or decision of the Registrar

(e) alle andere zaken die noodzakelijk zijn om de uitvoering van deze regel te verzekeren;

moeten van tijd tot tijd worden gemaakt.

74. (1) De Registrateur zal in het register alle wijzigingen invoeren die hem schriftelijk of anderszins bekend worden, en zal de naam van elke geregistreerde patentagent die is overleden of die de Unie heeft verlaten, uit het register verwijderen, en kan een correctie aanbrengen in het register indien het blijkt onjuist te zijn.

(2) Voor de toepassing van deze regel wordt een persoon geacht de Unie te hebben verlaten indien hij in een andere plaats woont en er zaken drijft.

75. De Registrateur kan de naam van een geregistreerde patentagent uit het register wippen, indien hij niet langer als patentagent werkt, behalve indien hij hierna bepaald wordt. Voor de toepassing van deze regel kan de Registrateur een kennisgeving afsturen naar het geregistreerde adres van een patentagent om te vernemen of hij heeft opgehouden te werken of zijn woonplaats heeft veranderd. Indien de Registrateur niet binnen drie maanden na het verzenden van de kennisgeving een antwoord ontvangt van de patentagent, kan hij binnen veertien dagen na het verstrijken van de drie maanden hem een tweede kennisgeving afsturen naar zijn geregistreerde adres, waarin wordt vermeld dat geen antwoord is ontvangen. Indien de Registrateur vóór het verzenden van de tweede kennisgeving de eerste kennisgeving terugkrijgt van het kantoor van de doodletters of de tweede kennisgeving terugkrijgt van het kantoor van de doodletters, of indien hij niet binnen drie maanden na het verzenden van de tweede kennisgeving een antwoord ontvangt van de patentagent, wordt de patentagent geacht te hebben opgehouden te werken en zijn naam kan uit het register worden gewist.

76. Als een geregistreerde patentagent wordt veroordeeld tot een straf in het Koninkrijk of elders, of indien na een onderzoek is gebleken dat hij schuldig is aan een onbetamelijke beroepsdrift, kan de Registrateur de naam van die patentagent uit het register wippen, mits de Registrateur hiertoe bevoegd is. Het is niet toegestaan de naam van een patentagent uit het register te wippen indien hij niet is veroordeeld tot een straf of indien hij niet de gelegenheid heeft gehad om tegen een

77. (1) Wanneer een persoon van de Registrateur

in any case in which such appeal is given by the Act, he shall, within one month from the date of the refusal, direction, or decision appealed against, or within such further time as the law officer may allow, file in the office a notice of such his intention.

(2) Such notice shall be on Patents Form No. 4, and shall be accompanied by a statement (in duplicate) of the applicant's case.

(3) Upon notice and statement aforesaid being filed, the Registrar shall forthwith transmit to the Secretary for Justice all the papers relating to the matter of the application in respect of which such appeal is made.

(4) Except with the special leave of the law officer permitting a shorter notice, seven clear days' notice, at least, of the time and place appointed for the hearing of the appeal shall be given by the law officer to the appellant, opponent (if any), and the Registrar.

(5) The evidence used on appeal to the law officer shall be the same as that used at the hearing before the Registrar, and no further evidence shall be left or given except by special leave of the law officer.

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## THE FIRST SCHEDULE.

List of Fees payable in respect of the grant of Patents and of other matters with relation thereto.

The items marked with an asterisk are also contained in the Second Schedule to the Act and are inserted for convenience sake.

	£ s. d.	£ s. d.	Corresponding Form.
*1. On application, accompanied by provisional specification.	1 0 0		Patents Form No. 1, 1A, 1B, 1C, and 1D.
*2. On filing complete specification thereafter . . . . .	3 0 0	4 0 0	Patents Form No. 3.
<i>or</i>			
*3. On application, accompanied by complete specification		4 0 0	Patents Form No. 3
4. On appeal from Registrar to Law Officer. By appellant		3 0 0	Patents Form No. 4
5. For extension of time for leaving complete specification not exceeding one month		2 0 0	Patents Form No. 6
6. For extension of time for acceptance of complete specification :—			
Not exceeding one month . .		2 0 0	Patents Form No. 7
Not exceeding two months		3 0 0	Patents Form No. 7.
Not exceeding three months		4 0 0	Patents Form No. 7.
*7. Withdrawal of acceptance . . .		0 10 0	Patents Form No. 7A.
8. On notice of opposition to grant of patent. By opponent		0 10 0	Patents Form No. 8.
*9. On sealing of patent . . . . .		1 0 0	Patents Form No. 9.
10. For extension of time for sealing a patent under Rule 30 :—			
Not exceeding one month . .		2 0 0	Patents Form No. 10.
Not exceeding two months		3 0 0	Patents Form No. 10.
Not exceeding three months		4 0 0	Patents Form No. 10.
*11. On certificate of renewal :—			
Before the expiration of the third year from the date of the patent		4 0 0	Patents Form No. 11.
*12. Before the expiration of the seventh year from the date of the patent		6 0 0	Patents Form No. 11.
*13. Before the expiration of the tenth year from the date of the patent		10 0 0	Patents Form No. 11.

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| *2. Bij indiening v.<br>ledige speci-<br>daarna . . . . .                                |  |  |  |
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| *3. Bij indiening<br>vergezeld. van<br>fikatie   |  |  |  |
| 4. Bij appèl v.<br>naar Rechts-<br>naar. Door<br>aantekent                               |  |  |  |
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| 8. Bij kennis-<br>tegen ver-<br>Door tege  |  |  |  |
| *9. Bij zegelin  |  |  |  |
| 10. Voor tijds-<br>zegelen v.<br>onder reg<br>Van ten<br>Van ten<br>Van ten              |  |  |  |
| *11. Bij certi-<br>wing :—<br>Vóór a<br>jaar va<br>patentl                               |  |  |  |
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	£	s.	d.	Corresponding Form.
14. On enlargement of time for payment of renewal fees :—				
Not exceeding one month	1	0	0	Patents Form No. 12.
Not exceeding two months	2	0	0	Patents Form No. 12.
Not exceeding three months	3	0	0	Patents Form No. 12.
15. On application for restoration of a lapsed patent	10	0	0	Patents Form No. 13.
16. On notice of opposition to application for restoration of a lapsed patent	1	0	0	Patents Form No. 14.
16A. On application to amend application :—				
By alteration of name	1	0	0	Patents Form No. 15A.
By any other amendment	0	5	0	Patents Form No. 15B.
17. On application to amend specification :—				
Up to sealing. By applicant	1	10	0	Patents Form No. 15.
After Sealing. By patentee	3	0	0	Patents Form No. 15.
18. On notice of opposition to amendment. By opponent	0	10	0	Patents Form No. 17.
19. On hearing by Registrar. By applicant and opponent respectively	1	0	0	
20. On petition to the Registrar for a compulsory licence. By person applying	1	0	0	Patents Form No. 18.
21. On opposition to grant of compulsory licence. By opponent	1	0	0	Patents Form No. 19.
22. On offer to surrender a patent under section 58	1	0	0	Patents Form No. 20.
23. For altering name or address or address for service.	0	5	0	Patents Form No. 21.
24. For entry of two addresses for service in register	0	5	0	Patents Form No. 22.
25. On request to enter name of subsequent proprietor in the register of patents	0	10	0	Patents Form No. 23.
26. On request to enter notice of interest in the register of patents	0	10	0	Patents Form No. 24.
27. On request to enter notification of a document in the register of patents	0	10	0	Patents Form No. 25.
27A. On request to furnish notice of future proceedings	0	10	0	Patents Form No. 25A.
28. On request to Registrar to correct a clerical error :—				
Up to sealing . . . . .	0	5	0	Patents Form No. 26.
After sealing . . . . .	1	0	0	Patents Form No. 26.
29. For any certificate of Registrar other than that issued under Rule 32 -	0	5	0	Patents Form No. 27.

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30. For duplicate of Letters Patent	2 0 0	Patents Form No. 28.
31. On notice to Registrar of intended exhibition of an invention under section 28	0 10 0	Patents Form No. 29.
32. On notice of order of court for admendment of specification or rectification of register	0 10 0	Patents Form No. 30.
33. For inspecting any register . . . For leave to inspect and to make copies of documents :— In respect of each application or patent	0 1 0	
34. For copy of any specification or other document per folio of 100 words	0 1 0	
35. For copies of drawings : Cost according to agreement.		
35A. For photostatic copy of any specification or other document or drawing (size 6 inches by 10 inches) per sheet	0 1 0	
36. On registration of a Patent Agent under section 69 (3) of the Act	5 0 0	Patents Form No. 31.

30. Voor duplikaas
31. Bij kennisgeving van voornemens van een tentoonstelling van een uitvinding onder artikel 28
32. Bij kennisgeving van een order van de rechter voor wijziging of rectificatie van het register
33. Voor inzage van het register Voor vergoeding van afschrijven In verband met de patent
34. Voor kopiën van of andere documenten per bladzijde van 100 woorden
35. Voor kopiën van teekeningen : Kosten volgens afspraak
35A. Voor fotostatische kopie van een of meer teekeningen of andere documenten of teekeningen (maat 6 duim by 10 duim) per vel
36. Bij registratie van een Patent Agent onder artikel 69 (3) van de Wet

## THE SECOND SCHEDULE

Forms.	Corresponding Fee.
Patents Form No. 1. Application for Patent . . . . .	£1.
" " 1A. Deleted.	
" " 1B. Application for Patent of Addition . . . . .	£1.
" " 1C. Application for a Secret Patent . . . . .	£1.
" " 1D. Application for Patent under section 41 (2) . . . . .	£1.
" " 2. Provisional Specification . . . . .	—
" " 3. Complete Specification . . . . .	£3.
" " 4. Appeal to Law Officer . . . . .	£3.
" " 5. Deleted.	
" " 6. Application for extension of time for leaving complete specification . . . . .	£2.
" " 7. Application for extension of time for acceptance of complete specification . . . . .	£2, £3, or £4.
" " 7A. Application for withdrawal of acceptance . . . . .	10s.
" " 8. Opposition to Grant of Patent . . . . .	10s.
" " 9. Notice of desire to have Patent sealed	£1.

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<i>Forms.</i>		<i>Corre- sponding Fee.</i>
Patents Form No. 10.	Application for extension of time for sealing of Patent under Rule 30..	£2, £3 or £4.
" "	11. Application for Certificate of Payment or Renewal.....	£4, £6, or £10.
" "	12. Application for Enlargement of Time for Payment or Renewal Fee....	£1, £2, or £3.
" "	13. Application for Restoration of a Patent	£10.
" "	14. Notice of Opposition to an Application for Restoration of a Lapsed Patent	£1.
" "	15. Application to amend Specification..	£1. 10s. or £3.
" "	15A. Application for amendment of Application .....	£1.
" "	15B. Application for amendment of Application .....	5s.
" "	16. Form of Advertisement of Request to amend Specification.....	—
" "	17. Opposition to Amendment of Specification .....	10s.
" "	18. Petition for Grant of Compulsory Licence or Revocation of Patent....	£1.
" "	19. Opposition to Petition for Grant of Compulsory Licence or Revocation of Patent.....	£1.
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" "	21. Notice of alteration of name or address or address for service .....	5s.
" "	22. Request to enter two addresses for service in Register	5s.
" "	23. Request to enter name upon the Register of Patents	10s.
" "	24. Request to enter Notice of Interest in Register	10s.
" "	25. Request to enter Notification of Document in Register	10s.
" "	25A. Request to furnish Notice of Proceedings.	10s.
" "	26. Request for Correction of Clerical Error	5s. or £1.
" "	27. Request for Certificate of Registration	5s.
" "	28. Application for Duplicate of Patent..	£2.
" "	29. Notice of Intended Exhibition of Unpatented Invention	10s.
" "	30. Application for Entry of Order of Court	10s.
" "	31. Form of Affidavit to be made by a person applying for registration as a Patent Agent under Rule 72 (1)	—
" "	32. Form of Certificate to be issued under Rule 72 (2)	5s.
" "	33. Form of Certificate to be issued under Rule 73 (1)	5s.

Patentformulier No



PATENTS FORM No.1.

UNION OF SOUTH AFRICA.

The Patents, Designs, Trade Marks and Copyright Act, 1916. (To be accompanied by four copies of Patents Form No. 2 or of Patents Form No. 3.)

APPLICATION FOR A PATENT.

(1) Here insert (in full) name, address, and calling of applicant or applicants.\*

(1) .....  
.....  
.....

(\* Here insert title of invention.

.....do hereby declare that I am/we are in possession of an invention, the title of which is (2).....

(2) State name or names of inventor or inventors.

that (3).....  
.....

claim(s) to be the inventor(s) thereof ; and that

(1) subject to what appears in paragraph (2) hereof the same is not known or used by others in the Union and not patented or described in any printed publication in the Union or any other country to the best of my knowledge and belief :

(2) any grant of a patent or similar exclusive privilege which might have issued or any use in the Union or publication in the Union or any other country which may have occurred is, I/we claim, excused by subsections (2) and (3) of Section 41 of the Act :

and I/we humbly pray that a patent may be granted to me/us for the said invention.

Dated this.....day of.....19.....

(4) To be signed by the applicant(s) or his (their) attorney or patent agent.

(4) .....  
.....  
.....

Address for service in the Union :

.....  
.....

To the Registrar,  
The Patent Office, Pretoria.

\*Where the applicant is not the inventor he must also state whether he is the assignee or legal representative of the inventor.

PATENTFORMULIE

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De Wet op Patenrecht, 1916. (van Patentformulie)

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PATENTS FORM No. 1A.—Deleted.

PATENTS FORM No. 1B.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

(To be accompanied by four copies of Patents Form No. 2 or of Patents Form No. 3.)

APPLICATION FOR PATENT OF ADDITION.

(a) Here insert (in full) name, address and calling of applicant or applicants.\*

(a) I/We.....

declare that I/we am/are in possession of an invention, the title of which is (b).....

(b) Here insert title of invention.

that (c).....

(c) Here insert name of inventor or inventors.

claim(s) to be the inventor(s); that the same is not known or used by others in the Union and not patented or described in any printed publication in the Union or any other country to the best of my/our knowledge and belief, and that the said invention is an improvement in or modification of my/our invention for which a patent was applied for on the..... day of..... 19....., and numbered.....; and I/we humbly pray that a patent may be granted to me/us for the said invention and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of the time as is unexpired.

(d) Signature of applicant or applicants or his or their attorney or patent agent.

(d) .....

Address for service in the Union :  
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To the Registrar,  
The Patent Office, Pretoria.

\*Where the applicant is not the inventor he must state whether he is the assignee or the legal representative of the inventor.

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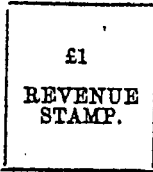
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PATENTS FORM No. 10.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

(To be accompanied by four copies of Patents Form No. 2 or of Patents Form No. 3, and a Notice in writing under Section 68 (3).)

APPLICATION FOR A SECRET PATENT.

(a) Here insert (in full) name, address and calling of applicant(s).

(a) I/We.....

(b) Here insert title of invention.

....., do hereby declare that I am/we are in possession of an invention, the title of which is (b).....

(c) Here insert name(s) of applicant(s).

that (c)..... claim(s) to be the inventor thereof; and that the same is not known or used by others in the Union and not patented or described in any printed publication in the Union or any other country to the best of my/our knowledge and belief; and I/we humbly pray that a secret patent may be granted to me/us for the said invention.

Dated this..... day of..... 19.....

(d) To be signed by the applicant(s) or his (their) attorney or patent agent.

(d) .....

Address for service in the Union :

To the Registrar, The Patent Office, Pretoria.

\*Where the applicant is not the inventor he must also state whether he is the assignee or legal representative of the inventor.

PATENTFORM

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PATENTS FORM NO. 1D. (DELETED.)

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

(To be accompanied by four copies of Patents Form No.2 or of Patents Form No. 3.)

APPLICATION FOR PATENT UNDER SECTION 41 (2)

(a) Here insert (in full) name, address and calling of applicant.\*

(a) I/We.....

(b) Here insert title of invention.

declare that I am/we are in possession of an invention, the title of which is (b).....

(c) State name(s) of inventor(s).

that (c)..... claim(s) to be the inventor thereof, and that applications for Letters Patent for the same invention have been filed in the following reciprocal countries on the dates shown :—

Country. Number. Date.

(d) Insert name of countries having reciprocal relations with the Union, number of application, or patent, and date of application.

(d) .....

and I/we humbly pray that a Patent may be granted to me/us for the said invention in terms of section 41 (2) and (3) of the Patents, Designs, Trade Marks, and Copyright Act, 1916.

Dated this..... day of..... 19.....

(e) To be signed by the applicant(s) or his (their) attorney or patent agent.

(e) .....

Address for service in the Union :

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To the Registrar,  
The Patent Office, Pretoria.

\*Where the applicant is not the inventor he must also state whether he is the assignee or legal representative of the inventor.

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PATENTS FORM No. 4.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF APPEAL TO LAW OFFICER.

(a) Here insert (in full) name and address of appellant or appellants.  
(b) Here insert the decision or "that part of the decision" as the case may be.  
(c) Here insert "refused [or allowed] application for Patent" or "refused [or allowed] application for leave to amend Patent" or otherwise, as the case may be.  
(d) Insert number and year.

(a) I (or we).....  
hereby give notice of my (or our) intention to appeal to the Law Officer from (b).....  
.....  
of the.....of the.....day of.....  
19....., whereby he (c).....  
.....  
No. (d).....of the year 1..... (d)  
Signature.....  
Date.....

NOTE.—This notice must be sent to the Registrar at the Patent Office, Pretoria, and an unstamped copy of the same to the Secretary for Justice at Pretoria.

PATENTS FORM No. 5. Deleted.

PATENT  
£2.

PATENTS FORM No. 6.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF APPLICATION FOR EXTENSION OF TIME FOR LEAVING A COMPLETE SPECIFICATION.

I (or we) hereby, in respect of application No....., dated....., apply for one month's extension of time in which to leave a Complete Specification.

(a) To be signed by applicant or applicants or his or their agent.

(a).....  
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To the Registrar,  
The Patent Office, Pretoria.

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PATENTS FORM No. 7.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF APPLICATION FOR EXTENSION OF TIME FOR ACCEPTANCE OF A COMPLETE SPECIFICATION.

I (or we) hereby apply for.....month..... extension of time for acceptance of the Complete Specification upon application No....., dated .....

(a) To be signed by applicant or applicants or his or their agent.

(a) .....

To the Registrar,  
The Patent Office, Pretoria.

PATENT  
10s.

PATENTS FORM No. 7A.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

APPLICATION FOR WITHDRAWAL OF ACCEPTANCE.

I/We..... apply for withdrawal of the Acceptance of the specification of Patent Application No.....

My/our reasons for desiring such withdrawal are as follows :—

(a) The circumstances and grounds must be stated in full.

(a) .....  
(b) .....

(b) To be signed by the applicant(s) or his (their) agent.

My/Our address for service in the Union is :  
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To the Registrar,  
The Patent Office, Pretoria.

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PATENTS FORM No. 8.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

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FORM OF OPPOSITION TO GRANT OF PATENT.

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(To be accompanied by an unstamped copy.)

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\*Here state  
(in full) name  
and address

\*I (or we).....

\* Ik/

hereby give notice of my (or our) intention to oppose  
the grant of Letters Patent upon application No.....  
of..... applied for by.....

mits de  
komen  
No.....

† Here state  
the ground or  
grounds of op-  
position, and  
add, if neces-  
sary, the par-  
ticulars pre-  
scribed by  
Rule 29.

upon the ground†.....

op gro

My (or our) address for service in the Union is:—

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‡ To be signed  
by opponent  
or opponents,  
or his (their)  
attorney or  
patent agent.

‡.....

To the Registrar,  
The Patent Office, Pretoria.

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PATENT  
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PATENTS FORM No. 9.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF NOTICE OF DESIRE TO HAVE PATENT SEALED.

(a) Here insert name of applicant or applicants.

(a) I (or we)..... desire to have a patent sealed on my (or our) application No..... of 19....., and I (or we) hereby transmit the prescribed fee on sealing, and request that the following may be entered on the Register as my (or our) address for service :—

(b) Signature of applicant or applicants or his or their agent.

(b) .....

To the Registrar,  
The Patent Office, Pretoria.

PATENT  
£2, £3, or £4.

PATENTS FORM No. 10.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF APPLICATION FOR EXTENSION OF TIME FOR THE SEALING OF A PATENT WHERE THE PATENT CANNOT BE SEALED WITHIN THE PERIOD ALLOWED BY SECTION THIRTY-SIX OF THE ACT.

I (or we) hereby apply for..... months' extension of time for the sealing of a patent upon application No....., dated.....

(a) The circumstances and grounds must be stated in detail.

The circumstances and grounds upon which this extension is applied for are as follows (a) :—

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(b) To be signed by the applicant or applicants, or his or their agent.

(b) .....

To the Registrar,  
The Patent Office, Pretoria.

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PATENTS FORM No. 11.

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*The Patents, Designs, Trade Marks, and Copyright  
Act, 1916.*

APPLICATION FOR CERTIFICATE OF  
PAYMENT OR RENEWAL.

I (or we) hereby transmit the fee prescribed for the  
continuation in force of \* Patent No. ....  
of 1....., for a further period of.....

\* Here insert  
name of  
patentee.

It is requested that the address for service of the  
patentee in the Union shall be :—

† Here insert  
name and full  
address to  
which certifi-  
cate is to be  
sent.

Name† .....  
Address.....  
To the Registrar,  
The Patent Office, Pretoria.

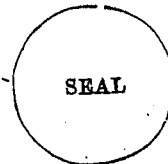
(This part of the form to be filled in at the  
Patent Office.)

CERTIFICATE OF PAYMENT OR RENEWAL.

Letters Patent No.....of 1.....  
This is to certify that.....did  
this.....day of.....19.....,  
make the prescribed payment of £.....  
in respect of a period of.....from.....  
and that by virtue of such payment the rights of the  
patentee remain in force.\*

\* See Section  
38 of the Act.

*The Patent Office, Pretoria.*



PATENTS FORM No. 12.

PATENT  
£1, £2, or £3.

*The Patents, Designs, Trade Marks, and Copyright  
Act, 1916.*

FORM OF APPLICATION FOR ENLARGEMENT  
OF TIME FOR PAYMENT OF RENEWAL  
FEE.

I (or we) hereby apply for an enlargement of time  
for.....month..... in which to make the.....  
payment of.....upon my (or our)  
Patent No.....of 1.....

(b) Here insert  
name and full  
address to  
which receipt  
is to be sent.

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To the Registrar,  
The Patent Office, Pretoria.

PATENT  
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PATENTS FORM No. 13

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

FORM OF APPLICATION FOR THE RESTORATION OF A LAPSED PATENT UNDER SECTION FIFTY-THREE OF THE ACT.

I (or we) hereby apply for an Order of the Court for the restoration of the patent granted upon application No. ...., dated.....

The circumstances which have led to the omission of the payment of the fee of (a)..... on or before the (b)..... are as follows:—  
(c) .....

(a) State amount of fee.  
(b) State last day when fee was due.  
(c) The circumstances must be stated in detail.

(d) To be signed by the applicant or applicants.

(d) .....

To the Registrar,  
The Patent Office, Pretoria.

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PATENTS FORM No. 14

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

FORM OF NOTICE OF OPPOSITION TO AN APPLICATION FOR THE RESTORATION OF A LAPSED PATENT.

(To be accompanied by an unstamped copy.)

\* I (or we).....  
.....  
.....

\* Here state (in full) name and address of opponent or opponents.

hereby give notice of opposition to the application for restoration of the patent granted upon application No. .... dated..... for the following reason:—  
† .....

† Here state reason of opposition.

My (or our) address for service in the Union is:—  
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† To be signed by the opponent or opponents.

† .....

To the Registrar,  
The Patent Office, Pretoria.

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PATENTS FORM No. 15.

*The Patents, Designs, Trade Marks, and Copyright  
Act, 1916.*

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FORM OF APPLICATION FOR AMENDMENT OF  
SPECIFICATION.

\* Here state  
(in full) name  
and address of  
applicant or  
patentee.

\*I (or we).....  
.....  
.....  
.....

seek leave to amend the specification of Letters Patent/  
Patent Application No.....of 1....., as shown  
in red ink in the certified copy of the original specification  
hereunto annexed.

† These words  
are to be  
struck out  
when Letters  
Patent have  
not been  
sealed.

†I (or we) declare that no action for infringement or  
proceedings before the Court for the revocation of the  
Letters Patent in question is pending.

My (or our) reasons for making this amendment are  
as follows ‡ :—

‡ Here state  
reasons for  
seeking  
amendment ;  
and where the  
applicant is  
not the pat-  
entee, state  
what interest  
he possesses  
in the Letters  
Patent.

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My (or our) address for service in the Union is :

§ To be signed  
by applicant  
or patentee.

§.....

To the Registrar,  
The Patent Office, Pretoria.

N.B.—No amendment is permissible that would make  
the invention substantially larger or substantially dif-  
ferent. See Section *forty-seven* of the Act.

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PATENTS FORM No. 15A.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF APPLICATION FOR AMENDMENT OF APPLICATION.

\* Here state (in full) name and address of applicant.

I (or we)\*.....

seek leave to amend the application No..... of ..... in the manner following:—

† Delete whichever is not applicable.

(a) † by the deletion of—

†.....  
of .....  
as joint applicant.

(b) † by including—

†.....  
of .....  
as joint applicant.

† Here state in full name and address.

My (or our) address for service in the Union is :  
.....  
.....

(To be signed by all Patent Applicants).

I apply for the insertion of my name as joint applicant.

[Signed by new Applicant (if any).]

To the Registrar,  
The Patent Office, Pretoria.

PATENT  
5s.

PATENTS FORM No. 15B.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF APPLICATION FOR AMENDMENT OF APPLICATION.

\* Here state in full name and address of applicant.

I (or we)\*.....

seek leave to amend the application form in Patent Application No..... of ..... by †.....

† Here state clearly the amendment desired.

My (or our) reasons for making this amendment are as follows:—  
.....  
.....

My (or our) address for service in the Union is :  
.....  
.....

(To be signed by the applicant.)

To the Registrar,  
The Patent Office, Pretoria.

PATENTS FORM No. 16.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

Form of Advertisement of Request to Amend Specification. (To be advertised by the applicant in three consecutive issues of the Gazette.)

APPLICATION TO AMEND SPECIFICATION.

(a) Name(s) of applicant(s).

(a) .....

(b) State whether by disclaimer, correction, or explanation.

seek(s) leave to amend by way of (b) the Specification of Letters Patent/Patent Application No. .... of 1. ...., for (c) .....

(c) Title of invention.

A copy of the original specification, showing in red the proposed amendment, is now open to public inspection at the Patent Office.

A notice of opposition (on Patents Form No. 17) must be lodged at the Patent Office within three months from the date of the first advertisement hereof.

Registrar.

PATENTS FORM No. 17.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

PATENT 10a.

FORM OF OPPOSITION TO AMENDMENT OF SPECIFICATION.

(To be accompanied by an unstamped copy.)

\* Here state (in full) name and address of opponent or opponents.

\*I (or we) .....

† Here state reason of opposition.

hereby give notice of opposition to the proposed amendment of the specification of Letters Patent No. .... of 1. ...., for the following reason :—† .....

My (or our) address for service in the Union is :

‡ To be signed by opponent or opponents.

‡

To the Register, The Patent Office, Pretoria.

PATENT  
£1.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

FORM OF PETITION FOR GRANT OF COMPULSORY LICENCE OR REVOCATION OF PATENT.

To THE REGISTRAR OF PATENTS.

THE PETITION of (a)..... of....., in the Province of....., being a person interested in the matter of this petition as herein after described :—

SHEWETH as follows :—

1. A patent dated..... No..... was duly granted to..... for an invention of (b).....

2. The nature of my (or our) interest in the matter of this petition is as follows :—(c).....

.....

3. (d).....

The evidence [which I (or we) propose to leave at the Patent Office] accompanying this petition is as follows :—(e).....

.....

Having regard to the circumstances above stated, the petitioner alleges that the reasonable requirements of the public with respect to the invention patented as above stated have not been satisfied.

Your petitioner(s) therefore pray(s) that an Order of Court may be made granting to him (or them) a compulsory licence on the terms following, viz.:—(f).....

or in the alternative that the said patent may be revoked.

(g).....

NOTE.—In pursuance of the requirements of Rule 39 (2), the petitioner must deliver to the patentee, and to any other person alleged to have made default, copies of the petition and of the affidavits and other documentary evidence in support.

(a) Here insert (in full) name, address, and calling.

(b) Here insert title of invention.

(c) Here state fully the nature of petitioner's interest.

(d) Here state fully in detail the circumstances of the case under section 59 of the Act, and show that it arises by reason of the default of the patentee, or as the case may be, of any other person claiming an interest in the patent as exclusive licensee or otherwise.

(e) Here state what affidavits, together with any other documentary evidence, will be left at the Patent Office with the petition, as required by Rule 39.

(f) Here state the terms as to the amount of royalties, security for payment, or otherwise, upon which the petitioner claims to be entitled to the relief in question.

(g) Signature.

De Wet op Patenten, M.

FORMULIER VAN VERLENING VAN DIENING VAN PATENT

Aan de REGISTRATEUR

DE PETITIE van (.....)

zake de petitie hierna o

GEEFT het volgende

1. Een patent gede werd behoorlijk verleend voor een uitvinding va

2. De aard van mijn is de volgende :—(c).....

.....

De getuigenis die i Patentkantore af te gev als volgt :—(e).....

Met 't oog op de bo weert de petitionaris dat blik ten aanzien van de uitvinding niet voldaan

Waarvoor Order van hem/hen e de volgend

of in het alternat moge worden.

NOTA.—Ingevolge de de petitionaris aan de personen die beweerd wor kopieën van die petitie klaringen en andere sch

PATENT  
£1.

PATENTS FORM No. 19.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF OPPOSITION TO PETITION FOR GRANT OF COMPULSORY LICENCE OR REVOCATION OF PATENT UNDER SECTION FIFTY-NINE.

(a) Here state (in full) name and address of opponent or opponents.

(a) I (or we).....

hereby give notice of opposition to the petition of.....

for the grant of a Compulsory Licence under Patent No..... of 1....., or in the alternative, for the revocation of the said patent. The grounds upon which I (or we) oppose the said application are as follows; viz:—

(b) Here state fully the grounds of opposition.

(b) .....

My (or our) address for service in the Union is: .....

(c) To be signed by the opponent or opponents.

(c) .....

NOTE.—In pursuance of the requirements of Rule 39 (3) copies of the affidavits in reply to the evidence left with the petition must be delivered to the petitioner.

To the Registrar,  
The Patent Office, Pretoria.

PATENT  
£1.

PATENTS FORM No. 20.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF OFFER TO SURRENDER A PATENT UNDER SECTION FIFTY-EIGHT OF THE ACT.

\* Here state (in full) name and address of patentee or patentees.

\*I (or we).....

hereby offer to surrender the patent granted upon application No....., dated.....

† If any action or proceedings are pending, state what is their nature.

No action† for infringement or proceedings for the revocation of the patent are pending.

My (or our) reasons for making this offer are as follows:—

My (or our) address for service in the Union is: .....

† To be signed by the patentee or patentees.

To the Registrar,  
The Patent Office, Pretoria.

PATENT (a) Ik/v

De P geef/gever schrift v

FOR VER VO E. van verlee van l van genee tegen geze (b)

(a Mijn/on

NOTA.— kopieën v tuigens op ris worden (b) Aan de F Patenka

Aan Pa PATENTFC De Wet of

FORMUL AFSTA VIJFT

PATENT \* Ik/

De W bieden m leend op

FOR VO SCJ Geen a van het Mijn/d volgende

(a) I Mijn/c

Aan de Patent

verzoek diening

(b) (

(2)

Aan d Patent

PATENT  
5s.

PATENTS FORM No. 21.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF NOTICE FOR ALTERATION OF A NAME OR AN ADDRESS OR AN ADDRESS FOR SERVICE IN REGISTER OF PATENTS OR IN AN APPLICATION FOR LETTERS PATENT.

In the matter of Patent Application/Patent No. ...., of .....

(a) Here state (in full) name or names and address of applicant or applicants.

(a) I (or we) .....

(b) Here insert name, or full address.

hereby request that ..... name, address (or address for service), now upon the application of the Register of Patents may be altered to (b) .....

(c) Signature of applicant or applicants.

(c) .....

To the Registrar,  
The Patent Office, Pretoria.

PATENT  
5s.

PATENTS FORM No. 22.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF REQUEST FOR ENTRY OF TWO ADDRESSES FOR SERVICE IN REGISTER OF PATENTS.

In the matter of Patent No. .... of .....

(a) Here state (in full) name or names and address of applicant or applicants.

(a) I (or we) .....

(b) Here insert full address.

hereby request that the two following addresses for service may be entered in the Register of Patents :—

(b) (1) .....

(2) .....

(c) Signature of applicant or applicants.

(c) .....

To the Registrar,  
The Patent Office, Pretoria.

PATENTFORMULIER

*De Wet op Patente*

FORMULIER VAN  
GING VAN E  
VAN DIENING  
EEN AANVR

(a) Ik/wij .....

verzoek/verzoeken  
adres voo  
vraag/het patentre  
(b) .....

Aan de Registrateur  
Patentkantoor,

PATENTFORMULIER

*De Wet op Patenten.*

FORMULIER VAN  
VOOR DIENING  
SCHRIJVEN.

(a) Ik/wij .....

verzoek(en) mits de  
diening in het Patentr

(b) (1) .....

(2) .....

Aan die Registrateur  
Patentkantoor, P1

PATENT  
10s.

PATENTS FORM No. 23.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF REQUEST TO ENTER NAME OF PROPRIETOR UPON THE REGISTER OF PATENTS.

(a) Here insert (in full) name address and calling.

(a) I (or we).....

(b) Here give name and address of person to whom patent was granted.

hereby request that you will enter my (or our) name (or names) in the Register of Patents as proprietor of Patent No..... of 1....., granted to (b).....

(c) Here insert title of the invention.

the title of which is (c).....

(d) Here specify the particulars of such document, giving its date, and the parties to the same, and showing how the claim here made is substantiated.

I (or we) claim to be so entitled by virtue of (d).....

(e) Here insert the nature of the document.

And in proof whereof I (or we) transmit the accompanying (e)..... with an attested copy thereof.

My (or our) address for service in the Union is:—

(f) Signature.

(f) .....

(g) Here state in what capacity the signatory is acting.

(g) .....

To the Registrar,  
The Patent Office, Pretoria.

PATENTFORMULIE  
De Wet op Paten.

FORMULIER V  
NAAR IN HE  
VEN.

(a) Ik/wij.....

verzoek/verzoek  
namen zult will  
eigenaar van F  
(b) .....

waarvan de tite

Ik beweet/w  
krachte van (

Ten bewijze  
(e) .....

Mijn/ons ad

Aan de Regis  
Patentkant

PATENT  
10s.

PATENTS FORM No. 24.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

FORM OF REQUEST TO ENTER IN THE REGISTER OF PATENTS A NOTICE OF AN INTEREST IN A PATENT.

(a) Here insert (in full) name, address, and calling.

(a) I (or we) .....

hereby request that you will enter in the Register of Patents a notice of the following interest in a patent :—

(b) Here insert the nature of the claim, whether by way of licence or otherwise.

I (or we) claim to be entitled (b) Patent No. .... of 1. ...., granted to (c) .....

(c) Here give name and address of person to whom patent was granted.

the title of which is (d) .....

(d) Here insert title of the invention.

by virtue of (e) .....

(e) Here specify the particulars of such document, giving its date, and the parties to the same, and showing how the claim here made is substantiated.

And in proof whereof I (or we) transmit the accompanying (f) ..... with an attested copy thereof.

(f) Here insert the nature of the document.

My (or our) address for service in the Union is :—

(g) Signature.

(g) .....

(h) Here state in what capacity the signatory is acting.

(h) .....

To the Registrar,  
The Patent Office, Pretoria.

PATENTFORMULIEF

De Wet op Patent

FORMULIER VAN  
REGISTER EN  
LANG IN EE

(a) Ik/wij .....

verzoek/verzoeken  
een aantekening  
belang in een paten

Ik beweer/wij

tot een belang in  
aan (c) .....

waarvan de titel is

uit kracht van (

Ten bewijze  
(f) .....  
toezend/toezende  
daarvan.

Mijn/ons adri

(g) ..

Aan de Registrat  
Patentkantoor,



PATENT  
10s.

The Patents, Designs, Trade Marks, and Copyright  
Act, 1916.

De Wet op Paten

FORM OF REQUEST TO ENTER NOTIFICATION  
OF DOCUMENT IN THE REGISTER OF PATENTS.

FORMULIER  
VAN DOKU  
IN TE SCH

(a) Here insert  
a description  
of the nature of  
the document,  
giving its date  
and the names  
and addresses  
of the parties  
thereto.

I (or we) hereby transmit an attested copy of  
(a) .....

under Patent No. .... of I. ...., as well as the  
original document for verification, and I (or we) have  
to request that a notification thereof may be entered  
in the Register.

(b) Signature.

(b) .....

(c) Here insert  
full address of  
party bene-  
fitting under  
the document.

(c) .....

To the Registrar,  
The Patent Office, Pretoria.

Ik zend/wij z  
van (a).....

onder Patent No  
spronkelike dok  
verzoeken dat e  
ingevuld zal we

(c) .....

Aan de Registr  
Patentkantoor

PATENT  
10s.

PATENTS FORM No. 25A.

The Patents, Designs, Trade Marks, and Copyright  
Act, 1916.

PATENTFORMULIE

De Wet op Paten

APPLICATION FOR NOTICE OF FUTURE  
PROCEEDINGS.

AANVRAGE OM

Letters Patent/Patent Application No. .... of .....

Patentbrief/Paten

You are hereby requested to give me/us notice of the  
following proceeding should such proceeding be taken  
within six months from the date hereof :—

U word mits de  
richtingen kennis  
binnen zes maa  
worden :—

(a) The publication of acceptance of the complete  
specification ;

(a) Het bekend  
specificatie

(b) the sealing of the patent ;

(b) verzegeling

(c) any application for the making of an entry with  
reference to this patent.

(c) enige aanzo  
met betrekk

My/Our address for service in the Union is :

Mijn/ons bezorg

To the Registrar,  
The Patent Office, Pretoria.

Aan de Registrat  
Patentkantoor,

PATENT  
5s. or £1.

PATENTS FORM No. 26.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF REQUEST FOR CORRECTION OF A CLERICAL ERROR.

(a) Here state whether in application, specification, or register.

I (or we) hereby request that the following clerical error(s) in the (a).....

No.....19....., may be corrected in the following manner.....

(b) Signature.

(b) .....

(c) Address in full.

(c) .....

To the Registrar,  
The Patent Office, Pretoria.

PATENT  
5s.

PATENTS FORM No. 27.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

REQUEST FOR CERTIFICATE OF REGISTRAR.

In the matter of the Patent No.....of 1.....

(a) Here set out the particulars which the Registrar is requested to certify.

I (or we).....  
of .....  
hereby request you to furnish me (or us) with your Certificate to the effect that (a).....

(b) Name and full address to which certificate is to be sent.

(b) .....

Dated this.....day of.....19.....

To the Registrar,  
The Patent Office, Pretoria.

PATENTFORMULIER

De Wet op Patente

FORMULIER V.  
VAN

Ik verzoek/wij  
schrijffout(en) in

No.....van  
worden op de volge

(c) .....

Aan de Registrateur  
Patentkantoor.

PATENTFORMULIER

De Wet op Patenten

VERZOEK OM

Ik/wij .....  
van .....  
verzoek/verzoeken t  
willen geven, luiden

Gedagtekend heden

Aan de Registrateur  
Patentkantoor, Pr

PATENT  
£2.

PATENTS FORM No. 28.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

APPLICATION FOR DUPLICATE OF PATENT.

Date.....

I (or we) regret to have to inform you that the Patent dated \*.....

No....., granted to.....

for an invention the title of which is †.....

has been †.....

I (or we) beg therefore to apply for the issue of a duplicate of such patent §.....

To the Registrar,  
The Patent Office, Pretoria.

\* Here insert date, number, full name, and address of grantee or grantees.

† Here insert title of invention.

‡ Here insert the word "destroyed" or "lost" as the case may be, and state in full the circumstances of the case, which must be verified by affidavit.

§ Here state interest possessed by applicant, or applicants, in the patent.

¶ Signature of patentee or patentees.

PATENT  
10s.

PATENTS FORM No. 29.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

NOTICE OF INTENDED EXHIBITION OF AN UNPATENTED INVENTION.

\*I (or we).....

hereby give notice of my (or our) intention to exhibit a..... of..... at the.....

Exhibition, which †..... on the..... day of..... 19....., under the provisions of the Patents, Designs, Trade Marks, and Copyright Act, 1916.

‡ I (or we) herewith enclose a brief description of my (or our) invention.....

§.....

To the Registrar,  
The Patent Office, Pretoria.

\* Here state (in full) name and address of applicant or applicants.

† State "opened" or "is to open".

‡ This description of invention should be accompanied by drawings if necessary.

§ To be signed by the applicant or applicants.

PATENTFORMULIER No

De Wet op Patenten, M

AANVRAGE VOOF

Het spijt mij/ons u gedateerd \*.....

No..... ver

voor een uitvinding v

†.....

Ik/wij heb/hebb een duplikaat van gereikt—.....

Aan de Registrat  
Patentkantoor,

PATENTFORMULIER

De Wet op Patent

KENNISGEVIN  
STELLING V  
DINGEN.

\* Ik/wij.....

geef/geven mits een ten toon te stell

Tentoonstelling van de Wet o Auteursrecht,

‡Ik sluit/wi van mijn/onze

Aan de Regi  
Patentkant

PATENT  
10s.

PATENTS FORM No. 30.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

FORM OF APPLICATION FOR ENTRY OF ORDER OF COURT IN REGISTER.

(a) Here state (in full) name and address of applicant or applicants.

(a) I (or we).....  
.....  
.....

(b) Here state the purport of the order.

hereby transmit an office copy of an order of the Court with reference to (b).....  
.....  
.....  
.....

(c) Signature.

(c) .....

To the Registrar,  
The Patent Office, Pretoria.

PATENTS FORM No. 31.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

AFFIDAVIT TO BE MADE BY A PERSON APPLYING FOR REGISTRATION AS A PATENT AGENT UNDER RULE 72 (1).

(a) Here insert name in full, and in case of a firm add: "a member of the firm of".

I (a).....  
of.....  
.....  
.....

do solemnly and sincerely declare:—

(1) That I was at the commencement of Chapter I of the Patents, Designs, Trade Marks, and Copyright Act, 1916, bona fide practising as a Patent Agent at..... in the Province of..... and had been so practising for twelve months prior to such commencement.

(2) That I acted as Patent Agent in relation to the following matters, namely: (b).....  
.....  
.....  
.....

(3) That I desire to be registered as a Patent Agent in pursuance of the said Act.

Sworn/Declared at.....

Before me,

.....  
Commissioner of Oaths.

(b) Insert, for example, official numbers and dates of patents.

PATENTFORMULIER N  
De Wet op Patenten,

FORMULIER VAN  
VING VAN ORD

(a) Ik/wij.....  
.....  
.....

verzend/verzenden  
Order van het Hof:

Aan de Registra  
Patenkantoor. 11

PATENTFORMULIER  
De Wet op Patenten

BEËDIGDE VER  
DOOR EEN F  
PATENTBEZO  
VRAAGT.:

Ik (a).....  
van .....

verklaar plechtig

(1) Dat ik ten t  
stuk I vr  
merken en  
patentbezo  
in de Pro  
gepraktizee  
die inwerk

(2) Dat ik als  
tot de volg

(3) Dat ik ve  
bezorger  
Bezwoeren/verk  
voor mij,

Kommi

PATENT  
5s.

PATENTS FORM No. 32.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

CERTIFICATE OF REGISTRATION OF PATENT  
AGENT UNDER RULE 72 (2).

Pursuant to Rule 72 (2), I do hereby certify that.....  
of....., in the  
Province of....., was registered as a  
Patent Agent on the.....day  
of.....19.....

Registrar.

PATENT  
5s.

PATENTS FORM No. 33.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

CERTIFICATE OF REGISTRATION OF PATENT  
AGENT UNDER RULE 73 (1).

Pursuant to Rule 73 (1) I do hereby certify that.....  
of....., in the  
Province of....., was registered as a  
Patent Agent on the.....day  
of.....19.....

Registrar.

PATENTFORMULIER

*De Wet op Patente*

CERTIFIKAAT  
BEZORGE

Ingevolge regel

van.....  
in de Provincie.....  
was als Patentbe

PATENTFORMULIER

*De Wet op Patente*

CERTIFIKAAT  
BEZORGE

Ingevolge regel

van.....  
Provincie.....  
Patentbezorger  
19.....

GOVERNMENT NOTICE No. 1543 of 1916.

GOEVERN

THE DESIGNS RULES, 1917.

(As amended by Government Notices Nos. 315 of 1934 and 209 of 1935.)

DE

(Zoals gewijzigd)

HIS EXCELLENCY THE GOVERNOR-GENERAL has, under the powers vested in him by section one hundred and ninety-two of Act No. 9 of 1916 (The Patents, Designs, Trade Marks, and Copyright Act, 1916), been pleased to make the regulations, and to prescribe the tariff, hereunder set forth:—

HET heeft haagd, uit kra honderd twee Patenten, Mo 1916), de reg te stellen, zo

PRELIMINARY.

1. These regulations (herein after referred to as "these rules") may be cited as the Designs Rules, 1917, and shall come into operation contemporaneously with the coming into operation of Chapter II of the Act.

1. Deze r kunnen word treden terzel Wet.

INTERPRETATION.

2. Unless the context otherwise requires— any expression to which a meaning has been assigned by any provision of the Act for the purposes thereof shall, when used in these rules, have the same meaning;

2. Zo nie uitdrukking een bepaald zij in deze

"office" means the Designs Office established under the Act;

"kant ge

"the Act" means Act No. 9 of 1916;

"de V

"agent" means an attorney or patent agent resident or carrying on business in the Union;

"agen in

"specimen" means an article of manufacture or a substance with the design applied to it;

"proe

and in the interpretation of these rules the Interpretation Act, 1910 (Act No. 5 of 1910), shall apply.

en ten aan pretatie W

3. The fees to be paid in pursuance of the Act shall be the fees specified in the First Schedule hereto. All such fees shall be payable in revenue stamps.

3. De fe zijn aang betaald de

FORMS.

4. The forms herein referred to are the forms contained in the Second Schedule hereto, and such forms shall be used in all cases to which they are applicable and shall be modified as directed by the Registrar to meet other cases.

4. De de Tweed in alle g voorschr andere

*These Designs Rules 1917 Act 6/5/49*

*as amended by Act No. 19 of 1947*

## SETS OF ARTICLES.

5. "Set" means a number of articles of the same general character ordinarily on sale together, or intended to be used together, all bearing the same design with or without modifications not sufficient to alter the character or not substantially affecting the identity thereof.

Where there is any doubt whether given articles do or do not constitute a set, the doubt shall be determined by the Registrar.

## CLASSIFICATION OF GOODS.

6. For the purposes of the registration of designs and of these rules, goods are classified in the manner appearing in the Third Schedule hereto.

If any doubt arises as to the class to which any particular description of goods belongs, it shall be determined by the Registrar.

## DOCUMENTS.

7. Subject to any other directions that may be given by the Registrar, all applications, notices, papers having representations affixed, and other documents required by the Act or by these rules to be lodged, shall be upon strong paper, and, except where otherwise required, on one side only, of a size of approximately 13 inches by 8 inches, and having on the left-hand part thereof a margin of approximately two inches

8. A document lodged by a firm or partnership may be signed in the firm's name or for and on behalf of the firm or partnership by any one or more members thereof. A document lodged by a body corporate may be signed by a director or by the secretary or other principal officer of such body corporate.

9. Any application, statement, notice, or other document authorized or required to be lodged or to be left, made, or given with or to any person under the Act or these rules may be sent through the post; any document so sent shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

## ADDRESS.

10. Where any person is by the Act or these rules bound to furnish the Registrar with an address, the following provisions shall apply:—

The address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of business of the person whose address is given.

5. "Stel" betekent een algemeen aardig bestemd zijn omgens hetzelfde n echter niet voldoende wezenlike van twijfel of beslist de registr

6. Ten behoeve deze regels, worden in de Derde Bijlage Ingeval van twijfel van soort goederen

7. Behoefte mocht geven, waaraan voors die volgens de gesteld zijn op op ene zijde, bij 8 duim en ten naaste bij

8. Een document geleverd worden of namens de daarvan. Een rechtspersoon door de sel rechtspersoon

9. Ieder document, maakt of a regels, kan document de brief de bestelling zendingen brief beho

10. Wa is aan de gende vo Het a ieder gen soon, wie

When a person does not reside in a town with streets, the Registrar may require the address to include all indications which he thinks necessary for such purpose as far as it can be attained.

When an applicant resides in a town where there are streets, the address given shall include the name of the street and the number in the street or name of premises, if any.

AGENTS.

11. An application for registration and all other communications between an applicant and the Registrar, and between the registered proprietor of a design and the Registrar, may be made by or through an agent.

In case any registered proprietor of a design shall appoint such an agent, service upon such agent of any document relating to such design shall be deemed to be service upon the person so appointing him, and all communications directed to be made to such person in respect of such design may be addressed to such agent.

APPLICATION FOR REGISTRATION.

12. An application for registration of a design shall be signed by the applicant or by his agent.

Except as regards applications in Clauses 9 and 15, an application for registration of a design shall be on Form Designs No. 1, or in the case of a set on Form Designs No. 2. An application for registration in Class 15 shall be on Form Designs No. 3.

13. An application under section *seventy-eight* of the Act must also state the number and date of the copyright under the Provincial Designs Act.

14. An application under section *eighty* (4) of the Act must be made within four months of the date of the first registration in any country outside the Union and must also state the number and date of such registration.

15. An application for registration of a lace design in Class 9 shall be on Form Designs No. 4, or in the case of a set on Form Designs No. 5.

16. On or after receipt of an application the Registrar shall furnish the applicant with an acknowledgment thereof.

17. An application shall state the class in which the design is to be registered, and where it is desired to register the same design in more than one class, a separate application shall be made in each class. In that case each application shall be numbered separately and shall be treated as a separate and distinct application.

18. Every application shall state the article or articles to which the design is to be applied, and where the Registrar so requires, the applicant shall further state for what purpose the article to which the design is to be applied is used and the material or the predominating material of which the article is made.

Gazette  
866/49 11

Woon een  
de registrate  
wijzingen b  
voorzoer he  
Woon een  
moet het ad  
in de straat

11. De a  
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19. The applicant may, and shall if required by the Registrar in any case so to do, endorse on the application a brief statement of the novelty he claims for his design, and where representations are furnished shall endorse each with such statement, if any.

20. There shall be furnished in connection with an application for the registration of a design to be applied to a single article, four exactly similar drawings, photographs, tracings, or other representations of the design, or four specimens.

21. There shall be furnished in connection with an application for the registration of a design to be applied to a set, five exactly similar drawings, photographs, tracings, or other representations of the design, or five specimens.

22. Each representation of the design, or set of designs, must be upon paper of the prescribed size and not on cardboard, and must appear on one side only of the paper. The figure or figures must be placed in an upright position on the sheet. When more figures than one are shown, these should, where possible, be on one and the same sheet, and each should be designated on the sheet (e.g. front view, side view).

23. When drawings or tracings are furnished, they must be in ink, and if on tracing cloth or tracing paper must be mounted on paper of the prescribed size.

24. When the design is to be applied to a set, each of the representations accompanying the application should show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

25. When the specimens are not, in the Registrar's opinion, of a kind which can be conveniently pasted into books, representations shall be furnished for insertion in the register and for official purposes.

26. Where words, letters, or numerals are not of the essence of the design they shall be removed from the representations or specimens.

27. Each representation of a design which consists of a repeating surface pattern must show the complete pattern and a sufficient portion of the repeat in length and width, and ought not to be of less size than 7 inches by 5 inches.

28. Where representations are supplied, the Registrar shall also be supplied, if in any case he so requires, with a specimen.

29. The Registrar shall be furnished with more representations or more specimens of any design if he requires them.

*M and signed  
by the applicant  
or his agent  
(Amended by  
Gov. Notice 824  
of 8/5/42  
Page 498)*

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30. Where the names or representations of living persons appear on a design, the Registrar shall, if he so require, be furnished with consents from such persons before proceeding to register the design. In the case of persons recently dead the Registrar may call for consents from their legal representatives before proceeding with registration of a design on which their names or representations appear.

#### PROCEDURE ON RECEIPT OF APPLICATION.

31. Upon receipt of an application for registration the Registrar shall consider it, and if he thinks there is no objection to the design being registered, he may accept it.

32. If after consideration of the application any objections appear, a statement of these objections shall be sent to the applicant in writing, and unless within one month the applicant applies for a hearing he shall be deemed to have withdrawn his application.

33. The decision of the Registrar at such hearing as aforesaid shall be communicated to the applicant in writing, and if he objects to such decision he may, within one month, should he consider it necessary for the purpose of appeal, apply upon Form Designs No. 6 requiring the Registrar to state in writing the grounds of his decision and the materials used by him in arriving at the same.

34. Upon receipt of such form the Registrar shall send to the applicant such statement as aforesaid in writing and the date when such statement is sent shall be deemed to be the date of the Registrar's decision for the purpose of appeal, but if the applicant does not apply for the grounds of the Registrar's decision, appeal shall be lodged within one month from the date of the decision.

#### NON-COMPLETION.

35. Where an application for registration of a design is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall give notice to the applicant in writing of such non-completion, and if the applicant has an agent, shall send a duplicate of such notice to such agent. If after fourteen days from the date when such notice was sent, the application is not completed, the application shall be deemed to be abandoned, but the Registrar may with such notice, where the applicant lives at such distance from the office that he cannot reasonably be expected to do what is necessary within such fourteen days, give a further time after such fourteen days for the completion of such application.

30. Wanneer voorkomen op hij zulks verlan worden verstrekt. In het geval v de registrateur woordigers verla of voorstellingen

#### WERK W

31. Op ontvar de registrateur dat er geen b bestaat, kan hij

32. Blijkt het zwaren bestaan. medegedeeld, en verzoekt om geh katie te hebben

33. De beslis meld wordt aan c hij tegen zodanig een maand, zo h op Modelformulie telik opgave te c van de gegevens ken.

34. Op ontvan, aan de applikant de datum van ve appél worden aan de registrateur gronden van beslis appél worden inge de beslissing.

35. Is een app binnen twaalf n gedaan tengevolge geeft de registrate zodanige niet-afdo heeft, zendt hij e agent.

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## DEATH OF APPLICANT

36. In case of the death of any applicant for the registration of a design after the date of his application, and before the design applied for has been entered in the register, the Registrar may, on being satisfied of the applicant's death, enter in the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the design, on such ownership being proved to the satisfaction of the Registrar.

## EXTENSION OF PERIOD OF COPYRIGHT.

37. At any time after the registration of a design the period of copyright therein may be extended for a second period of five years if Form Designs No. 7 be lodged; but no period of copyright shall be extended unless an application for extension be lodged at least one week before the expiration of the original period of five years. Where a proprietor has more than one design copyright in which ceases at the same date, he may, in place of using a separate Form Designs No. 7 for each design, include all the designs in one form, stamped with the total amount of the prescribed fees for such designs and so modified, as to meet the circumstances of the case. Form Designs No. 7 shall be endorsed with the name and address of the person lodging the same.

38. On receipt of Form Designs No. 7 an entry of the extension of the period of copyright shall be made in the register, and the Registrar shall send to the registered proprietor at his registered address or his address for service a notice that the period of copyright has been extended for a further period of five years.

39. At any time not less than six months and not more than twelve months before the expiration of the second period of five years mentioned in sub-section (3) of section *eighty-seven* of the Act, application may be made to the Registrar for a further extension of the period of copyright by lodging Form Designs No. 8.

40. If the Registrar grants the application, he shall send notice to the registered proprietor, who shall, at least one week before the expiration of the second period of five years, pay the prescribed fee by lodging Form Designs No. 9.

41. Form Designs No. 9 shall be endorsed with the name and address of the person lodging the same, and on receipt thereof an entry of the further extension of the period of copyright shall be made in the register, and a notice of such extension, as prescribed by Rule No. 38, shall be sent.

Wet van 1912 betreffende de rechten van auteurs op de vormgeving van zaken  
Nederl. No. 86.6 of 1/5/1912

42. Upon an extension of the period of copyright, the extension shall be advertised in the *Gacete de los Estados Unidos*.

ASSIGNMENT, ETC.

43. Where a person becomes entitled, as assignee, mortgagee, licensee, or otherwise, to any interest in the copyright of a design, he may, conjointly with the registered proprietor, apply on Form Designs No. 10 to have an entry of the said made in the register, and on receipt of such form the Registrar may make a note in the register of such interest.

44. Where no such joint application is made, any person who has become entitled to an interest in the copyright of a design by assignment, mortgage, licence, or otherwise, may apply for the entry of his name in the register as proprietor of such interest in such copyright. The application shall be on Form Designs No. 12, and such application shall contain the name, address, and description of the person claiming to be entitled (hereinafter called the claimant).

45. Together with such application the claimant shall send in a case stating full particulars of the assignment, mortgage, licence, instrument, or other mode of acquisition by virtue of which he claims to be entitled to be entered in the register, so as to show the manner in which and the person through whom such interest has been acquired.

46. Where the Registrar shall determine that the case sets out particulars such as entitle the claimant to be entered in the register, he may call upon the claimant to furnish an affidavit on Form Designs No. 13, verifying the several statements in the case and declaring that the particulars given comprise every material fact and document affecting the matter.

47. In any case, the Registrar may call on any person who desires his name to be entered in the register for such proof or additional proof of title as the Registrar may require for his satisfaction.

48. When the Registrar is satisfied that the claimant is entitled to the entry of his name, he shall make a note in the register of such interest.

49. Where the name of a person entered in the register as mortgagee or licensee, such person may, on Form Designs No. 14, have a note entered in the register that he no longer claims to be mortgagee or licensee, as the case may be.

ALTERATION OF ADDRESS.

50. Every registered proprietor of a design who changes his address or his address for service, shall give notice of the Registrar on Form Designs No. 15, and the Registrar shall alter the register accordingly.

42. De verlenging van het auteursrecht worden bekendgemaakt in het *Gacete de los Estados Unidos*.

43. Ieder die als afzender, hypotheekhouder, licentiehouder, of anderszins een belang verkrijgt, kan, te zamen met de geregistreerde afzender, een aanvraag doen op Formulier No. 10 om te laten inschrijven in het register van het ontwerp van zaken.

44. Wanneer geen gezamenlijke aanvraag is gedaan, kan ieder die door toekening, hypotheek, licentie, of anderszins gerechtigd wordt, een aanvraag doen op Formulier No. 12 om te laten inschrijven in het register van het ontwerp van zaken. De aanvraag moet de naam, het adres, en de omschrijving van de persoon die aanspraak maakt op de toekening, hypotheek, licentie, of anderszins gerechtigd wordt, bevatten.

45. Samen met de aanvraag moet de afzender een dossier indienen waarin alle bijzonderheden worden vermeld van de toekening, hypotheek, licentie, of andere wijze van verkrijging, en waarin wordt aangetoond op welke wijze en van wien de afzender gerechtigd wordt te worden ingeschreven in het register.

46. Indien de Registrateur oordeelt dat de dossier voldoende bijzonderheden bevat om de afzender te laten inschrijven in het register, kan hij de afzender oproepen tot het indienen van een eed op Formulier No. 13, waarin de afzender verklaart dat de in het dossier gegeven bijzonderheden alle de feiten en documenten omvatten die van belang zijn voor de zaak.

47. In alle gevallen kan de Registrateur de afzender oproepen tot het indienen van bewijzen of aanvullende bewijzen van zijn aanspraak op de toekening, hypotheek, licentie, of anderszins gerechtigd te worden.

48. Wanneer de Registrateur is overtuigd dat de afzender gerechtigd is te worden ingeschreven in het register, zal hij een aantekening maken in het register van het belang.

49. Wanneer de naam van een afzender die is ingeschreven in het register als hypotheekhouder of licentiehouder, wordt veranderd, kan hij een aantekening doen op Formulier No. 14, waarin hij verklaart dat hij niet langer aanspraak maakt op de hypotheek of licentie, naar het geval is.

50. Iedere geregistreerde afzender van een ontwerp van zaken, die zijn adres of zijn adres voor dienstverlening verandert, moet hiervan de Registrateur in kennis stellen op Formulier No. 15, en de Registrateur zal het register dienovereenkomstig wijzigen.

## CORRECTION OF CLERICAL ERRORS.

51. Where an applicant desires to correct a clerical error in his application, he shall lodge a Form Design No. 16.

52. Where the registered proprietor of a design desires to correct a clerical error under section *one hundred and sixty-two* (2) of the Act, he shall lodge a Form Designs No. 16.

## CANCELLATIONS.

53. Where the registered proprietor of a design desires to cancel his registration either wholly or in respect of any particular goods in connection with which the design is registered, he shall lodge a Form Designs No. 17.

54. Cancellation may also be effected by the liquidator where the registered proprietor is a company in liquidation, or in any other case where the request is made by a person whom the Registrar may decide to be entitled to act in the name of the registered proprietor. In such cases Form Designs No. 17 shall be lodged, modified as the Registrar directs.

## DISCRETIONARY POWER.

55. Before exercising any discretionary power given to the Registrar by the Act adversely to any person, the Registrar shall, if so required, hear the person who will be affected by the exercise of such power.

56. An application for a hearing shall be made within one month from the date when the matter on which the Registrar is called on to exercise discretionary power has arisen.

57. Upon receiving such application, the Registrar shall give the person applying ten days' notice of a time when he may be heard by himself or his agent.

Within five days from the date when such notice would be delivered in the ordinary course of post, the person applying shall notify the Registrar whether or not he intends to be heard on the matter.

58. The decision of the Registrar in the exercise of any such discretionary power, as aforesaid, shall be notified to the person affected.

## SEARCHES.

59. Where any person desires to obtain the information which he is entitled to obtain under section *ninety-two* of the Act, and can furnish the registration number of the design, he shall lodge Form Designs No. 18, and the Registrar will thereafter furnish him with the information aforesaid.

## VERBETERING.

51. Een appikant, die d'hersteld wil hebben, moet

52. De geregistreerde schrijffout onder artikel 162 van de Wet hersteld wil hebben, dienen.

53. De geregistreerde registratie, hetzij geheel of goederen, in verband waergeroyeerd wil hebben, moet

54. De roeyering kan ook de gevallen waar de geregistreerde in likwidatie, of in enig andere geval, wordt door een persoon anderszins gestrateur gerechtigd zijnde te handelen. In zodanige gevallen gewijzigd volgens voorschrijven.

## DISKRETIE.

55. Alvorens enige diskretionaire bevoegdheid te oefenen, moet de registrateur horen, te wiens nadele de uitoefening van die bevoegdheid zou strekken.

56. Applikatie om gehoord te worden binnen een maand na de datum van het ontstaan van de zaak, waarvan de registrateur is geroepen te oeffenen, geregt.

57. Op ontvangst van de appikatie, moet de registrateur aan de appikant ten minste tien dagen vooraf kennis geven van de tijd, waarop hij zal gehoord worden. Binnen vijf dagen na de kennisgeving in de gewone loop van de zaak, moet de appikant aangeven of hij wil gehoord worden, al dan niet in de zaak geregt.

58. De beslissing van de registrateur in de uitoefening van een d'zodanige diskretionaire bevoegdheid, moet aan de betrokken persoon worden medegedeeld.

## IN

59. Een persoon, die d'waartoe hij onder artikel 162 van de Wet geregt is en die het registratienummer kan aangeven, moet Modelformulier No. 18 bij de registrateur inleveren, waerop hij hem de informatie aforesaid zal mededeelen.

4) Name

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Where the applicant is unable to furnish the registration number of the design, he shall lodge Form Designs No. 19, together with such information as he is in possession of, and the Registrar will thereupon make such search in the class indicated as may be possible on the information supplied and will furnish such information as can be afforded.

60. The Registrar may, if Form Designs No. 20 be lodged, cause a search to be made among the registered designs, and state whether, in his opinion, any design accompanying such form and to be applied to goods in any particular class is or is not identical with or an obvious imitation of any registered design applied to such goods of which the copyright is still existing.

OFFICE CLOSED TO PUBLIC.

61. The office shall not be open to the public on the days following:—

*U. substituted by a new Rule vide Gov. notice 824 of 8-5-42 Page 298*

- (a) All days observed as public holidays;
- (b) days observed as days of public fast or thanksgiving;
- (c) days which may from time to time be notified by a placard posted in a conspicuous place at the office.

POWER TO DISPENSE WITH EVIDENCE.

62. Where under these rules any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, and upon the production of such other evidence and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence.

AMENDMENTS.

63. Any document or drawing or other representation of a design may be amended, and any irregularity in procedure, which in the opinion of the Registrar may be obviated without detriment to the interests of any person, may be corrected, if the Registrar think fit, and on such terms as he may direct.

ENLARGEMENT OF TIME.

64. The time prescribed by these rules for doing any act, or taking any proceedings thereunder, may be enlarged by the

Registrar if he think fit, and upon such notice to other parties and proceedings thereon, and upon such terms, as the Registrar may direct, and such enlargement may be granted though the time has expired for doing such act or taking such proceeding.

65. Whenever the last day fixed by the Act or by these rules for doing any thing shall fall on a day when the office is not open, which day shall be an excluded day for the purposes of the Act and these rules, it shall be lawful to do any such act or thing on the day next following such excluded day, or days if two or more of them occur consecutively.

#### CERTIFICATE BY REGISTRAR.

66. Where a certificate is required for the purpose of any legal proceeding, or other special purpose, as to any entry, matter, or thing which the Registrar is authorized by the Act or these rules to make or do, the Registrar may, on the lodging of a Form Designs No. 21, give such certificate, which shall also specify on the face of it the purpose for which it has been issued as aforesaid.

#### MARKING OF ARTICLES.

67. Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall cause each such article to be marked with the word REGISTERED or with the abbreviation REGD or with the abbreviation RD, as he may choose, and also (except in the case of articles to which have been applied designs registered in Classes 9, 13, 14, and 15) with the number appearing on the certificate of registration.

#### REGISTER OF DESIGNS AND INSPECTION OF REGISTERED DESIGNS.

68. When a design is accepted, there shall be entered in the register a representation or specimen of the design, the calling or description of the proprietor, the date of the application, and such other particulars as the Registrar may deem necessary.

The period under section ninety-one of the Act during which a design shall not be open to inspection, except as provided in that section, shall be, as regards designs in Classes 13, 14, and 15, five years, and, as regards designs in other classes, two years from the date of the original registration thereof.

daaronder, kan de worden verlengd, en partijen en verband voorwaarden als hi langing worden ver van de handeling verstreken is.

65. Valt de laatste voor het verrichten kantoor niet open is en deze regels een u ling worden verrich gesloten dag, of dag volgende dagen zijn

#### CERTI

66. Wanneer voor een certificaat nodig zaak, die de registra is te doen of te verr van Modelformulier zullende tevens op voormeld, waarvoor

#### HET

67. Voor de leverin geregistreerd model model-elk zodanig art streerd of met de "grd," naar verkiez van artikels, waarop 14 en 15 toegepast; het certificaat van r

#### REGISTER VAN MOF

68. Wordt een mo worden geboekt een model, het beroep o datum van de applic als de registrateur n

Het tijdperk tence gedurende hetwelk g genomen, uitgezonde vijf jaren ten aanzie en twee jaren ten a gerekend van de dat

or on a Saturday inserted by Gov. Notice No 24 of 8.5.42 Page 498

69. Any person desirous of exhibiting a design, or any article to which a design has been applied, at an industrial or international exhibition, which has been duly certified, or such by the Minister, or of publishing a description of a design during the period of the holding of such an exhibition shall give the Registrar notice, on Form Designs No. 22, of his intention to exhibit the design or article, or to publish a description of the design, as the case may be. For the purpose of identifying the design in the event of an application to register the same being subsequently made, the person lodging Form Designs No. 22 shall supply a brief description of the nature thereof, accompanied by a sketch, drawing, or specimen, and shall supply such other information as the Registrar may in each case require.

#### APPEALS TO THE COURT.

70. When any person intends to appeal to the Court he shall, before doing so, apply to the Registrar for a hearing and may, if he considers it necessary, obtain the grounds of the Registrar's decision. Within one month from the date of such decision, or from the date of the issue of the grounds thereof, if such have been issued, he shall, if he is advised to appeal to the Court, lodge a notice of such his intention on Form Designs No. 23.

71. Such notice shall also be accompanied by a statement in writing of the grounds of appeal, and of the appellant's case in support thereof.

72. A copy of the notice and statement aforesaid shall also be forthwith sent by the appellant to the Registrar of the Court.

73. The Court may thereupon give such directions (if any) as it may think fit with respect to parties and evidence, or otherwise, for the purpose of the hearing of the appeal by the Court.

74. Seven days' notice, or such shorter notice as the Court may in any particular case direct, of the time and place appointed for the hearing shall be given by the Registrar of the Court to the Registrar and to the appellant.

75. No appeal shall be entertained of which notice has not been given within one month from the date of the decision appealed against, or such further time as the Registrar may allow, except by special leave of the Court.

69. Ieder die eenen toegepast is, wenschte internationale tentoon-gecertificeerd is, of die te publiceren gedurende aan de registrateur, of van zijn voornemen om of respectievelik een b

Om het model te k voor registratie daarva persoon, die Modelform schrijving van de aard van een schets, teken tevens zodanige andere de registrateur in ieder

70. Ieder die naar h vorens zulks te doen, de worden, zullende hij, in van de beslissing van Binnen een maand na na de datum van verstr dien deze verstrekt zijn, te appelleren, een kenn inleveren op Modelform

71. Voormelde kennis van een schriftelijke opg appellants zaak tot gewi

72. Een afschrift van moet tevens daadlijk 666 de Griffier van 't Hof

73. Het Hof kan daarc als het voegzaam acht levering of anderszins, v door 't Hof.

74. Van de tijd en p appèl moet een kennisge kortere kennisgeving als bevelen door de Griffier registrateur en aan de e

75. Geen appèl kan wo gegeven is binnen een m leerde beslissing of binne strateur mocht toestaan,



## APPLICATIONS TO AND ORDERS OF THE COURT.

76. Four clear days' notice of every application to the Court under section *eighty-six* of the Act for rectification of the Register of Designs shall be given to the Registrar.

77. Where an order has been made by the Court in any case under the Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith serve on the Registrar an office copy of such order, together with Form Designs No. 24, if required. The register may, if necessary, thereupon be rectified or altered by the Registrar.

78. Whenever an order is made by the Court under the Act, the Registrar may, if he thinks that the effect of such order should be made public, advertise a notice thereof in the *Gazette* at the expense of the person in whose favour such order has been made.

## APPLIKANTS

76. Vier vrije dagen kennis worden gegeven artikel *zes en tachtig* register van modellen

77. Wanneer in enig Hof verleend is, of verleend is, of ingeval de registrateur aangevraagd gecertificeerd afschrift gezeld van Modelform nodig, alsdan door veranderd.

78. Wanneer door verleend wordt, kan de dat de inhoud van de ten koste van de persoon een aankondiging daar

SCHEDULES

FIRST SCHEDULE.

FEEs.

The following fees shall be paid under the Act, so far as it relates to designs.

Such fees must in all cases be paid before or at the time of the doing of the matter in respect of which they are to be paid.

Subject or Proceeding.	Amount.	Corresponding Form.
1. On application to register one design to be applied to single articles in a class except articles in classes 9 and 15 . . . . .	0 10 0	Designs No. 1
1. <i>bis.</i> On simultaneous applications to register two or more designs to be applied to single articles in the same class, except articles in classes 9 and 15— For first application . . . . .	0 10 0	Designs No. 5
For every additional application . . . . .	0 1 0	
2. On application to register one design to be applied to a set of articles in a class, not being lace . . . . .	1 0 0	Designs No. 2
2. <i>bis.</i> On simultaneous applications to register two or more designs to be applied to a set of articles in the same class not being lace— For first application . . . . .	1 0 0	Designs No. 2
For every additional application . . . . .	0 1 0	
3. On application to register one design to be applied to lace or to register one design in class 15. . . . .	0 2 0	Designs No. 3 or Designs No. 4
3. <i>bis.</i> On simultaneous applications to register two or more designs to be applied to lace or to register two or more designs in class 15— For first application . . . . .	0 2 0	Designs No. 3 or Designs No. 4
For every additional application . . . . .	0 1 0	
4. On application to register one design to be applied to a set of lace articles. . . . .	0 4 0	Designs No. 5
4. <i>bis.</i> On simultaneous applications to register two or more designs to be applied to a set of lace articles— For first application . . . . .	0 4 0	Designs No. 5
For every additional application . . . . .	0 1 0	
6. On extension of period of copyright under section 87 (2)	1 0 0	Designs No. 7

De volgende fooien worden betrekking heeft op model worden betaald vóór of ten opzichte waarvan zij v

Onderwerp of Ver

1. Op aplikatie voor reg model toepasselijk op e een klasse, behalve art en 15
1. *bis.* Op gelijktijdige registratie van twee o toepasselijk op enkele ar de klasse, behalve artik 15—  
Voor eerste applica
- Voor iedere addition
2. Op aplikatie voor reg model toepasselijk op ee één klasse, niet zijnde
2. *bis.* Op gelijktijdige app gistratie van twee of toepasselijk op een stel a de klasse, niet zijnde k.  
Voor eerste applicat  
Voor iedere addition
3. Op aplikatie voor reg model toepasselijk op ka registratie van een moc
3. *bis.* Op gelijktijdige a registratie van twee of toepasselijk op kantw tratie van twee of 1. klasse 15—  
Voor eerste applicat
- Voor iedere addition
4. Op aplikatie voor reg model toepasselijk op ee artikels
4. *bis.* Op gelijktijdige a registratie van twee of toepasselijk op een stel kelte  
Voor eerste applicat
- Voor iedere addition
5. Op aplikatie aan regis gave van gronden van l gevens gebruik onder r
6. Op verlenging van du recht onder artikel zeven

Subject or Proceeding.	Amount.	Corresponding Form.	Onderwerp of
7. On application for extension of period of copyright under section 87 (3)	£ s. d. 0 10 0	Designs No. 9	7. Op applicatie voor v. van auteursrecht on. laching (3)
8. On extension of period of copyright under section 87 (3)	1 10 0	Designs No. 9	8. Op verlenging van recht onder artikel 2
9. On joint application to enter name of subsequent proprietor, etc.	Same as registration fee.	Designs Nos. 10 or 11.	9. Op gemeenschappelijk inschrijving van opv enz.
10. On application to enter name of subsequent proprietor, etc., under Rule 44, for each design	0 10 0	Designs No. 12	10. Op applicatie voor in volgende eigenaar, er voor elk model.
11. On application of mortgagee, licensee, or other person having registered interest, for removal of his name	0 2 0	Designs No. 14	11. Op applicatie van pe houder of andere pers belang heeft voor roje
12. On application for entry of new address for service or of new address	0 2 0	Designs No. 15	12. Op applicatie voor nieuw adres van die woonadres
13. On application to correct clerical error	0 2 0	Designs No. 16	13. Op applicatie voor fout
14. On application by proprietor or his representative for cancellation	0 2 0	Designs No. 17	14. Op applicatie van en tegenwoordige voor
15. On application for search under section 92 when registration number is supplied	0 2 0	Designs No. 18	15. Op applicatie voor in tikel twee en negentig nummer verstrekt w
16. On application for search under section 92 when registration number is not supplied	0 5 0	Designs No. 19	16. Op applicatie voor in kel twee en negentig w trationummer verstre
17. On application for search under Rule 60	0 5 0	Designs No. 20	17. Op applicatie voor regel 60.
18. On application for Certificate of Registrar for legal proceedings or other special purpose	0 5 0	Designs No. 21	18. Op applicatie voor ce trateur voor rechtsge ciaal doel
19. On notice to Registrar of intended exhibition of an unregistered design	0 5 0	Designs No. 22	19. Op kennisgeving aar voorgenomen tentoc ongeregistreerd mod
20. On appeal from Registrar to Court, in respect of each decision appealed against	1 0 0	Designs No. 23	20. Op appel van Registr aanzien van elke gear
21. For each entry in the register of an alteration in pursuance of an Order of Court	0 10 0	Designs No. 24	21. Voor elke inschrijv van een verandering der van t Hof
22. Inspection of register or design where inspection is permitted, except inspection under the second paragraph of section 91 (1) of the Act, for each quarter of an hour	0 1 0		22. Inzage van register q geoorloofd is, behalv van artikel een en n Wet, voor elke vijftie
23. Office copy of design	Cost according to agreement.		23. Gecertificeerd afschr
24. For office copy of documents, every 100 words	0 1 0		24. Voor gecertificeerd documenten elke 100 wou
25. For photostatic copy (size 8 inches by 10 inches) of any document or design, per sheet	0 1 0		25. Voor photostaatafdr ment of made (gro quum per bladzijd

0 for collating documents for certification for every 100 words for part thereof 6d.  
 (Certified by Gov. Notice No. 498 of 8/1/44 page 1498)

SECOND SCHEDULE.

TWEE

FORMS.		Corres-ponding Fee.	Onderu
Subject.			
Application for registration of design, except articles in classes 9 and 15	£0 10 0	or 0 1 0	Applikatie voor registratie van klasse 9 en 15
Application for registration of set of designs, not being lace	1 0 0	or 0 1 0	Applikatie voor registratie van werk
Application of registration of a design to be applied to lace	0 2 0	or 0 1 0	Applikatie voor registratie van werk
Application for registration of design to be applied to a set of lace articles	0 4 0	or 0 1 0	Applikatie voor registratie van werkartikels
Request for statement of grounds of decision under rule 33	0 5 0		Verzoek om opgave van gronden
Certificate of registration			Certifikaat van registratie
Extension of copyright for second period	1 0 0		Verlenging van auteursrecht vo
Application for extension of copyright for third period	0 10 0		Applikatie voor verlenging van a
Extension of copyright for third period	1 10 0		Gemeenschappelijk verzoek van
Joint request by registered proprietor and assignee, etc., to enter the name of assignee, etc., in the register	Same as registration fee		cessionaris enz. om meenr enz. in register
Joint request by registered proprietor and assignee of design in class 9 to enter the name of assignee in the register			Gemeenschappelijk verzoek van
Request to enter name of subsequent proprietor, etc., in the register under rule 44	0 10 0		cessionaris van model in klasse van cessionaris in register
Form of affidavit in support of statement of case accompanying Form Designs No. 12.			Kormulier van beëdigde verklan van zaak gevoegd bij Model
Form of application under rule 49 to vacate entry of name of mortgagee or licensee in register	0 2 0		Formulier van applikatie onde inschrijving van naam van in 't register.
Form of application for alteration of address or address for service in register	0 2 0		Formulier van applikatie voor v van diening in 't register
Form of request for correction of clerical error in application to register, or for correction of clerical error under section 162 (2)	0 2 0		Formulier van verzoek om herst voor registratie, of voor her kel honderd twee en zestig (2)
Form of application by registered proprietor to cancel entry in register	0 2 0		Formulier van applikatie van rojering van inschrijving in
Request for search under section 92 when registration number is supplied	0 2 0		Verzoek om informatie onder ar registratienummer veruvel
Request for search under section 92 when registration number is not supplied	0 5 0		Verzoek om informatie onder ar registratienummer niet ve
Request for search under rule 60	0 5 0		Verzoek om informatie onder r
Request for certificate for use in legal proceedings or other special purpose	0 5 0		Verzoek om certifikaat ten die speciaal doel.
Notice of intended exhibition of an unregistered design	0 5 0		Kennisgeving van voorgenome treerd model.
Application for registration of a design in class 15	0 2 0		Applikatie voor registratie van e
Appeal from Registrar to the Court	1 0 0		Appèl van Registrateur naar t
Request for the register to be altered in pursuance of an Order of the Court	0 10 0		Verzoek om verandering van Order van 't Hof

de You Gazette No 824 of  
5/42 (page 500) 312

DESIGNS  
10s.

FORM DESIGNS No. 1.  
*Patents, Designs, Trade Marks, and Copyright Act*  
1916.

APPLICATION FOR REGISTRATION OF DESIGN  
(EXCEPT ARTICLES IN CLASSES 9 AND 15.)

- (a) Here insert legibly the name, address, and calling of the individual, firm, or company.
- (b) In the case of Class 13 or Class 14, state the kind of goods, i.e. "piece goods" or "handkerchiefs and shawls".
- (c) Here insert (if required) the name of the Union Province, or Country outside the Union.

You are hereby requested to register the accompanying design in Class....., in the name of (a).....  
of.....  
who claims to be the proprietor thereof.  
The design is to be applied to (b).....  
The design was registered in..... (c) under No..... on the..... day of..... 19.....  
(Signed).....  
Dated this..... day of..... 19.....  
Address for service in the Union:.....

To the Registrar,  
The Designs Office, Pretoria.  
N.B.—FOUR exactly similar representations or specimens of the design should accompany this form.

DESIGNS  
£1.

FORM DESIGNS No. 2.  
*Patents, Designs, Trade Marks, and Copyright Act*  
1916.

APPLICATION FOR REGISTRATION OF DESIGN  
TO BE APPLIED TO A SET (NOT BEING LACE).

- (a) Here set out the trade description of the articles in the set, as "A toilet set."
- (b) Here insert legibly the name, address, and calling of the individual, firm, or company.
- (c) Here insert (if required) the name of the Union Province or Country outside the Union.

You are hereby requested to register the accompanying design for (a).....  
being a set of articles in Class....., in the name of (b).....  
of.....  
who claims to be the proprietor thereof.  
The design is to be applied to.....  
The design was registered in..... (c) under No..... on the..... day of..... 19.....  
(Signed).....  
Dated this..... day of..... 19.....  
Address for service in the Union:.....

To the Registrar,  
The Designs Office, Pretoria.  
N.B.—FIVE exactly similar representations or specimens of the design should accompany this form.

MODELFORMULIER No. 1.  
*Wet op Patenten, Modellen, en Rechten, 1916.*

APPLIKATIE VOOR REGISTRASIE  
(MET UITZONDERING VAN DE KLASSE 9 EN 15).

Gij wordt mits deze verzoeken in klasse..... te streken in klasse.....  
van.....  
die beweert eigenaar daarvan te zijn.  
Het model zal worden toegepast.  
Het model was geregistreerd No..... op de..... dag van..... (Handtekening).....  
Gedaan op heden de..... dag van.....  
Adres van diening in de Unie.....  
Aan de Registrateur,  
Het Kantoor van Modellen, Pretoria.  
N.B.—Vier nauwkeurig overgenomen of proefekemplaren van dit formulier gevoegd te worden.

MODELFORMULIER No. 2.  
*Wet op Patenten, Modellen, en Rechten, 1916.*

APPLIKATIE VOOR REGISTRASIE VAN EEN SET VAN ARTIKELEN  
TE WORDEN TOEGEPAST ZIJNDE KANWERK.

Gij wordt mits deze verzoeken in klasse..... te streken in klasse.....  
(a).....  
zijnde een stel artikelen in klasse..... name van (b).....  
van.....  
die beweert eigenaar daarvan te zijn.  
Het model zal worden toegepast.  
Het model werd geregistreerd No..... op de..... dag van..... (Handtekening).....  
Gedaan op heden de..... dag van.....  
Adres voor diening in de Unie.....  
Aan de Registrateur,  
Het Kantoor van Modellen, Pretoria.  
N.B.—Vijf nauwkeurig overgenomen of proefekemplaren van dit formulier gevoegd te worden.

DESIGNS  
2s.

FORM DESIGNS No. 3.  
*Patents, Designs, Trade Marks, and Copyright Act,*  
1916.

APPLICATION FOR REGISTRATION OF DESIGN  
IN CLASS 15.

(a) Here insert legibly the name, address, and calling of the individual, firm, or company.

You are hereby requested to register the accompanying design (without search) in Class 15, in the name of (a).....

of ..... who claims to be the proprietor thereof.

This design consists substantially of the checks or stripes only.

(b) Here insert (if required) the name of the Union Province, or Country outside the Union.

The design was registered in..... (b) under No..... on the..... day of..... 19.....

(Signed).....

Dated this..... day of..... 19.....

Address for service in the Union : .....

To the Registrar,  
The Designs Office, Pretoria.

N.B.—Four exactly similar representations or specimens of the design should accompany this form.

DESIGNS  
2s.

FORM DESIGNS No. 4.  
*Patents, Designs, Trade Marks, and Copyright Act,*  
1916.

APPLICATION FOR REGISTRATION OF A LACE  
DESIGN IN CLASS 9.

(a) Here insert legibly the name, address, and calling of the individual, firm, or company.

You are hereby requested to register the accompanying Lace design (without search) in Class 9, in the name of (a).....

of ..... who claims to be the proprietor thereof.

(b) Here insert (if required) the name of the Union Province, or Country outside the Union.

The design was registered in..... (b) under No..... on the..... day of..... 19.....

(Signed).....

Dated this..... day of..... 19.....

Address for service in the Union : .....

To the Registrar,  
The Designs Office, Pretoria.

N.B.—Four exactly similar representations or specimens of the design should accompany this form.

MODELFORMULIER No.  
*Wet op Patenten*

APPLIKATIES VOOR

Gij wordt mits de (zonder onderzoek) te registreren

van .....

die beweert eigenaar te zijn. Dit model bestaat in één exemplaar.

Dit model werd geregistreerd op de.....

No..... op de..... (Handtekening)

Gedaan op heden de.....

Adres voor diening .....

Aan de Registrateur,  
Het Kantoor van M.....

N.B.—Vier nauwkeurig afgetrokken of proefeksemplaren van het formulier gevoegd te worden.

MODELFORMULIER No.  
*Wet op Patenten*

APPLIKATIES VOOR  
KANTWERK

Gij wordt mits deze (zonder onderzoek) te registreren van .....

van .....

die beweert eigenaar te zijn. Het model werd geregistreerd op de.....

No..... op de..... (Handtekening)

Gedaan op heden de.....

Adres voor diening .....

Aan de Registrateur,  
Het Kantoor van M.....

N.B.—Vier nauwkeurig afgetrokken of proefeksemplaren van het formulier gevoegd te worden.



FORM DESIGNS No. 5.  
Patents, Designs, Trade Marks, and Copyright Act,  
1916.

MODELFORMULIER  
Wet op Patenten.

APPLICATION FOR REGISTRATION OF A LACE  
DESIGN IN CLASS 9 TO BE APPLIED TO A SET

APPLIKATIE  
KANTWERK  
TOEGEPAST

You are hereby requested to register (without search) the accompanying design for a set of lace articles in Class 9, in the name of (a) \_\_\_\_\_ of \_\_\_\_\_ who claims to be the proprietor thereof.

(a) Here insert legibly the name, address and calling of the individual, firm, or company.  
(b) Here insert (if required) the name of the Union, Province, or Country outside the Union.

The design was registered in \_\_\_\_\_ (b) under No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ (Signed) \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
Address for service in the Union: \_\_\_\_\_

To the Registrar,  
The Designs Office, Pretoria.

N.B.—Five exactly similar representations or specimens of the design should accompany this form.

Gij wordt mits u stel kantwerk aan te klasse 9, ten name van \_\_\_\_\_ die beweert eigenaar Het model werd No. \_\_\_\_\_ op de \_\_\_\_\_ (Ha Gedaan op heden Adres van dienr

Aan de Registrateur Het Kantoor van N.B.—Vijf nauw of, proefeksemplare mulier gevoegd te



FORM DESIGNS No. 6.  
Patents, Designs, Trade Marks, and Copyright Act,  
1916.

MODELFORMULIER  
Wet op Patenten.

REQUEST FOR STATEMENT OF GROUNDS OF  
DECISION UNDER RULE 33.

VERZOEK OM  
BESLISS

Application for Design No. \_\_\_\_\_  
In Class \_\_\_\_\_

You are hereby requested, under Rule 33 of the Designs Rules, 1917, to state in writing the grounds of your decision and the materials used by you in arriving at such decision.

(Signed) \_\_\_\_\_  
(Address) \_\_\_\_\_  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

To the Registrar,  
The Designs Office, Pretoria.

Gij wordt mits u de Modellen-Regel gronden voor uw be- om tot zodanige bes (Han (Adr Gedaan op heden Aan de Registrateur Het Kantoor van

D.O. No. 1

Form D.O. No. 1.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

SEAL OF  
DESIGNS  
OFFICE.

CERTIFICATE OF REGISTRATION OF DESIGN.

Rd. No. ....  
The Designs Office, Pretoria.

This is to certify that the Design, of which a copy is annexed has been registered as of the ..... day of ....., in respect of the application of such Design to articles comprised in Class ....., in pursuance of and subject to the provisions of the Patents, Designs, Trade Marks, and Copyright Act, 1916, and the Designs Rules, 1917.

Registrar

FORM DESIGNS No. 7.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

DESIGNS

£1.

EXTENSION OF COPYRIGHT IN DESIGN FOR THE SECOND PERIOD OF FIVE YEARS.

In accordance with the provisions of Section 87 (2) of the Patents, Designs, Trade Marks, and Copyright Act, 1916, the prescribed fee of £1 for the extension of the copyright in the Design No. .... in Class ..... is hereby lodged.

Dated this ..... day of ..... 19.....

To the Registrar,  
The Designs Office, Pretoria.

N.B.—This Form must be endorsed with the name and address of the person lodging the same.

FORM DESIGNS No. 8.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

DESIGNS

10s.

APPLICATION FOR EXTENSION OF COPYRIGHT FOR THE THIRD PERIOD OF FIVE YEARS.

I, ....., the registered proprietor of Design No. .... in Class ....., hereby apply that the Copyright in the Design in question may be extended for a third period of five years in accordance with the provisions of Section 87 (3) of the Patents, Designs, Trade Marks, and Copyright Act, 1916.

(Signature) .....

(Address) .....

Dated this ..... day of ..... 19.....

To the Registrar,  
The Designs Office, Pretoria.

FORMULIER M  
Wet op Patente

CERTIFIKAA

Reg. No. ....

Het Kantoor

Hiermede wordt een kopie aangedag van zodanig model geregistreerd is in de Wet op Patente recht, 1916, en

MODELFORMULIER

Wet op Patenten

VERLENGING

MODEL VOOR

VIJF JAREN.

Overeenkomstig de Wet op Patente recht, 1916, wordt verlenging van 't in klasse ..... bij

Gedaan op hede

Aan de Registrateur  
Het Kantoor van

N.B.—Op dit formulier moet het adres van de

MODELFORMULIER

Wet op Patenten,

APPLIKATIE VOOR

AUTEURSRECHT

DERDE TIJD

Ik, .....

Model No. .... in

verlenging van het

voor een derde tijd

bepalingen van artikel

Modellen, Handels

(Hand

Gedaan op heden

Aan de Registrateur

Het Kantoor van



DESIGNS  
£1. 10s.

FORM DESIGNS No. 9.

Patents, Designs, Trade Marks, and Copyright Act  
1916.

EXTENSION OF COPYRIGHT IN DESIGN FOR  
THE THIRD PERIOD OF FIVE YEARS.

In accordance with your notice of the.....  
the prescribed fee of £1 10s. for the extension of the  
copyright in the Design No.....in Class.....  
for a third period of five years is hereby lodged.

Dated this.....day of.....19.....

To the Registrar,  
The Designs Office, Pretoria.

N.B.—This Form must be endorsed with the name  
and address of the person lodging the same.

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DESIGNS  
Fee: Item 9.

FORM DESIGNS No. 10.

Patents, Designs, Trade Marks, and Copyright Act,  
1916.

JOINT REQUEST BY REGISTERED PROPRIETOR  
AND ASSIGNEE OR MORTGAGEE OR LICENSEE,  
ETC., TO ENTER THE NAME OF ASSIGNEE, ETC.,  
IN THE REGISTER OF DESIGNS UNDER RULE  
43.

- (a) Name of registered proprietor.
- (b) Address of registered proprietor.
- (c) Name of assignee, etc.
- (d) Address of assignee, etc.
- (e) Name of assignee, etc.
- (f) Trade or business of assignee, etc.
- (g) Business address of assignee, etc.
- (h) Signature of registered proprietor.
- (i) Signature of assignee, etc.

We, (a)....., of (b).....  
and (c)....., of (d).....

hereby request under Rule 43 of the Designs Rules, 1917  
that the name of (e).....  
carrying on business as (f)....., at (g).....

....., may be entered in the Register of  
Designs as proprietor (or mortgagee or licensee, or as  
the case may be) of the Design No.....in Class

Dated this.....day of.....19.....

(h).....

(i).....

Address for service in the Union :

To the Registrar,  
The Designs Office, Pretoria.

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FORM DESIGNS No. 11.

DESIGNS  
Fee: Item 9.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

JOINT REQUEST BY REGISTERED PROPRIETOR AND ASSIGNEE OF DESIGN IN CLASS 9 TO ENTER NAME OF ASSIGNEE IN THE REGISTER OF DESIGNS.

I [or we], the undersigned registered proprietor(s) of Design No. .... in Class 9, do hereby inform you that the proprietorship in the said Design has been sold to and acquired by\* .....

\* Name of assignee.  
† Address and calling of assignee.

and I [or we] request the Registrar to enter the name of the said ..... as registered proprietor(s) in place of my [or our] name at present appearing in the Register.

(Signed) .....

Dated this ..... day of ..... 19.....

And I [or we], the said ..... hereby confirm the above statement, and concur in the said request.

(Signed) .....

Address for service in the Union: .....

To the Registrar,  
The Designs Office, Pretoria.

FORM DESIGNS No. 12.

DESIGNS  
10s.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR OR OF MORTGAGEE OR OF LICENSEE, ETC., OF DESIGN, IN THE REGISTER UNDER RULE 44.

(a) Or We. Here insert name, address, and calling.  
(b) My or our.  
(c) Or names.

I (a) .....

hereby request that you will enter (b) ..... name (c) in the Register of Designs as proprietor (or mortgagee, or licensee, or as the case may be) of the design No. .... in Class .....

(d) I am or We are.  
(e) My or our.

(d) ..... entitled ..... to the said design. Accompanying this request is a statement of

(e) ..... case .....

\* Signature .....

Dated this ..... day of ..... 19.....

Address for service in the Union: .....

To the Registrar,  
The Designs Office, Pretoria.

MODELFORMULI

Wet op Patente

GEMEENSCHAPPELIJK  
STREELIJK  
MODEL I.  
NAAM VAN  
VAN MOIJ

Ik (of wij)  
No. ....  
domsrecht op  
is door  
van .....

en ik (of wij)  
gezegde  
als geregistreerd  
mijn (of onze)

Gedaan op  
En ik (of  
bevestig(en) h  
(men) toe in t

Adres van d

Aan de Registratie  
Het Kantoor

MODELFORMULI

Wet op Patente

VERZOEK OM  
ONDERZOEK  
NAAR OF N  
TIEHOUD

Ik (a) .....

verzoeken u bij  
van Modellen i  
houder(s), of lic  
van het model  
(d) ..... ge  
bij dit verzoek is

Gedaan op he  
Adres van die

Aan de Registratie  
Het Kantoor

FORM DESIGNS No. 13.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

FORM OF AFFIDAVIT (ONLY TO BE FURNISHED WHEN REQUESTED BY REGISTRAR) IN SUPPORT OF STATEMENT OF CASE ACCOMPANYING FORM DESIGNS No. 12.

I, ... of ... do hereby solemnly and sincerely declare that the particulars set out in the statement of case, exhibit marked ..., and left by me in connection with my request to be registered as ... of the design No. ... in Class ..., are true and comprise every material fact and document affecting the above claim. And I make this solemn declaration conscientiously believing the same to be true.

(a) To be signed here by the person making the declaration.

(a) Sworn/Declared at this ... day of ... 19 ... Before me,

(b) Signature and title of the authority before whom the declaration is made.

To the Registrar, The Designs Office, Pretoria.

DESIGNS 2s.

FORMS DESIGNS No. 14.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

FORM OF APPLICATION UNDER RULE 49 TO VACATE ENTRY OF NAME OF MORTGAGEE OR LICENSEE IN REGISTER.

Design No. ..., Class ... Name of Registered Proprietor ... Place of Business ... Description ...

I, the undersigned, ... [or I, the undersigned, a member of the Firm of ... of ... on behalf of my said Firm] ... apply that the entry of my [or our] name in the Register of Designs as ... of the design No. ... in Class ... may be vacated.

Signature

Dated this ... day of ... 19 ...

To the Registrar, The Designs Office, Pretoria.

MODELFORM Wet op Pat.

VORM VAN OP VERZ DEN VEI VOODR LIER No

Ik ... van ... verklaar bij ... zonderheden merkt ... verzoek om te het model No zake dienend verzoek.

En ik maai dat zij waar is Bezwoeren/Ven op heden de

Aan de Regis Het Kantoo

MODELFORMUL Wet op Paten

VORM VAN / DOORHAL OF LICEN

Moc Naa Bez Nao

Ik, de onder van [of Ik, de onder lid van de firm van ... namens mijn fi verzoek dat m Modellen als in Klasse

Gedaan op 1 Aan de Registr Het Kantoor



DESIGNS.  
2a.

FORM DESIGNS No. 17.  
*Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF APPLICATION BY REGISTERED PROPRIETOR OF DESIGN TO CANCEL ENTRY IN REGISTER.

Design No....., Class.....  
Name of Registered Proprietor.....  
Place of Business.....  
Description .....

I, the undersigned,.....  
of .....  
[or I, the undersigned,.....  
a member of the Firm of.....  
of .....  
on behalf of my said Firm].....  
apply that the entry in the Register of Designs of the  
Design No..... in Class..... may be cancelled  
[or cancelled in respect of.....].

\*Signature.

Dated this..... day of..... 19.....

To the Registrar,  
The Designs Office, Pretoria.

DESIGNS.  
2a.

FORM DESIGNS No. 18.  
*Patents, Designs, Trade Marks, and Copyright Act, 1916.*

REQUEST FOR SEARCH UNDER SECTION 92 WHEN REGISTRATION NUMBER IS SUPPLIED.

S 92  
Rule 59

I hereby request that I may be given such information as I may be entitled to under Section 92 of the Patents, Designs, Trade Marks, and Copyright Act, 1916, with respect to the design registered under the No.....

(Signed).....  
(Address) .....

Dated this..... day of..... 19.....

To the Registrar,  
The Designs Office, Pretoria.

MODELFORMUL  
Wet op Patent

VORM VAN A  
DE EIGENA  
IN REGISTE

Mode  
Naam  
Bezig  
Nade

Ik, de onderge  
van  
[of Ik, de onderge  
lid van de firma  
van  
verzoek dat insch  
model No.....  
doorgehaald ten e

Gedaan op heden  
Aan de Registrateur  
Het Kantoor van

MODELFORMUL  
Wet op Patent

VERZOEK OM I  
92. WANNEER  
STREKT WORL

Ik verzoek bij de  
waartoe ik gerechtig  
Patenten, Modellen, I  
verstrek worden ten  
onder No.....

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FORM DESIGNS No. 19.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

REQUEST FOR SEARCH UNDER SECTION 92 WHEN REGISTRATION NUMBER IS NOT SUPPLIED.

I hereby request that a search may be made in Class ..... in respect of the design (annexed hereto in duplicate) and that I may be given such information as I may be entitled to under Section 92 of the Patents, Designs, Trade Marks, and Copyright Act, 1916.

(Signed) .....  
(Address) .....

Dated this ..... day of ..... 19.....

To the Registrar,  
The Designs Office, Pretoria.

Sect 92  
Rule 59

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FORM DESIGNS No. 20.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

REQUEST FOR SEARCH UNDER RULE 60.

I hereby request that a search may be made in Class ..... and that I may be informed whether the Design (annexed hereto) to be applied to .....

is or is not, in the Registrar's opinion, identical with or an obvious imitation of any registered design applied to such goods of which the copyright is still existing.

(Signed) .....  
(Address) .....

Dated this ..... day of ..... 19.....

To the Registrar,  
The Designs Office, Pretoria.

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Rule 60

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FORM DESIGNS No. 21.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

REQUEST FOR CERTIFICATE FOR USE IN LEGAL PROCEEDINGS OR OTHER SPECIAL PURPOSE.

\* Here state the purpose for which the certificate is required, i.e., whether for use in legal proceedings (if so, state title of proceedings) or for what other purpose.

X Design No. .... registered in Class ..... in the name of .....

I, ..... of ..... the registered proprietor of the above Design, hereby request you to furnish me with your Certificate for use in .....

Signature

Dated this ..... day of ..... 19.....

To the Registrar,  
The Designs Office, Pretoria.

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FORM DESIGNS No. 24.

Patents, Designs, Trade Marks, and Copyright Act, 1916.

REQUEST FOR THE REGISTER TO BE ALTERED  
IN PURSUANCE OF AN ORDER OF THE COURT.

Design No.....in Class.....

I hereby request you to alter the entry in the Register  
of Designs in accordance with the terms of the Order of  
the Court dated....., an office copy of  
which is sent herewith.

(Signed).....

(Address) .....

Dated this.....day of.....19.....

To the Registrar,  
The Designs Office, Pretoria.

THIRD SCHEDULE.

CLASSIFICATION OF GOODS.

CLASS 1.—Articles composed wholly of metal or in  
which metal predominates, not included in Class 2.

CLASS 2.—Jewellery.

CLASS 3.—Articles composed wholly of wood, bone,  
ivory, paper maché, or other solid substances not in-  
cluded in other classes, or of materials in which such  
substances predominate.

CLASS 4.—Articles composed wholly of glass, earthen-  
ware, or porcelain, bricks, tiles, or cement, or in which  
such materials predominate.

CLASS 5.—Articles composed wholly of paper (except  
paper-hangings), card-board, mill-board, or straw-board,  
or in which such materials predominate.

CLASS 6.—Articles composed wholly of leather or in  
which leather predominates, and bookbinding of all  
materials.

CLASS 7.—Paper-hangings.

CLASS 8.—Carpets and rugs in all materials, floor-cloths,  
and oilcloths.

CLASS 9.—Lace.

CLASS 10.—Hosiery.

CLASS 11.—Millinery and wearing apparel, including  
boots and shoes.

CLASS 12.—Ornamental needlework on muslin or other  
textile fabrics.

CLASS 13.—Printed or woven designs on textile piece  
goods (other than checks or stripes).

CLASS 14.—Printed or woven designs on handkerchiefs  
and shawls (other than checks or stripes).

CLASS 15.—Printed or woven designs (on textile piece  
goods or on handkerchiefs or shawls) being checks or  
stripes.

CLASS 16.—Goods not included in other classes.

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GOVERNMENT NOTICE No. 1544 of 1916

THE TRADE MARK RULES, 1917.

(AS AMENDED BY GOVERNMENT NOTICES Nos. 885 of 1919; 475 of 1933; 316 of 1934; 1851 of 1938, ~~and~~ 100 of 1942; 822 of 1942, 868 of 1949 and 574 of 1957.

HIS EXCELLENCY THE GOVERNOR-GENERAL has, under the powers vested in him by section one hundred and ninety-two (2) of Act No. 9 of 1916 (The Patents, Designs, Trade Marks, and Copyright Act, 1916), been pleased to make the regulations, and to prescribe the tariff, hereunder set forth:—

PRELIMINARY.

1. These regulations (hereinafter referred to as "these rules") may be cited as the Trade Marks Rules, 1917, and shall come into operation contemporaneously with the coming into operation of Chapter III of Act No. 9 of 1916.

INTERPRETATION.

2. Unless the context otherwise requires—  
any expression to which a meaning has been assigned by any provision of the Act for the purposes thereof shall when used in these rules, have the same meaning;  
"office" means the Trade Marks Office established under the Act;  
"the Act" means Act No. 9 of 1916 <sup>as amended by ACT 19 OF 1947</sup> and in the interpretation of these rules the Interpretation Act, 1910 (Act No. 5 of 1910), shall apply.

*in means the Union of South Africa Official Journal of Patents, Designs, Trade marks and Copyright.*

FEEES.

3. The fees to be paid in pursuance of the Act shall be the fees specified in the First Schedule to these rules. All such fees shall be payable by means of revenue stamps.

FORMS.

4. The forms herein referred to are the forms contained in the Second Schedule to these rules, and such forms shall be used in all cases to which they are applicable, and shall be modified as directed by the Registrar to meet other cases.

CLASSIFICATION OF GOODS

*and of registration of registered users*

5. For the purposes of trade marks registration, and of these rules goods are classified in the manner appearing in the Third Schedule hereto.

If any doubt arises as to what class any particular description of goods belong to, the doubt shall be determined by the Registrar.

*T.M. Amendment Rules 1949.*

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## DOCUMENTS.

6. Subject to any other directions that may be given by the Registrar, all applications, notices, counter-statements, papers having representations affixed, or other documents required by the said Act or by these rules to be left with or sent to the Registrar, shall be upon foolscap paper of a size of approximately 13 inches by 8 inches, and shall have on the left-hand part thereof a margin of not less than one inch and a half.

7. (a) Any application, statement, notice or other document authorized or required to be left, made, or given at the office or to or with the Registrar may be sent through the post; any such document so sent, shall not be deemed to have been duly sent unless and until it is actually received in the office.

(b) Any statement, notice or other document authorized or required to be left, made, or given with or to any person other than the Registrar may be sent through the post; any document so sent shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post. A letter addressed to the registered proprietor of a trade mark at his address as it appears on the register or address for service, or to any applicant for or person opposing the registration of a trade mark at the address appearing in the application or notice of opposition or given for service as hereinafter provided shall be deemed to be sufficiently addressed.

8. Where any person is by the said Act or these rules bound to furnish the Registrar with an address the following provisions shall apply:—

The address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of business of the person whose address is given.

When a person does not reside in a town with streets, the Registrar may require the address to include all indications which he thinks necessary for such purpose so far as it can be attained.

When an applicant resides in a town where there are streets, the address given shall include the name of the street, and the number in the street or name of premises, if any.

*registered user, assignment or transmission*  
 T.M. Amendment  
 Rules 1949  
 9. Every applicant for the registration of any trade mark, and every opponent to such registration, ~~or agent~~, who does not reside or carry on business in the Union, shall, if so required, give an address for service in the Union, and such address may be treated as the actual address of such applicant, opponent, ~~or agent~~ for all purposes connected with such application for registration or the opposition thereto.

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The Registrar may require the proprietor of a registered trade mark who does not reside or carry on business within the Union to give an address for service within the Union, and such address may be treated as the actual address of the proprietor for all purposes connected with such trade mark.

or applicant.

## AGENTS.

10 (a) All communications to the Registrar relating to trade marks or trade mark applications may be signed by and all attendances upon the Registrar may be made through an attorney of the Court or patent agent resident or carrying on business in the Union and duly authorized to the satisfaction of the Registrar. In any particular case the Registrar may, if he thinks fit, require the personal signature or presence of an applicant, opponent or other person.

(b) Service upon such attorney or patent agent of any document relating to such trade mark or trade mark application shall be deemed to be service upon the person so appointing him and all communications directed to be made to such person may (save for the purposes of Rule 62) be addressed to such attorney or patent agent.

## REGISTRABLE TRADE MARKS.

11. Except in the case of a trade mark properly registered under a Provincial Trade Mark Act, the Registrar may refuse to accept any application upon which the following appear:—

- (a) The words "Patent," "Patented," or "By Royal Letters Patent," "Registered," "Registered Design," "Copyright," "Entered at Stationer's Hall," "To counterfeit this is forgery," or words to like effect;
- (b) representations of Their Majesties or of any member of the Royal Family;
- (c) representations of the Royal Arms or Royal crests or of the Arms or Seal of the Union or of any Province of the Union, or arms or crests so nearly resembling them so as to lead to mistake, or of British Royal crowns, or of the British or Union national flags, or the word Royal or any other words, letters, or devices calculated to lead persons to think that the applicant has Royal or Government patronage or authorization.

12. Where representations of the arms, insignia, decorations or flags of a State or place appear on a mark, the Registrar may call for such justification as he may deem necessary for their use.

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T.M. AMENDMENT  
RULES 1949.

13. Where a representation of the arms or emblems of any city, borough, town, place, society, body corporate, or institution appears on a mark, the applicant shall, if so required, furnish the Registrar with a consent from such official as the Registrar may consider entitled to give consent to the use of such arms or emblems.

14. Where the names or representations of living persons appear on a trade mark, the Registrar shall, if he so require, be furnished with consents from such persons before proceeding to register the mark. In the case of persons recently dead the Registrar may call for consents from their legal representatives before proceeding with registration of a trade mark on which their names or representations appear.

15. Where the name or a description of any goods appears on a trade mark the Registrar may refuse to register such mark in respect of any goods other than the goods so named or described.

16. Where the name or a description of any goods appears on a trade mark which name or description in use varies the Registrar may permit the registration of the mark with the name or description upon it for goods other than those named or described, the applicant stating in his application that the name or description varies.

APPLICATION FOR REGISTRATION.

17. If application for registration of a trade mark be made by a firm or partnership it may be signed in the name or for and on behalf of the firm or partnership by any one or more members thereof, but the names of all the partners shall be given in the body of the application.

If the application be made by a body corporate it may be signed by a director or by the secretary or other principal officer of such body corporate.

18. The application shall be made on Form T.M. No. 1, and shall specify the goods or classes of goods in respect of which the trade mark is or is intended to be used, provided that in the case of an application for registration in respect of all the goods included in a class, or of a large variety of goods, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if and when it is registered.

A separate and distinct application is required for each class of goods.

(2) NEW T.M. SUB-REGULATION INSERTED BY AMENDMENT RULES 1949.

19. On or after receipt of the application the Registrar shall furnish the applicant with an acknowledgment thereof.

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20. Where application is made to register a trade mark, falling within the proviso of section *ninety-nine* of the Act, the application shall contain a statement of the time during which and by whom it has been used in respect of the goods mentioned in the application. The Registrar may require an affidavit verifying such user with exhibits showing the mark as used.

21. Every application for registration of a trade mark shall contain a representation of the mark affixed to it in the square which the Form T.M. No. 1 contains for that purpose.

Where the representation exceeds such square in size the representation shall be mounted upon linen, tracing cloth, or other material that the Registrar may consider suitable. Part of the mounting shall be affixed in the space aforesaid and the rest may be folded over.

*Reps*  
22. There shall be sent with every application for registration of a trade mark three additional representations of such mark on the Form T.M. No. 2, exactly corresponding to that affixed to the application Form T.M. No. 1, and noted with all such particulars as may from time to time be required by the Registrar. Such particulars shall, if required, be signed by the applicant or his attorney or patent agent.

23. All representations of marks must be of a durable nature, but the applicant may in case of need supply in place of representations on the Form T.M. No. 2, half sheets of strong foolscap of the size aforesaid with the representations affixed thereon, and noted as aforesaid.

24. Application for the registration of the same mark in different classes shall be treated as separate and distinct applications, and in all cases where a trade mark is registered under the same official number for goods in more than one class, the registration shall henceforth for the purposes of fees and otherwise be deemed to have been made on separate and distinct applications in respect of the goods included in each class.

25. The Registrar, if dissatisfied with any representation of a mark, may at any time require another representation satisfactory to him to be substituted before proceeding with the application.

26. Where a drawing or other representation or specimen cannot be given in manner aforesaid, a specimen or copy of the trade mark may be sent either of full size or on a reduced scale, and in such form as the Registrar may think most convenient.

27. The Registrar may also, in exceptional cases, deposit in the office a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he may think fit.

28. When a trade mark contains a word or words in other than Roman characters, there shall be endorsed on the application in Form T.M. No. 1, and on each of the accompanying representations in Form T.M. No. 2, a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such endorsement shall be signed by the applicant or his agent.

Where a trade mark contains a word or words in a language other than English or Dutch, the Registrar may ask for an exact translation thereof, and if he so requires such translation shall be endorsed and signed as aforesaid.

#### PROCEDURE ON RECEIPT OF APPLICATION.

29. Subject to the provisions for special applications under sub-section (e) of section *ninety-nine* of the Act, upon receipt of an application for registration the Registrar shall cause a search to be made amongst the registered marks and pending applications for the purpose of ascertaining whether there are on record any marks for the same goods or description of goods identical with the mark applied for or so nearly resembling it as to be calculated to deceive.

30. If after such search and a consideration of the application the Registrar thinks there is no objection to the mark being registered, he may accept it absolutely or subject to conditions, amendments, and modifications which he shall communicate to the applicant.

31. If after such search and consideration of the application any objections appear, a statement of those objections shall be sent to the applicant in writing, and unless within three months the applicant applies for a hearing, he shall be deemed to have withdrawn his application.

32. If the Registrar accepts an application subject to any conditions, amendments, or modifications, and the applicant objects to such conditions, amendments, or modifications, he shall within three months from the date of the communication notifying such acceptance apply for a hearing, and if he does not do so he shall be deemed to have withdrawn his application. If the applicant does not object to such conditions, amendments, or modifications, he shall forthwith notify the Registrar in writing.

33. The decision of the Registrar at such hearing as aforesaid shall be communicated to the applicant in writing, and if he objects to such decision, he may within three months apply upon Form T.M. No. 3, requiring the Registrar to state in writing the grounds of his decision and the materials used by him in arriving at the same.

Upon receipt of such form the Registrar shall send to the applicant such statement as aforesaid in writing, and the date

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when such statement is sent shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

34. The Registrar may call on an applicant to insert in his application such disclaimer as the Registrar may think fit in order that the public generally may understand what the applicant's rights, if his mark is registered, will be.

SPECIAL APPLICATIONS UNDER PARAGRAPH (e) OF SECTION ninety-nine OF THE ACT.

35. An application to register a name or signature under paragraph (e) of section ninety-nine of the Act shall be made on the Form T.M. No. 4, and not otherwise, provided that the Registrar may permit an application on Form T.M. No. 4 to be substituted for an application on Form T.M. No. 1 on payment of the same fee as is prescribed for an original application, provided further that in the case of an application for registration in respect of all the goods included in a class, or of a large variety of goods, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if and when it is registered.

36. Upon receipt of such an application the Registrar shall cause a search to be made amongst the registered marks and pending applications for the purpose of ascertaining whether there are on record any marks for the same goods or description of goods identical with the mark applied for or so nearly resembling it as to be calculated to deceive.

37. If after such search the Registrar thinks there are no such marks, he shall notify the applicant accordingly, but if after such search any such marks appear, he shall notify to the applicant the numbers of those marks.

38. (a) Within three months from the receipt of such notification the applicant shall send to the Registrar in writing a case in duplicate stating at length the grounds on which he relies in support of his application, and whether he desires the application to be considered by the Minister or by the Court. If he fails to do so his application shall be deemed to be withdrawn.

(b) Where the application is to be considered by the Minister the Registrar shall, as soon as may be, forward the application together with one copy of the said case and his report thereon to the Minister. The Registrar shall also send the applicant a copy of his report.

(c) Either the Registrar or the applicant may apply for a hearing to be held at a date and time to be fixed by the Law

zullende de datum van ver worden de datum te zijn voor de doeleinden van 34. De Registrateur kan applicatie zodanige disclaimer goedvindt, ten einde duidelijk te maken wat de als zijn merk geregistreer

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35. Een aanvrage registreren, onder para van de Wet moet worden No. 4, en niet anders, kan vergunnen dat er vervangen wordt door tegen betaling van de aanvrage voorgeschied het geval van een klasse alle de in een klasse verscheidenheid van de aanvrage naar de specificatie gerechtvaardigd dat de aanvrager ge wanneer het geregistreer

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Officer. The applicant shall have the right to adduce any oral evidence and the applicant and the Registrar shall have the right to advance any arguments at such hearing.

(d) The hearing shall be before the Law Officer and he shall submit all evidence and a summary of the argument together with his report to the Minister for his decision.

39. Upon receipt of the Minister's decision, the Registrar shall, as soon as may be, notify the same to the applicant.

40. If the applicant desires to obtain an order of the Court he shall within one month from sending to the Registrar his case as aforesaid bring the matter before the Court by motion, and if he does not do so he shall be deemed to have withdrawn his application.

41. If the Minister or the Court is of opinion that the application should proceed, the Minister or the Court may grant an order to that effect and the application shall be treated in all respects as if it were an ordinary application save that the Registrar shall deem the name or signature to be distinctive.

SPECIAL TRADE MARKS UNDER SECTION *one hundred and two* OF THE ACT.

42. Where an association or person desires to register a mark under section *one hundred and two* of the Act they shall apply to the Registrar in writing upon the Form T.M. No. 5, provided that in the case of an application for registration in respect of all the goods included in a class, or of a large variety of goods, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if and when it is registered.

43. Such application shall be in duplicate and shall be accompanied by four copies of the mark applied for.

44. Upon the receipt of such application the Registrar shall, as soon as may be, notify the same to the Minister together with his report upon the application, and shall at the same time send a copy of the application together with a copy of the mark applied for to the Minister. The Registrar shall also send the applicants a copy of his report, and within three months from the receipt of such report the applicants shall send the Minister in duplicate a case setting out the grounds upon which they rely in support of their application, and if they fail so to do their application shall be deemed to be abandoned.

45. Upon receipt of such case the Minister may call for such evidence, if any, as he thinks fit, and make an order determining whether and subject to what conditions, amendments or modifications, if any, the application may be permitted to proceed.

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46. If such application is permitted to proceed the mark shall be advertised and the application shall be treated in all respects as if it were an ordinary application, and it shall be open for opposition in the same way and all such proceedings shall be had thereon as if it were an application under section one hundred and ten of the Act.

#### ADVERTISEMENT OF APPLICATION.

47. Every application when accepted shall be advertised once in the *Gazette*. *PATENT OFFICE JOURNAL*.

If no representation of the trade mark be inserted in connection with the advertisement of an application, the Registrar shall refer in such advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.

48. For the purposes of such advertisement the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of the trade mark, or such dimensions as may from time to time be directed by the Registrar, or such other information or means of advertising the trade mark as may be directed by the Registrar; and the Registrar, if dissatisfied with the block or electrotype furnished by the applicant or his attorney or patent agent, may require a fresh block or electrotype before proceeding with the advertisement.

49. The advertisement of every application for the registration of a trade mark shall be at the applicant's expense.

50. Advertisements under section one hundred and eighteen (5) of the Act shall *mutatis mutandis* be made in the same manner as advertisements relating to an application for registration.

#### OPPOSITION TO REGISTRATION.

51. Any person may within two months after the date of the advertisement in the *Gazette* or *PATENT OFFICE JOURNAL* of an application for registration of a trade mark, or within such further time as the Registrar may allow, give notice in writing at the office of opposition to the registration.

52. Such notice shall be in Form T.M. No. 6, and shall contain a statement of the grounds upon which the opponent objects to the registration. If registration is opposed on the ground that the mark resembles marks already on the register, the numbers and dates of registration of such marks shall be set out. Such notice shall be accompanied by a duplicate which the Registrar will forthwith send to the applicant.

53. Subject to the provision of section one hundred and sixteen of the Act, the applicant shall, within one month from the receipt of such duplicate, send to the Registrar a counter-statement (Form T.M. No. 7) in writing setting out the grounds on which he relies as supporting his application. The

46. Als toegelaten wordt dan moet het merk bij de aanvraag in alle opzichten gewone aanvraag, was, dezelfde wijze en worden het een aanvraag was Wet.

#### BEKENDMAKING

47. Elke aanvraag in de Staatskoerant wordt geen afbeelding verboden met de bevestiging, dan zal de afbeelding naar de afbeelding van het

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applicant shall also set out what facts, if any, alleged in the Notice of Opposition, he admits. Such counter-statements shall be accompanied by a duplicate, in writing. Upon receipt of such counter-statement and duplicate the Registrar shall forthwith send the duplicate to the opponent.

54. In case of opposition to the registration of a trade mark, the Registrar may, at the request of the parties or otherwise, order that all or any part of the evidence shall be taken *viva voce* or by affidavit and may give such directions as are required in that behalf, but, in the absence of any direction by the Registrar, the evidence in any such case shall be by affidavit and shall be given as follows:—

- (a) Within one month after the receipt of the duplicate counter-statement the opponent shall leave at the Trade Marks Office the evidence he adduces in support of his opposition, and deliver to the applicant copies thereof.
- (b) Within one month after the delivery to the applicant of the opponent's evidence, the applicant shall leave at the Trade Marks Office his evidence in answer and deliver to the opponent copies thereof.
- (c) Within fourteen days after the delivery of the applicant's evidence the opponent shall leave at the Trade Marks Office his evidence in reply, and deliver to the applicant copies thereof. The last-mentioned evidence shall be confined to matters strictly in reply.
- (d) No further evidence shall be left on either side except by leave of the Registrar upon the written consent of the parties or by special leave of the Registrar given on an application made to him. Either party making the application shall give notice thereof to the opposite party, who shall be entitled to oppose the application. Leave to file further evidence may be given upon such terms as to costs or otherwise as the Registrar may think fit.
- (e) Where exhibits are referred to in an affidavit but not attached thereto, the party adducing the evidence shall send the originals to the Trade Marks Office and, if so directed by the Registrar, shall furnish copies or impressions thereof to the other party.

55. If the opponent fails, within the time allowed, to file evidence in support of his opposition, or to state that he intends to rely on the facts stated in the notice of opposition, the opposition shall be deemed to have been abandoned.

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56. If the applicant fails, within the time allowed, to file evidence in answer to opponent's affidavits, or to state that he intends to rely upon the documents lodged with the application, the application shall be deemed to have been abandoned.

57. The Registrar may extend the periods laid down in Rules 54-56 on application made to him. The party making such application shall give seven days' notice to the Registrar and to the other party who shall be entitled to oppose the application, save as provided in the following rule.

58. Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, if he think fit, without granting the said party a hearing, grant any reasonable extension of time to the other party within which to take any subsequent step.

59. Upon completion of the evidence the Registrar shall give notice to the parties of a date when he will hear the arguments in the case. Such appointment shall be for a date at least fourteen days after the date of the notice, unless the parties consent to a shorter notice. Within seven days from the receipt of such notice both parties shall pay the prescribed hearing fee; a party failing to pay such fee shall not be entitled to appear and the Registrar may deal with the matter in his absence.

60. In the event of an opposition being uncontested by the applicant, the Registrar, in deciding whether costs should be awarded to the opponent, shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the opposition was filed.

61. Where a party who has given notice of opposition or of appeal neither resides nor carries on business in the Union, the Registrar may order him to give security for such amount, and in such form as the Registrar may deem sufficient, for the costs of the proceedings before the Registrar or the Court, and the Registrar may further at any stage in such opposition require further security to be given at any time before giving his decision in the case. If the order or requirement is not duly complied with, the Registrar may treat the opposition or appeal as abandoned.

NON-COMPLETION.

62. Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall give notice to the applicant in writing in the Form O No. 1 of such non-completion, and if the applicant has an agent, shall send a duplicate of such notice to such agent. If after fourteen days from the date when such notice was

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sent the registration is not completed, the application shall be deemed to be abandoned, but the Registrar may with such notice, where the applicant lives at a distance, give a further time after such fourteen days for the completion of such application.

ENTRY ON THE REGISTER.

63. As soon as may be after the expiration of the period after the date of the last advertisement in the case of an application, the Registrar shall, subject to any opposition and the determination thereof, and subject to the provisions of section one hundred and twenty of the Act, and upon payment of the prescribed fee, on Form T.M. No. 8, enter the trade mark on the register. The entry of a trade mark on the register shall give the date of the registration, the goods in respect of which it is registered, and all particulars named in section one hundred and thirty-two of the Act, and such other particulars as the Registrar may deem necessary.

64) Where a mark is registered as associated with any other mark or marks the Registrar shall note upon the register in connection with such mark the numbers of the marks with which it is associated and shall also note upon the register in connection with each of the associated marks the number of the newly registered mark as being an associated mark with each of them.

2) NEW REGULATION INSERTED X

65. In case of the death of any applicant for a trade mark under section one hundred and eight (5) to the Registrar to dissolve the association between two or more associated trade marks shall be made on form T.M. No. 16 and shall include a statement of the ground of the application." [Redacted]

of the Registrar.

66. Upon the registration of a trade mark the Registrar shall issue to the applicant a certificate in the Form O. No. 2.

RENEWAL.

67. The notice under section one hundred and twenty-nine of the Act shall be sent by the Registrar not less than three nor more than six months prior to the expiration of the last registration. The notice shall be on Form O. No. 3.

68. An application to the Registrar for the renewal of the registration of a trade mark may be made on Form T.M. No. 9 within six months prior to the expiration of the last registration.

69. If at the date of the expiration of the last registration of a mark the renewal fee has not been paid the Registrar shall advertise the fact forthwith in the Gazette, and if within one month of such advertisement the renewal fee upon

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T.M. AMEND-  
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ninety-two of Act No. 9 of 1916 (The Patents, Designs, Trade Marks and Copyright Act, 1916), as amended by Act No. 19 of 1947 (The Patents, Designs and Trade Marks Amendment Act, 1947), been please to make the undermentioned regulations in amendment of the Trade Mark Rules published under Government Notice No. 1544 of 1916, as amended by Government Notices Nos. 885 of 1919, 475 of 1933, 316 of 1934, 1851 of 1938, 100 of 1942 and 822 of 1942 as set out in the Annexure hereto, to prescribe the fees in the First Schedule hereto and the forms in the Second Schedule hereto.

## ANNEXURE.

### THE TRADE MARK AMENDMENT RULES, 1949.

1. These regulations may be cited as the Trade Marks Amendment Rules, 1949, and shall be read together with the Trade Mark Rules, 1917 (hereinafter referred to as the principal rules) published under Government Notice No. 1544 of 1916, and shall come into operation as from the date of their first publication in the *Government Gazette*.

#### INTERPRETATION.

2. (1) After the definition of "office" in regulation 2 of the principal rules insert:—

"Patent Office Journal" means the *Union South Africa Official Journal of Patents, Designs, Trade Marks and Copyright*.

(2) To the definition of "the Act" in regulation 2 of the principal rules, after "1916" add "amended by Act No. 19 of 1947".

#### FEEES.

3. (1) The additional fees to be paid in pursuance of the Act shall be the fees specified in the First Schedule to these rules.

(2) The amendments to the principal rules are specified in paragraph (1) of such first Schedule.

#### FORMS.

4. The forms contained in the Second Schedule to these rules are the forms referred to in these regulations. Forms T.M. 13, T.M. 14, T.M. 15, T.M. 16 and T.M. 20 shall be substituted for the forms prescribed under those numbers by the principal rules and forms T.M. 29, T.M. 30, T.M. 31, T.M. 32, T.M. 33, T.M. 34, T.M. 35, T.M. 36, T.M. 37, T.M. 38, T.M. 39 and T.M. 40 shall be additional forms.

#### CLASSIFICATION OF GOODS.

...an objection to such renewal.

(3) The provisions of regulations 51 to 61 of principal rules shall apply *mutatis mutandis* to such objection.

70 *ter.* (1) Regulation 71 of the principal r is amended by the insertion after the figure " of the word, letters and figure " or T.M. 40 "

(2) The Registrar may in his discretion disp with a declaration of user in the case of applicat under section *twenty-eight* of Act No. 19 of 19

ASSIGNMENTS AND TRANSMISSIONS.

11. Regulations 75 to 80 inclusive, of the princ regulations shall be deleted and the following reg tions 75 to 80 *quin* substituted therefor:—

" 75. Where a person becomes entitled by ass ment or transmission to a registered trade mar may conjointly with the registered proprietor n

G.P.-S.1267—1949-50—425.

No. 868.]

[6 May 1949

His Excellency the Governor-general has, under th power vested in him by section *one hundred an ninety-two* of Act No. 9 of 1916 (The Patents, Designs Trade Marks and Copyright Act, 1916), as amende by Act No. 19 of 1947 (The Patents, Designs an Trade Marks Amendment Act, 1947), been please to make the undermentioned regulations in amendmen of the Trade Mark Rules published under Governmer Notice No. 1544 of 1916, as amended by Governmer Notices Nos. 885 of 1919, 475 of of 1933, 316 of 1934, 1851 of 1938, 100 of 1942 and 822 of 1942 as set ou in the Annexure hereto, to prescribe the fees in th First Schedule hereto and the forms in the Secon Schedule hereto.

ANNEXURE

THE TRADE MARK AMENDMENT RULES, 194

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Form T.M. No. 10, together with an additional fee upon Form T.M. No. 11, is received, he may renew the registration without removing the mark from the register.

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70. Whenever after the expiry of ~~one month~~ <sup>the said period</sup> from such advertisement such fees have not been paid, the Registrar may remove the mark from the register as of the date of the expiration of the last registration, but may upon payment of the renewal fee upon Form T.M. No. 10, together with an additional fee upon the Form T.M. No. 12, restore the mark to the register if satisfied that it is just so to do, and upon such conditions as he may think fit to impose.

70 bis -- inserted by T.M. AMENDMENT RULES 1949

RENEWALS: OF TRADE MARKS

70. After regulation 70 of the principal rules the following new regulations:—

70 bis. (1) An application for renewal under section ~~twenty eight~~ <sup>eight</sup> of Act No. 19 of 1947 shall be made on Trade Mark Form No. 40 accompanied by a declaration explaining the cause of the delay in making such application and shall be advertised for renewal once in the Patent Office Journal.

Any person may within three months from the date of the advertisement lodge with the Registrar an objection to such renewal.

The provisions of regulations 69 to 61 of the principal rules shall apply ~~mutatis mutandis~~ <sup>mutatis mutandis</sup> to any such objection.

70 ter. (1) Regulation 71 of the principal rules is amended by the insertion after the figure "10" of the word, letters and figure "or T.M. 40".

(2) The Registrar may in his discretion dispense with a declaration of user in the case of applications under section ~~twenty eight~~ <sup>eight</sup> of Act No. 19 of 1947, if the registered proprietor or where a witness of such application has been filed.

The renewal shall thereafter be forthwith advertised in the

T.M. AMENDMENT Gazette. PATENT OFFICE JOURNAL RULES, 1949

ASSIGNMENT

75. The Registrar may on requests made jointly by a registered proprietor of a mark and the person to whom he has assigned such mark together with the goodwill of the business concerned in the goods for which it has been registered, register the assignee as proprietor of the mark. Such application shall be in the Form T.M. No. 13, together with such application, the assignee shall submit an affidavit in Form T.M. No. 14.

REGULATIONS 75 - 80

T.M. AMENDMENT RULES

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*issued by Gov. Notice No. 82nd of 15/42*

*the said period (12 months from such advertisement)*

70. Whenever after the expiry of ~~one month~~ *the said period* from such advertisement such fees have not been paid, the Registrar may remove the mark from the register as of the date of the expiration of the last registration, but may upon payment of the renewal fee upon Form T.M. No. 10, together with the additional fee upon the Form T.M. No. 12, restore the mark to the register if satisfied that it is just so to do, and upon such conditions as he may think fit to impose.

*70 has - inserted by T.M. AMENDMENT RULES 1949*

n or after 19 of 1947 shall state name of the of those was made oth d will of th stances sub the Regi to advertise lication, m and rule es of advert r may requ ed; and if th directions ed with the ar is satisfi to be registe d as propri the relevant

71. Every application for the renewal of the registration of a trade mark made on Form T.M. No. 9 or Form T.M. No. 10 *T.M. 40* shall be accompanied by a declaration showing that the trade mark has been substantially used in the Union from a date ~~twelve months~~ *the said period* prior to the expiration of the last registration. The declaration shall set out specifically the goods in respect of which the mark has been used.

*Repealed - see Notice No. 574 - Gov. Gazette No. 585 of 26/4/57*

72. Where the application for the renewal of the trade mark is not made by the registered proprietor, the Registrar, before taking any further steps, may require the applicant to furnish within fourteen days an authority to make such application, and in the absence of such authority may return the application and treat it as not having been received.

73. Where a trade mark has been removed from the register the Registrar shall cause to be entered in the register a record of such removal and of the cause thereof.

74. Upon the renewal of the registration, notice to that effect shall be sent to the registered proprietor at his registered address or at the address given on Form T.M. No. 9 or Form T.M. No. 10 in cases where such form has been signed by the registered proprietor or where a written authority to make such application has been filed.

The renewal shall thereafter be forthwith advertised in the *Patent Office Journal*

*T.M. AMENDMENT RULES 1949*

ASSIGNMENT

75. The Registrar may, on request made jointly by a registered proprietor of a mark and the person to whom he has assigned such mark, together with the goodwill of the business concerned in the goods for which it has been registered, register the assignee as proprietor of the mark. Such application shall be in the Form T.M. No. 13. Together with such application, the assignee shall furnish an affidavit in Form T.M. No. 14.

*REGULATIONS 75-80 SUBSTITUTED BY*

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ASSIGNMENTS AND TRANSMISSIONS

11. Regulations 75 to 80, inclusive, of the principal regulations shall be deleted and the following regulations 75 to 80 *quin* substituted therefor:

75. Where a person becomes entitled by assignment or transmission to a registered trade mark he may, conjointly with the registered proprietor, make application to the Registrar on Form T.M. No. 13 to register his title.

76. Where a person becomes entitled to a registered trade mark in the manner referred to in rule 75, and on joint application as there mentioned is made, he shall make application to the Registrar on Form T.M. No. 14 to register his title.

77. An application under rule 75 or rule 76 shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims, and such instrument shall be produced for inspection by the Registrar, preferably at the time of application. The full names of all the partners in a partnership shall be given in the body of the application. The Registrar may, in any case, require and retain an attested copy of any instrument produced for inspection in proof of title, but such copy shall not be open to public inspection.

78. Where in the case of an application on Form T.M. No. 13 or Form T.M. No. 14 the person applying for registration of his title does not claim under any document or instrument which is capable in itself of furnishing proof of his title, he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be proprietor of the trade mark is based, and showing that the trade mark has been assigned and transmitted to him. If the Registrar so require, the case shall be verified by the statutory declaration on Form T.M. No. 15.

79. The Registrar may call on any person who applies to be registered as proprietor of a registered trade mark for such proof or additional proof of title as he may require for his satisfaction.

80. An application under rule 75 or rule 76 relating to an assignment on or after the coming into operation of Act No. 19 of 1947, of a trade mark in respect of any goods shall state: (a) whether the trade mark was, at the time of the assignment, used in a business in any of those goods; and (b) whether the assignment was made otherwise than in connection with the goodwill of that business, and, if both those circumstances subsisted, then the applicant shall leave with the Registrar a copy of the Registrar's directions to advertise the assignment obtained upon application under section *quin* and

AMENDED RULES

Registrar on the form T.M. No. 17 to insert or address for service on the register, and alter the register accordingly.

DISCRETIONARY POWER

82. Before exercising any discretionary power the Registrar by the Act or these rules, the Registrar shall, except where otherwise provided, give fourteen days' notice for such person to be heard personally or by his agent.

83. Within seven days from the date when notice would be delivered in the ordinary course of business, the Registrar may appoint a person to attend in writing to the Registrar, if the applicant shall notify in writing to the Registrar that he intends to be heard upon the matter.

84. Whether the applicant desires to be heard personally or by his agent, the Registrar may at any time require him to attend before him and make oral submissions on such matters as the Registrar may direct.

85. The decision of the Registrar under section one of the Act shall be final, and the Registrar shall have such discretionary power as aforesaid in respect of any person affected.

APPLICATIONS UNDER SECTION ONE OF THE ACT

86. All applications to the Registrar under section one of the Act shall be made on Form T.M. No. 18. Such application shall be made by a case setting out fully the facts upon which the Registrar is required to make his decision.

87. Upon receipt of such an application the Registrar shall inquire into the facts and circumstances as he may deem necessary for the purpose of giving his decision. Before giving his decision, if necessary, he shall give the parties to the application an opportunity of being heard, either personally or by their attorneys or patent agents.

The decision of the Registrar under section one of the Act shall be final.

88. Upon any application under section one of the Act the Registrar shall insert in the register a notice of the application and of the date when the Registrar will receive evidence in support of the application, and shall also insert in the register a notice of the date when the Registrar will receive evidence in support of the application, and shall also insert in the register a notice of the date when the Registrar will receive evidence in support of the application.

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76. Waar geen zodanig verzoek wordt gedaan, mag een ieder, die door cessie, overdracht of andere wettelijke handeling op een geregistreerd handelsmerk recht heeft verkregen, bij het kantoor een verzoek indienen om inschrijving van zijn naam in het register als eigenaar van zodanig handelsmerk. Het verzoek moet gedaan worden op Formulier H.M. No. 15 en moet bevatten de naam en het adres van de persoon die aanspraak maakt op het handelsmerk, hierna de eiser genoemd.

76A. Een verzoek op Formulier H.M. No. 15 moet alle bijzonderheden van het bewijsstuk, zoo er een is, uiteenzetten, waaronder de eiser eist, en zodanige bewijsstuk moet aan de Registrateur ter inzage worden vertoond. De Registrateur kan in ieder geval van het bewijsstuk dat ter inzage wordt voorgelegd een geattesteerde afschrift eisen als bewijs van titel.

77. Waar in geval van enig verzoek op Formulier H.M. No. 15, de eiser niet aanspraak maakt ingevolge enig document, dat op zichzelf het bewijs van zijn recht levert moet hij tegelijk met zodanig verzoek een uiteenzetting indienen

waarin al de bijzonderheden van de overdracht, of andere wettelijke aanspraak maakt op naam van het handelsmerk waarop en de persoon of gecedeerd of overgedragen dat het aldus gecedeerd of stand van de handelszaak het handelsmerk geregistreerd vergezeld gaan van een Formulier No. H.M. 16.

78. Zodanig verzoek moet gedaan worden, door de eiser, ingeval het door een firma, door één of meer leden van en in het geval van een getekend door een direkteur of hoofdbtenaar van zodanig

79. Wanneer de Registrateur titel van de aanvrager, streken als eigenaar van het register zodanige bijzonderheden van het bewijsstuk, indien hij moge nodig achten.

80. In ieder geval kan de Registrateur van een ieder, die als eigenaar van een handelsmerk wenst te worden geregistreerd, verlangen dat zodanig bewijs of additioneel bewijs van titel en van het bestaan en het eigendomsrecht van zodanige stand als voorzegt wordt geleverd, als de Registrateur mocht nodig oordelen.

#### VERANDERING VAN ADRES.

81. Iedere geregistreerde eigenaar van een handelsmerk die zijn adres of bezorgingsadres verandert, moet dadelijk bij

registered trade mark and the registered pro

88 ter. The entry in the register shall state the name of the registered user. In addition to the trade mark of the registered user it shall state the name of the proprietor of the trade mark and to every other registered user in relation to the trade mark, and shall be entered in the Office Journal.

88 quat. An application for the registration of a trade mark under paragraph (a) of section thirty-one bis (9) shall be accompanied by a statement in support of the ground on which it is made. The user in question cannot be a registered user.

88 quin. An application for the cancellation of the registration of a trade mark made on Form T.M. No. 17 shall be accompanied by a statement in support of the ground on which it is made.

88 sext. An application for the cancellation of the registration of a trade mark under paragraph (a) of section thirty-one bis (9) shall be accompanied by a statement in support of the ground on which it is made.

88 sept. The Registrar shall, on receipt of an application under the provisions of this section, (not being the application for the cancellation of the trade mark) if the applicant intends to intervene in the proceedings, give notice to the Registrar of his intention to do so, and shall send to the Registrar a statement of the grounds of his intervention. The Registrar shall thereupon send copies of the application to the other parties to the proceedings, and shall also send a copy to the applicant. The Registrar shall also send a copy to the registered user and any other registered user who may be affected by the application. The Registrar shall also send a copy to the Registrar of the other party to the proceedings.

Registrar on the form T.M. No. 17 to insert the new address or address for service on the register, and the Registrar shall alter the register accordingly.

#### DISCRETIONARY POWER.

82. Before exercising any discretionary power given to the Registrar by the Act or these rules adversely to any person, the Registrar shall, except where otherwise expressly provided, give fourteen days' notice to such person of the time that he may be heard personally or by his agent before the Registrar.

83. Within seven days from the date on which such notice would be delivered in the ordinary course of post, or such longer time as the Registrar may appoint in such notice, the applicant shall notify in writing to the Registrar whether or not he intends to be heard upon the matter.

84. Whether the applicant desires to be heard or not the Registrar may at any time require him to submit a statement in writing within a time to be notified by the Registrar, or to attend before him and make oral explanations with respect to such matters as the Registrar may require.

85. The decision of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified to the person affected.

#### APPLICATIONS UNDER SECTION one hundred and thirty-one (1) OF THE ACT.

86. All applications to the Registrar under section one hundred and thirty-one (1) of the Act shall be upon the Form T.M. No. 18. Such application shall be accompanied by a case setting out fully the facts relating to the marks of which the Registrar is requested to permit an apportionment.

87. Upon receipt of such request and of such case the Registrar shall inquire into the facts and call for such evidence as he may deem necessary upon the subject of such application. Before giving his decision the Registrar shall, if necessary, give the parties an opportunity of attending before him at a hearing either by themselves or by their attorneys or patent agents.

The decision of the Registrar shall be in writing.

88. Upon any apportionment of marks under this section the Registrar shall insert in the register a note in connection

88 bis. An application to the Registrar for the registration under section *one hundred and thirty-one bis* (5) of a person as a registered user of a registered trade mark shall be made by that person and the registered proprietor on Form T.M. No. 34.

88 ter. The entry of a registered user in the register shall state the date on which it was made. In addition to the trade or business address of the registered user it shall include an address for service. A notification in writing of the registration of a registered user shall be sent to the registered proprietor of the trade mark, to the registered user, and to every other registered user whose name is entered in relation to the same registration of a trade mark, and shall be inserted in the *Patents Office Journal*.

88 quat. An application by the registered proprietor of a trade mark for the variation of the registration of a registered user of that trade mark under paragraph (a) of section *one hundred and thirty-one bis* (9) shall be made on Form T.M. No. 35, and shall be accompanied by a statement of the ground on which it is made and, where the registered user in question consents, by the written consent of that registered user.

88 quin. An application by the registered proprietor or any registered user of a trade mark for the cancellation of the registration of a registered user of that trade mark under paragraph (b) of section *one hundred and thirty-one bis* (9) shall be made on Form T.M. No. 36, and shall be accompanied by a statement of grounds on which it is made.

88 sext. An application by any person for the cancellation of the registration of a registered user under paragraph (c) of section *one hundred and thirty-one bis* (9) shall be made on Form T.M. No. 37, and shall be accompanied by a statement of the grounds on which it is made.

88 sept. The Registrar shall notify in writing applications under the last three foregoing rules to the registered proprietor and each registered user (not being the applicant) under the registration of the trade mark. Any person so notified who intends to intervene in the proceedings shall within one month of the receipt of such notification give notice to the Registrar on Form T.M. No. 38 to that effect and shall send therewith a statement of the grounds of his intervention. The Registrar shall thereupon send copies of such notice and statement to the other parties, so that the intervention may be known to the applicant, the registered proprietor, the registered user whose registration is in suit, and any other registered user who intervenes. Any such party may, within such time or times as the Registrar may appoint, lead evidence in support of his case, and the Registrar after giving the parties an opportunity of being heard may accept or reject the evidence.

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ment or transmission to a registered proprietor, make application to the Registrar on Form T.M. No. 13 to register his title.

76. Where a person becomes entitled to a registered trade mark in the manner referred to in rule 75 and on joint application as therein mentioned is made, he shall make application to the Registrar on Form T.M. No. 14 to register his title.

77. An application under rule 75 or rule 76 shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims, and such instrument shall be produced for inspection by the Registrar, preferably at the time of application. The full names of all the partners in a partnership shall be given in the body of the application. The Registrar may in any case require and retain an attested copy of any instrument produced for inspection in proof of title, but such copy shall not be open to public inspection.

78. Where in the case of an application on Form T.M. No. 13 or Form T.M. No. 14 the person applying for registration of his title does not claim under any document or instrument which is capable in itself of furnishing proof of his title, he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be proprietor of the trade mark is based, and showing that the trade mark has been assigned or transmitted to him. If the Registrar so require, the case shall be verified by the statutory declaration on Form T.M. No. 15.

79. The Registrar may call on any person who applies to be registered as proprietor of a registered trade mark for such proof or additional proof of title as he may require for his satisfaction.

80. An application under rule 75 or rule 76 relating to an assignment on or after the coming into operation of Act No. 19 of 1947, of a trade mark in respect of any goods shall state: (a) Whether the trade mark was at the time of the assignment used in a business in any of those goods, and (b) whether the assignment was made otherwise than in connection with the goodwill of that business, and, if both those circumstances subsisted, then the applicant shall leave with the Registrar a copy of the Registrar's directions to advertise the assignment obtained upon application under section 27 of the Trade Mark Act, 1947, and

**AMENDED RULES**

*Advertisement*

alter the register

82. Before exercising the Registrar shall give fourteen days notice and a hearing may be heard per

83. Within seven days of the Registrar would be delivered longer time as the applicant shall not he intends to

84. Whether the Registrar may attend in writing within a specified time to attend before the Registrar to such matters

85. The decision of the Registrar shall be such as he may think fit, and such discretion as may be exercised by the Registrar shall not be affected

**APPLICATIONS UNDER**

86. All applications under Form T.M. No. 13 or Form T.M. No. 14 shall be made by a case setting forth the facts of which the Registrar shall be satisfied

87. Upon receiving an application the Registrar shall call on the applicant to produce such evidence as he may require for his satisfaction, and if necessary, before him at such time and place as he may require

88. Upon receiving an application the Registrar shall call on the applicant to produce such evidence as he may require for his satisfaction, and if necessary, before him at such time and place as he may require

an opportunity

TO THE REGISTRAR,  
THE TRADE MARKS OFFICE,  
PERITOLA.

(f)  
(g)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

I, \_\_\_\_\_

do hereby certify that the assignment was (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

with each of the registered trade marks of the fact of such apportionment, and shall in such note refer to the date of the decision under which such apportionment has taken place.

*88 bis etc - inserted BY T.M. AMEND. REG 1949.*

APPLICATIONS UNDER SECTION one hundred and thirty-three OF THE ACT.

89. Applications under section one hundred and thirty-three of the Act to the Registrar may be made by the registered proprietor, or where the registered proprietor is a company in liquidation by the liquidator, and in other cases by such person as the Registrar may decide to be entitled to act in the name of the registered proprietor, *OR REGISTERED USER* or *REGISTERED USER*.

*THE APPLICATION SHALL BE MADE ON FORM NO. T.M. 19, T.M. 20, T.M. 21, T.M. 22 OR T.M. 23 AS THE CASE MAY BE*

90. Where such application is made the Registrar may require such evidence by affidavit or otherwise as he may think fit as to the circumstances in which the application is made.

*90 bis - notes inserted*

91. Where application is made, on Form T.M. No. 23, to enter a disclaimer or memorandum relating to a trade mark, the Registrar, before deciding upon such application, shall direct that the application be advertised in one issue of the *OFFICIAL JOURNAL* in order to enable any person desiring so to do to state within two months from the date of the advertisement any reasons in writing against the applicant being allowed to make such disclaimer or enter such memorandum. Should any such objection be lodged the Registrar shall give notice to the parties of a date when he will hear arguments in the matter. Such appointment shall be for a date at least fourteen days after the date of the notice unless the parties consent to a shorter notice.

APPLICATIONS UNDER SECTION one hundred and thirty-four OF THE ACT.

92. Where a person desires to apply under section one hundred and thirty-four of the Act to alter a trade mark he shall make his application in writing on Form T.M. No. 24, and shall furnish the Registrar with four copies of the mark as it will appear when altered.

93. (a) Before proceeding with such application the Registrar shall direct that the application be advertised in manner as directed by the Registrar in three consecutive issues of the *OFFICIAL JOURNAL* in order to enable any person desiring so to do to state within two months of the first advertisement any reasons in writing against the application being granted.

Should any such objection be lodged the Registrar shall give notice to the parties of a date when he will hear arguments in the matter. Such appointment shall be for a date at least fourteen days after the date of the notice unless parties consent to a shorter notice.

rdt gedaan, mag een ere wettelijke handeling t heeft verkregen bij inschrijving van zijn zodanig handelsmerk Formulier H.M. No. 15 es van de persoon die erna de eiser genoemd. M. No. 15 moet alle oo-er eer is, uiteen anige bewijsstuk moet vertoond. De Regi- jststuk dat ter inzage schrift eisen als bewijs op Formulier H.M. ingevolge enig docu- jn recht levert moet iteenzetting indienen.

st of forms appearing in second schedule to- ided as follows:

By the substitution of the words "trade transferee" for "assignee to register" and the latter words occur after the words "Request proprietor and".

For the words "Request to enter name of proprietor" substitute "Request to enter name of subsequent proprietor".

After the words "Declaration in support of name of subsequent proprietor" add "or".

Delete the words "Declaration by assignee request, by registered proprietor and as assignee as subsequent proprietor".

The form T.M. No. 4 as prescribed by shall be amended by the deletion of the registration of the same" and by the substitution thereof of the words "deeming the name".

Form T.M. No. 17 of the principal rules shall have inserted between the words "registered" and of the following "(a) user or" and by the substitution of the words "user or" for "registered proprietor".

loen inschrijven als

van een ieder die te worden geregistreerd, additioneel bewijs vereist. Het recht van zodanig handelsmerk moet dadelijk bij de Registrateur worden ingediend.

een handelsmerk moet dadelijk bij de Registrateur worden ingediend.

(b) Where leave is granted the Registrar may, if he is not already in possession of a block showing the trade mark as altered, cause the applicant to furnish a block showing the trade mark as altered for advertisement in the Gazette, and upon receipt of such block shall forthwith advertise the mark as altered in the Gazette.

SEARCH.

94. The Registrar, if requested so to do in writing upon a Form T.M. No. 25, may cause a search to be made in any class to ascertain whether any marks are on record at the date of such search which may resemble any mark sent to him by the person requesting such search, and may cause that person to be informed of the result of such search.

94A. Any person may apply to the Registrar on Form T.M. No. 28 for notice to be given to him of the taking of any of the following proceedings within six months following the date of such application, that is to say, the publication of the acceptance of an application for registration of the Trade Mark, or any application for the making of an entry in the Register of Trade Marks.

As soon as may be after any such proceedings is taken, and in case of an application for making of an entry, before such entry is made, the Registrar may give notice of any such proceedings to such person.

OFFICE CLOSED TO THE PUBLIC.

95. The office shall not be open to the public on the following days:—

- (a) All days observed as public holidays;
- (b) days which may from time to time be notified by a placard posted in a conspicuous place at the office; and
- (c) days observed as days of public fast or thanksgiving.

POWER TO DISPENSE WITH EVIDENCE.

96. Where under these rules any person is required to do any act or thing, or to sign any document, or to make any affidavit on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such affidavit, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, and upon the production of such

(b) Waar toe hij niet reeds merk zoals van het handel in de Staatskrant hij dadelijk het adverteren

94. De Regi Formulier H. nazoek laten d in de registers enige gelijkenis persoon die on met het resulta

94A. Enig p op Formulier l engeen van de na de datum v aanneming van merk, of enige register. Zo sp geval van een v ing, alvorens Registrateur aa kennis geven

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95. Substituted by a new Rule vide Gov. Notice No. 82 of 8/5/42 (See page 494.)

Renewal Declaration

See Renewal (b) 25



other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, document, affidavit, or evidence.

AMENDMENTS.

97. Any document or drawing or other representation of a trade mark may be amended, and any irregularity in procedure which in the opinion of the Registrar may be obviated without detriment to the interests of any person may be corrected, if the Registrar think fit, and on such terms as he may direct.

ENLARGEMENT OF TIME.

98. The time prescribed by these rules for doing any act, or taking any proceeding thereunder, may be enlarged by the Registrar, if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct, and such enlargement may be granted though the time has expired for doing such act or taking such proceeding.

99. Whenever the last day fixed by the said Act, or by these rules, for leaving any document or paying any fee at the office shall fall on a Sunday or a Saturday, or any day observed as a public holiday, or any day observed as a day of public fast or thanksgiving, herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

CERTIFICATES.

100. The Registrar, when required otherwise than under section one hundred and twenty of the Act to give a certificate as to any entry, matter, or thing, which he is authorized by the said Act or any of these rules to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give such certificate.

101. Where a mark is registered without limitation of colour it shall be lawful for the Registrar to grant a certificate of its registration for the purpose of obtaining registration abroad either in the colour in which it appears upon the register or in any other colour or colours.

APPEALS TO THE COURT.

102. (a) When any person intends to appeal to the Court, such appeal shall be made by motion in the usual way, and no such appeal shall be entertained unless notice of motion be given within one month from the date of the decision appealed against or within such further time as the Registrar shall allow.

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*Insurrection*

*Substituted  
in lieu  
de vide  
vs. Notice No  
van af 8/15/40  
See page 494*

(b) When any person intends to appeal to the Court he shall, before doing so, apply to the Registrar for a hearing and obtain a decision from him upon the point raised. Within one month from the date of such decision he shall, if he is advised to appeal to the Court in any case in which an appeal is given by the said Act, leave at the office a notice of such his intention, on Form T.M. No. 27.

(c) Such notice shall also be accompanied by a statement in writing of the grounds of appeal, and of the appellant's case in support thereof.

(d) A copy of the notice of intention to appeal, accompanied by a statement of the case, shall also be forthwith sent to the Registrar of the Court; and, where there has been an opposition before the Registrar, to the opponent or applicant as the case may be.

(e) Where the Court intends to hear the appeal, seven days' notice, or such shorter notice as the Court may in any particular case direct, of the time and place appointed for the hearing, shall be given to the Registrar and to the appellant, and where there has been an opposition before the Registrar to the opponent or applicant as the case may be.

#### WITHDRAWAL OF APPEALS.

103. Where under section *one hundred and twelve* (3) or section *one hundred and eighteen* (4) of the Act an appellant is entitled to withdraw his appeal, such withdrawal shall be effected by notice given to the Registrar and to the other parties, if any, to such appeal within seven days after the leave referred to in such sections has been obtained.

#### APPLICATIONS TO AND ORDERS OF THE COURT.

104. Where an order has been made by the Court in any case under the said Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the office an office copy of such order, together with Form T.M. No. 26 if required. The register may, if necessary, thereupon be rectified or altered by the Registrar.

Every application to the Court under the said Act shall be served on the Registrar.

105. Whenever an order is made by the Court under the said Act, the Registrar may, if he thinks that such order should be made public, publish it in the ~~Gazette~~ at the expense of the person in whose favour such order has been made.

106. Any addition to, alteration or correction of the Register shall be advertised by the Registrar (save where otherwise expressly provided) once in the ~~Gazette~~.

(b) Wanneer moet hij alv houd verzoek punt in kwe zodanige besl Hof appel aa Wet het rech kennisgeving No. 27.

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#### APPL.

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105. Wanneer wordt gemaakt danige order be van de persoon in de Staatskoe

106. Enige b register moet de geadverteerd w paald wordt).

PATENT OFFICE JOURNAL.

T.M. AMENDMENT RULES, 1949.

FIRST SCHEDULE.

Fees.

The following fees shall be paid in connection with applications, registrations, and other matters under the Act.

Such fees must in all cases be paid before or at the time of the doing of the matter in respect of which they are to be paid.

	£ s. d.	Corresponding Forms.
1. On application to register a trade mark; for one or more articles included in one class	1 0 0	T.M. No. 1, 4, or 5.
2. On simultaneous applications to register two or more trade marks in the name of the same proprietor:—		
For the first mark.....	1 0 0	T.M. No. 1, 4, or 5.
For every additional mark.....	0 5 0	T.M. No. 1, 4, or 5.
For one or more articles included in one class after the first	0 5 0	T.M. No. 1, 4, or 5.
3. On application to Registrar to state grounds of decision and materials used under section one hundred and twelve (1)	0 5 0	T.M. No. 3.
4. For registration of a trade mark; for one or more articles included in one class	2 0 0	T.M. No. 8.
5. For the registration of two or more trade marks applied for simultaneously in the name of the same proprietor:—		
For the first mark.....	2 0 0	T.M. No. 8.
For every additional mark.....	1 0 0	T.M. No. 8.
For one or more articles included in one class after the first	1 0 0	T.M. No. 8.
6. On appeal from Registrar to Court by appellant	3 0 0	T.M. No. 27.
7. On notice of opposition for each application opposed by opponent	1 0 0	T.M. No. 6.
8. On filing a counter-statement in answer to a notice of opposition; by applicant for each application opposed	0 10 0	T.M. No. 7.
9. On the hearing of each opposition; by applicant and opponent respectively	1 0 0	
10. Upon each entry in the register of a mark of a note that the mark is associated with a newly registered mark	0 1 0	
11. On application to register a subsequent proprietor in cases of assignment or transmission of a single mark	1 0 0	T.M. No. 13. or <del>14</del>
12. On application to register a subsequent proprietor of more than one mark standing in the same name, the devolution of title being identical in each case:—		
For the first mark.....	1 10 0	T.M. No. 13. or <del>14</del>
And for every other mark.....	0 2 0	T.M. No. 13. or 15.
13. On application to change the name of a proprietor of a single mark where there has been no alteration in the proprietorship	0 5 0	T.M. No. 20.

AMENDED BY T.M. AMENDMENTS RULES, 1949.

De volgende registraties en Zodanige fe tijt waarop d richt wordt.

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not registered used

Gov. Not. No. 858 of 1949

32. On application to dissolve association between marks. For each dissolution	1 0 0	T.M. No. 16.	
33. For registration of dissolution of association of marks. For each dissolution	0 10 0	T.M. No. 39.	
34. Application for certificate of Registrar re assignment under Section 130 (5)	1 0 0	T.M. No. 29.	respond- Forms.
35. Application for approval by Registrar under section 130 (6) (I) of proposed assignment	2 0 0	T.M. No. 30.	
36. For registration of assignment or transmission under section 132	0 10 0	T.M. No. 39.	
37. Application for approval of Registrar under section 130 (6) (III)	2 0 0	T.M. No. 31.	
38. Application under section 130 (7) for directions for advertisement	0 5 0	T.M. No. 32.	M. No. 20.
39. Application for extension of time under section 130 (7)	0 5 0	T.M. No. 33.	M. No. 9 or 10. M. No. 11. M. No. 12. M. No. 17.
40. Application for registration of registered user	1 0 0	T.M. No. 34.	
41. (a) On simultaneous applications to register in the name of the same person two or more registered users:—			
For the first mark	1 0 0	T.M. No. 34.	
For every additional mark	0 2 0	T.M. No. 34.	M. No. 17.
42. (a) For registration of registered user	0 10 0	T.M. No. 39.	M. No. 26.
(b) Registration of additional marks covered by 41 (b)	0 2 0	T.M. No. 39.	
43. Application for variation of registered user	1 0 0	T.M. No. 35.	M. No. 21 or 22.
44. For registration of variations of registered users	0 10 0	T.M. No. 39.	M. No. 19. or 23.
45. Application for cancellation of entry of registered user by proprietor, or user, or any other person	0 5 0	T.M. No. 36 and 37.	M. No. 25.
46. For registration of cancellation of entry of registered user	0 10 0	T.M. No. 39.	
47. Notice under section 131 bis. (10) of intention to intervene in proceedings for variation or cancellation of a registered user	0 5 0	T.M. No.	M. No. 18. M. No. 24.

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28. For inspecting register; for every quarter of an hour	1 0 0	T.M. No. 24.
29. For office copy of documents; per folio of 100 words or part of a folio	0 10 0	
29A. For photostatic copy of documents (size 8 1/2 inches by 10 inches) per sheet	0 1 0	
30. For leave to make copies of documents, in respect of each application or registered trade mark	0 2 6	
31. For information as to future proceedings	0 10 0	T.M. No. 28.

Amended by  
Gov. Notice 825  
vide SR. 8/5/42

\* For collating documents for certification for every 100 words or part thereof - id

*Not registered  
 Rules  
 F.M. Amendment  
 Rules 1949  
 Notice 818 of  
 6.5.49*

	£	s.	d.	Corresponding Forms
14. On application to change the name of a proprietor of more than one mark standing in the same name, the change being the same in each case:— For the first mark And for every other mark	0	5	0	T.M. No. 20.
15. For renewal of registration of a mark at expiration of last registration	1	0	0	T.M. No. 9 or 10.
16. Additional fee under rule 71	0	10	0	T.M. No. 11.
17. Additional fee under rule 72	1	0	0	T.M. No. 12.
18. For altering a single entry of the address of a registered proprietor	0	5	0	T.M. No. 17.
19. For altering more than one entry of the address of a registered proprietor where the address in each case is the same and is altered in the same way:— For the first entry And for every other entry	0	5	0	T.M. No. 17.
20. For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	0	10	0	T.M. No. 26.
21. For cancelling the entry or part of the entry of a trade mark upon the register on the application of the owner of such trade mark	0	5	0	T.M. No. 21 or 22.
22. On request, not otherwise charged, under section one hundred and twelve or under section one hundred and thirty-three	0	5	0	T.M. No. 19. or 23.
23. For a search under rule 94 for a single mark in one class For the same mark in every class after the first	0	10	0	T.M. No. 25.
24. For any certificate (other than a certificate under section one hundred and twenty) issued by the Registrar	0	5	0	—
25. On an application to the Registrar under section one hundred and thirty-one (1)	3	0	0	T.M. No. 18.
26. On an application to the Registrar for leave to add to or alter a single mark	1	0	0	T.M. No. 24.
27. On an application to the Registrar for leave to add to or alter more than one mark of the same proprietor, the addition or alteration to be made in each case being the same:— For the first mark And for every other mark	1	0	0	T.M. No. 24.
28. For inspecting register; for every quarter of an hour	0	1	0	—
29. For office copy of documents; per folio of 100 words or part of a folio	0	1	0	—
29A. For photostatic copy of documents (size 8 1/2 inches by 10 inches) per sheet	0	1	0	—
30. For leave to make copies of documents, in respect of each application or registered trade mark	0	2	6	—
31. For information as to future proceedings	0	10	0	T.M. No. 28.

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*Amended by  
 Gov. Notice 825  
 Vide SR 8/5/42*

*\* For collating documents for certification for every 100 words or part thereof 6d*

SECOND SCHEDULE.

FORMS.

	£	s.		
Application for the registration of a trade mark	0	5	0	Appl Verz
Request for statement of grounds of decision under section one hundred and twelve (1)	0	5	0	Addi Verz
Additional representation of a trade mark	1	0	0	Tege
Opposition to application for registration	0	10	0	Kenn
Counter-statement to opposition to application for registration				Voor
Notice of non-completion of registration				Certi
For registration of a trade mark	2	0	0	Vern
	or	1	0	Eers
Certificate of registration under section one hundred and twenty	1	0	0	Twee
Renewal of registration				Vern
Notice before removal of mark from register under section one hundred and twenty-nine (1)	1	0	0	Addi
Renewal of registration after notice has been given by Registrar	0	10	0	Wed
Additional fee to accompany renewal fee within one month after advertisement of non-payment of renewal fee	1	0	0	Verz
Restoration of trade mark when removed for non-payment of renewal fee	1	0	0	Verk
Request by registered proprietor and assignee to register assignee as subsequent proprietor	1	0	0	Verz
	or	0	2	
Declaration by assignee in support of request by registered proprietor and assignee to register assignee as sub-				

3. The following new forms shall be added to the list:—

	£	s.		
Application to dissolve association between Marks	1	0	0	Verz
Application for certificate of Registrar re assignment under section 130 (5)	1	0	0	Verk
Application for approval of Registrar under section 130 (6) (I) re proposed assignment in different parts of Union to different persons	2	0	0	App
Application for approval of Registrar under section 130 (6) (III) of assignment in different parts of Union to different persons	2	0	0	App
Application under section 130 (7) for directions for advertisement	0	5	0	Verk
Application for Extension of Time within which to apply for directions for advertisement under section 130 (7)	0	5	0	Verz
Application for Registration of Registered User	1	0	0	App
	or	0	2	Ver
Application for Variation of Registered User with regard to goods, conditions or restrictions	1	0	0	Ver
Application for cancellation of entry of Registered User by proprietor or user	0	5	0	Ap
Application by any person for cancellation of entry of Registered User	0	5	0	Ve
Notice under section 131 or 135 (10) of intention to intervene in proceedings for variation or cancellation of Registered User	0	10	0	Ap
Registration of dissolution of association between marks or assignment of transmissions under section 132 or registered variations or cancellations thereof	0	10	0	K

T.M.  
AMENDMENT  
REGULATIONS  
OF  
1949.



TRADE MARKS

FORM T.M. No. 1.

FORMS.

and Copyright Act,

ON OF TRADE

The list of forms appearing in second schedule to the principal rules is amended as follows:—

- 1. (a) By the substitution of the words "transferee to register transferee" for "assignee to register assignee", where the latter words occur after the words "Request by registered proprietor and".
- (b) For the words "Request to enter name of subsequent proprietor" substitute "Request to register name of subsequent proprietor".
- (c) After the words "Declaration in support of request to enter name of subsequent proprietor" add "or transferee".
- (d) Delete the words "Declaration by assignee in support of request by registered proprietor and assignee to register assignee as subsequent proprietor".

Application is hereby made for Registration of the accompanying Trade Mark in Class \_\_\_\_\_, in respect of (a) \_\_\_\_\_

in the name of (b) \_\_\_\_\_, of (address and description) \_\_\_\_\_

trading as \_\_\_\_\_ who claims to be the proprietor thereof (c) \_\_\_\_\_

(Signed) \_\_\_\_\_ 19\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Address for service: \_\_\_\_\_

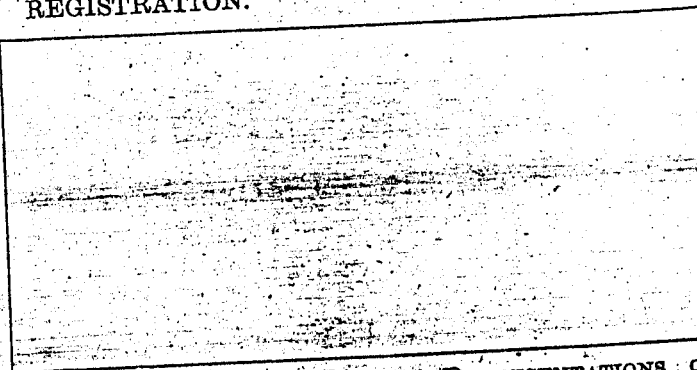
To the Registrar, The Trade Marks Office, Pretoria.

*partners the applicants*

FORM T.M. No. 2.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

ADDITIONAL REPRESENTATION OF TRADE MARK, TO ACCOMPANY APPLICATION FOR REGISTRATION.



THREE of these ADDITIONAL REPRESENTATIONS of the Trade Mark must accompany each Form of Application.

One representation of the trade mark to be affixed within this square. It must correspond exactly in all respects with the representation affixed to the Application Form. Any representation of a larger size than foolscap may be folded, but must then be mounted upon linen and affixed hereto.

*and the particular goods must be specified as far as practicable*

*(Amended by Gov. Notice No 822 of 8/5/42) (See page 494)*

*and nature of business. In the case of a firm the names of all the partners must be specified as*  
*(Amended by Gov. Notice No 822 of 8/5/52) (See page 494)*

FORMULI De Patente

APPELTK

Mits dez het bijgaan van (a) \_\_\_\_\_ op naam [Adres en b handelende die er aan

Heden c Adres vo

Aan de Re Kantoor

FORMULI De Patente

ADDITIONAL MERK, I KATIE V

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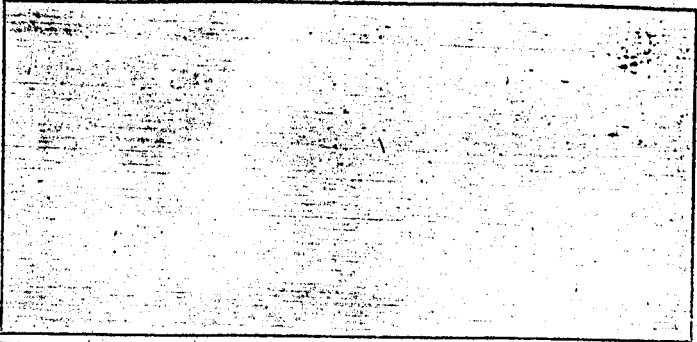
TRADE MARKS  
21.

FORM T.M. No. 1.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

FORMULIER  
De Patenten

APPLICATION FOR REGISTRATION OF TRADE MARK.



Application is hereby made for Registration of the accompanying Trade Mark in Class \_\_\_\_\_, in respect of (a) \_\_\_\_\_

in the name of (b) \_\_\_\_\_, of (address and description) \_\_\_\_\_

trading as \_\_\_\_\_ who claims to be the proprietor thereof (c) \_\_\_\_\_

(Signed) \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Address for service: \_\_\_\_\_

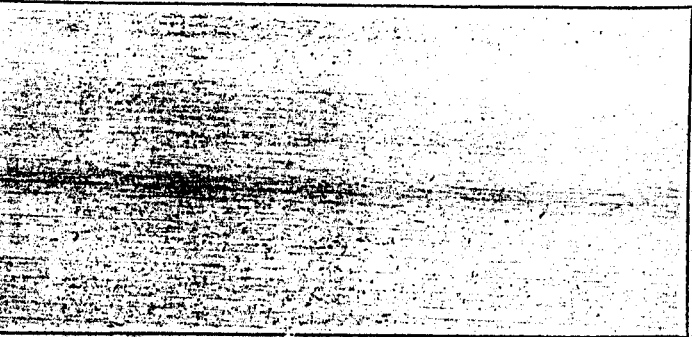
To the Registrar,  
The Trade Marks Office, Pretoria.

*the names of all the partners of the applicants*

FORM T.M. No. 2.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

ADDITIONAL REPRESENTATION OF TRADE MARK TO ACCOMPANY APPLICATION FOR REGISTRATION.



THREE of these ADDITIONAL REPRESENTATIONS of the Trade Mark must accompany each Form of Application.

One representation to be fixed within this square and three others to be sent on separate Forms T.M. No. 2.

Representations of a larger size may be folded, but must then be mounted upon linen and affixed hereto. (a) Only goods contained in one and the same class should be set out hereon separate application form is required for each separate class.

(b) Here insert legibly the full name, address, and description of the individual, firm, or company. Add trading style (if any).

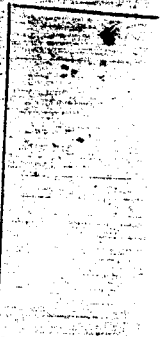
(c) Alter to "claim to be the proprietors thereof" in the case of a firm or company.

One representation of the trade mark to be affixed within this square. It must correspond exactly in all respects with the representation affixed to the Application Form. Any representation of a larger size than foolscap may be folded, but must then be mounted upon linen and affixed hereto.

Registrar... hundred and th... of any entry... a statement se... applicant's inte... this case an... application sha... copy of the ap... and these... by the Registr... on being made... registered pr... ns of rules 51

*No and the particulars goods must be specified as far as practicable (Amended by Gov. Notice No. 822 of 8/5/42) (See page 494) and nature of business in the case of a firm the names of all the partners must be specified as the applicants (Amended by Gov. Notice No. 822 of 8/5/42) (See page 494)*

APPLICANT



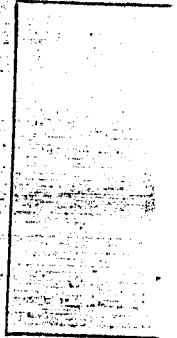
Mits deze... het bijgaande... van (a) \_\_\_\_\_ op naam v... Adres en bes... handelende a... die er aansp...

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FORMULIER  
De Patenten

ADDITIONAL  
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FORM T.M. No. 3.

TRADE MARKS

5s.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

REQUEST FOR STATEMENT OF GROUNDS OF DECISION UNDER SECTION 112 (1).

You are hereby requested under sub-section (1) of Section 112 of the Patents, Designs, Trade Marks, and Copyright Act, 1916, and Rule 33 made thereunder, to state in writing the grounds of your decision, dated the ... day of ... 19... after the hearing on the ... day of ... 19..., and the materials used by you in arriving at such decision.

(Signed) .....

Dated the ... day of ... 19...

To the Registrar, The Trade Marks Office, Pretoria.

FORM T.M. No. 4.

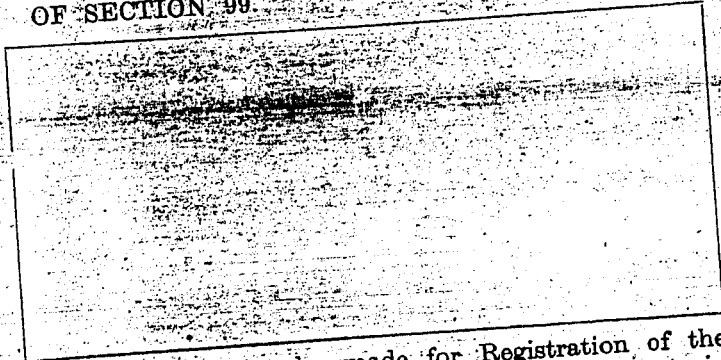
TRADE MARKS

£1.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

SPECIAL APPLICATION FOR REGISTRATION OF TRADE MARK UNDER SUB-SECTION (e) OF SECTION 99.

One representation to be fixed within this square, and four others to be sent on separate Forms T.M. No. 2.



Application is hereby made for Registration of the accompanying Trade Mark in Class ... in respect of (a) ...

(a) Only goods contained in one and the same class should be set out here. A separate Application Form is required for each separate class.

in the name of (b) ... (address and description) ...

trading as ... who claims to be the proprietor thereof and desires an order (c) of the Minister (or the Court) directing registration of the same X

(Signed) ... Dated the ... day of ... 19... Address for service: ...

(b) Here insert legibly the full name, address, and description of the individual, firm, or company. Add trading style (if any).

(c) Specify order desired.

To the Registrar, The Trade Marks Office, Pretoria.

T.M. APPLICATION RECEIVED 1949

And the particular goods must be specified as far as practicable (amended by low notice 8/5/49) (Page 494)

And nature of business in the case of a firm the names of all the partners must be specified as the applicants (amended by low notice 8/5/49) (Page 494)

TRADE MARKS.  
£1.

FORM T.M. No. 5.

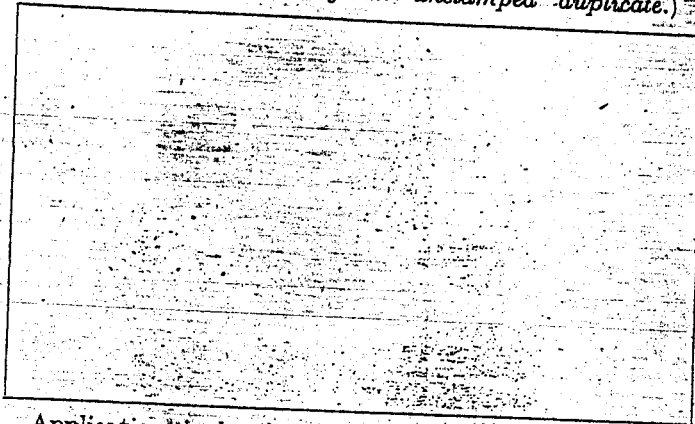
The Patents, Designs, Trade Marks, and Copyright Act,  
1916.

SPECIAL APPLICATION FOR REGISTRATION  
OF TRADE MARK UNDER SECTION 102.

(To be accompanied by an unstamped duplicate.)

One representation to be fixed within this square, and three others to be sent on separate half-sheets of foolscap.

Representations of a larger size may be folded, but must be mounted upon linen and affixed hereto.



Application is hereby made for Registration of the accompanying Trade Mark in Class \_\_\_\_\_ in respect of (a) \_\_\_\_\_

(a) Only goods contained in one and the same class should be set out here. A separate Application Form is required for each separate class.

\_\_\_\_\_ in the name of \_\_\_\_\_  
(address and description)

\_\_\_\_\_ who desire the Minister under Section 102 of the said Act to permit the registration thereof.

Address for service: \_\_\_\_\_  
\_\_\_\_\_

(Signed) \_\_\_\_\_  
Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

To the Registrar,  
The Trade Marks Office, Pretoria.

2. (a) The form T.M. No. 4 as prescribed by the principal rules shall be amended by the deletion of the words "directing registration of the same" and by the substitution in place thereof of the words "deeming the name distinctive".



FORM T.M. No. 6.  
The Patents, Designs, Trade Marks, and Copyright Act,  
1916.

NOTICE OF OPPOSITION TO APPLICATION FOR  
REGISTRATION.

(To be accompanied by an unstamped duplicate.)  
In the matter of an application No. ....  
by ..... of .....

\* Here state  
full name and  
address.

\* I, .....  
hereby give notice of my intention to oppose the Regis-  
tration of the Trade Mark advertised under the above  
number for Class ..... in the Gazette of the  
..... day of ..... 19..... No. ...., page .....

The grounds of opposition are as follows:—  
.....  
.....

(Signed) .....  
Dated the ..... day of ..... 19.....  
Address for service: .....

To the Registrar,  
The Trade Marks Office, Pretoria.



FORM T.M. No. 7.  
The Patents, Designs, Trade Marks, and Copyright Act,  
1916.

FORM OF COUNTER-STATEMENT.

(To be accompanied by an unstamped duplicate.)  
In the matter of an Opposition to  
Application No. ....

I, .....  
the applicant for the above Trade Mark, hereby give  
notice that the following are the grounds on which I  
rely as supporting my application:—  
.....  
.....

I admit the following allegations in the notice of  
Opposition:—  
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.....

(Signature) .....  
Dated this ..... day of ..... 19.....

To the Registrar,  
The Trade Marks Office, Pretoria.

FORMULIER H.  
De Patenten,  
KENNISGEVING  
K.  
[Een ongezegd]

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Aan de Registrar  
Kantoor van I

FORMULIER H.M.  
De Patenten, M

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Aan de Registrar  
Kantoor van Ha

388

FORM O. No. 1.

NOTICE OF NON-COMPLETION OF REGISTRATION

The Trade Marks Office, Pretoria.

No. The Registrar has to call your attention to Section 114 of the Patents, Designs, Trade Marks, and Copyright Act, 1916, and to Rule 62 of the Trade Marks Rules made thereunder. Your application numbered as above was made on the day of 19 Registration has not been completed by reason of your default. Unless it is completed within days from this date the application will be treated as abandoned. Dated this day of 19 To

TRADE MARKS. £2 or £1.

FORM T.M. No. 8. The Patents, Designs, Trade Marks, and Copyright Act, 1916.

FEE FOR REGISTRATION OF A TRADE MARK

SIR, In reply to your request I hereby transmit the prescribed fee for the registration of the Trade Mark No. in Class

I am, Sir, Your obedient Servant,

\* Signature.

Dated the day of 19 To the Registrar, The Trade Marks Office, Pretoria.

FORM O. No. 2.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

CERTIFICATE OF REGISTRATION UNDER SECTION 120.

To. I hereby certify pursuant to Rule 66 of the Rules under the above Act that the Trade Mark in your application No. was duly advertised in the Gazette and has been registered in your name in Class in respect of the goods specified by you.

PATENT OFFICE JOURNAL

(Inserted by T.M. Amendment Rules, 1949)



Witness my hand this day of 19

Registrar

The Trade Marks Office, Pretoria.

FORMULIER O KENNISGEN

No.

De Registrateurrecht Wet Regels opges. Uw applicas de tie is nog niet stratie binnert uw applicatie Gedateerd h Aan

FORMULIER De Patenten,

FOOI VOOR

MIJNHEER, In antwoord geschreven foo No.

Gedateerd he Aan de Registr Kantoor van

FORMULIER O. De Patenten,

CERTIFIKA

Aan Ingevolge reg Wet, verklaar ik katie No teerd en op uw I ten onz deren.



Het Kantoor van Pretoria

FORM T.M. No. 9.

THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

RENEWAL OF REGISTRATION BEFORE NOTICE GIVEN.

I hereby leave the prescribed fee of \_\_\_\_\_ for the renewal of the registration of the Trade Mark No. \_\_\_\_\_ in Class \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

To the Registrar, The Trade Marks Office, Pretoria.

N.B.—(a) This form must be endorsed with the name and address of the person transmitting the fee. (b) The declaration at the foot hereof must be completed.

DECLARATION.

I, \_\_\_\_\_ of \_\_\_\_\_ being \_\_\_\_\_ hereby declare that the Trade Mark referred to above has been substantially used in the Union of South Africa from a date 12 months prior to the expiration of the (a) \_\_\_\_\_ registration in respect of (b) \_\_\_\_\_ (Signature) \_\_\_\_\_

- (a) Insert "original" or "last renewal" as the case may be. (b) Set out the goods on which the Trade Mark has been used.

THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

NOTICE BEFORE REMOVAL OF TRADE MARK FROM THE REGISTER UNDER SECTION ONE HUNDRED AND TWENTY-NINE (1).

You are hereby notified that in conformity with the provisions of section one hundred and twenty-nine (1) of the above Act, your Trade Mark No. \_\_\_\_\_ registered in Class \_\_\_\_\_ will be removed from the Trade Mark Register unless the prescribed fee of \_\_\_\_\_ (payable by Form No. T.M. 10 by means of uncanceled Union Revenue Stamps) be received at this office before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, on which date this existing registration will expire.

If the above fee be not paid before the date above named, the Trade Mark will, after the end of one month from the date on which the omission to pay the fee has been advertised in the Gazette, be removed from the Trade Mark Register, unless an additional fee of 10s. (payable by Form T.M. No. 11) be remitted.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Registrar of Trade Marks.

To The Trade Marks Office, Pretoria.

FORMULIER

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Aan

Het kantoor v Pretoria

Deleted Notice No 574 - Gazette No 5857 dtd 26/4/57

such date amended by Gov. Notice N.8 in of 8/5/42

Form No. = 0.3.

Form T.M. No. 10.

THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

RENEWAL OF REGISTRATION OF MARK AFTER NOTICE.

Sir, In pursuance of the notice received from you, I hereby transmit the prescribed fee of \_\_\_\_\_ for Renewal of Registration of the Trade Mark No. \_\_\_\_\_ in Class \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

To the Registrar, The Trade Marks Office, Pretoria.

N.B.—(a) This form must be endorsed with the name and address of the person transmitting the fee.

(b) The declaration, at the foot hereof, must be completed.

Deleted by Notice No 574 adv. in Gov. Gazette No 5857 ad. 26/4/57

DECLARATION

I, \_\_\_\_\_ being \_\_\_\_\_ of \_\_\_\_\_ hereby declare that the Trade Mark referred to above has been substantially used in the Union of South Africa from a date 12 months prior to the expiration of the (a) \_\_\_\_\_ registration in respect of (b) \_\_\_\_\_

(Signature)

- (a) Insert "original" or "last renewal of" as the case may be. (b) Set out the goods on which the Trade Mark has been used.

FORM O. No. 4 Deleted.

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Mijnheer, In antwoord op de voorgescreven registratie van Gedateerd

Aan de R. Kantoor

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FORM T.M. No. 11.

TRADE MARKS.

10s.

The Patents, Designs, Trade Marks and Copyright Act, 1916.

ADDITIONAL FEE OF 10s. TO ACCOMPANY RENEWAL FEE (FORM T.M. No. 10) WITHIN ONE MONTH AFTER ADVERTISEMENT OF NON-PAYMENT OF RENEWAL FEE.

SIR,

In pursuance of the notices issued by you, I hereby transmit the additional fee of 10s. (along with Form T.M. No. 10) for the renewal of the Registration of the Trade Mark No. .... in Class.....

Dated the ..... day of ..... 19.....

To the Registrar,  
The Trade Marks Office, Pretoria.

N.B.—This form must be endorsed with the name and address of the person transmitting the same.

FORMULIER H.M.  
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FORM T.M. No. 12

TRADE MARKS.

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The Patents, Designs, Trade Marks and Copyright Act, 1916.

RESTORATION OF TRADE MARK WHERE REMOVED FOR NON-PAYMENT OF FEE.

(To accompany Form T.M. No. 10.)

SIR,

In pursuance of the notices issued by you, I hereby transmit the additional fee of £1 (along with Form T.M. No. 10) for restoration to the Trade Marks Register of the Trade Mark No. .... in Class.....

Dated the ..... day of ..... 19.....

To the Registrar,  
The Trade Marks Office, Pretoria.

N.B.—This form must be endorsed with the name and address of the person transmitting the same.

FORMULIER H.M.  
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JOINT REQUEST TO THE REGISTRAR BY REGISTERED PROPRIETOR AND TRANSFEREE TO REGISTER THE TRANSFEREE AS SUBSEQUENT PROPRIETOR OF TRADE MARKS UPON THE SAME DEVOLUTION OF TITLE.

88 quat. An application by the registered proprietor of a trade mark for the variation of the registration of a registered user of that trade mark under paragraph (a) of section one hundred and thirty-one (9) shall be made on Form T.M. No. 14, and shall be accompanied by a statement of the ground on which it is made and, where the registered user in question consents, by the written consent of that registered user.

entered in relation to the same registered trade mark, and shall be inserted in the Patents Office Journal.

(c) Signature of assignee. To the Registrar, The Trade Marks Office, Pretoria.

FORMS T.M. 13, 14, 15 & 16 substituted BY THE TRADE MARKS AMENDMENT RULES, 1949.

(Gov. NOTICE, NO 868 OF 1949.)

FORM T.M. No. 14 TRADE MARKS ACT, 1916. THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

PROPRIETOR OF A TRADE MARK OR REGISTER A SUBSEQUENT THE SAME DEVOLUTION OF TITLE.

I (or We) (a) hereby request that my (or our) name may be entered in the Register of Trade Marks as proprietor of Trade Mark(s) No. as from the (b) I am (or We are) entitled to the Trade Mark(s) by virtue of (c)

(d) The trade mark at the time of the assignment was (d) (not) used in a business in the goods in question, and the assignment (d) (took) (did not take) place, on or after the appointed day otherwise than in connection with the goodwill of a business in the goods, (d) and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith, and a statement of the dates of issue of any publications containing them.

Dated this day of 1949. TO THE REGISTRAR, THE TRADE MARKS OFFICE, PRETORIA.

Note.—The instrument under which the Transferee claims should preferably accompany this Form.

Additional numbers may be given in addition to the numbers (a) Here insert full name of proprietor (b) Date of acquisition of proprietorship (c) Here insert full particulars of the instrument of assignment (d) Strike out any words not applicable to the instrument of assignment

FORMULIER H. De Patenten.

GEZAMENLIK EIGENAAR MERK GECONOEMDE A HET HANDELS

Wij (a) en (c) verzoeken hierte (g) moge worden ingeser merk No.

Adres voor de

Aan de Registratie Kantoort van Pretoria.

FORMULIER H. De Patenten.

VORM VAN WIE HANDELS TOT ONDE No. 13.

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35. (1) In cases where royalties are payable by means of adhesive labels, if at any time labels of the required denomination are not available either because—

- (a) after the expiration of fourteen days from the date of the prescribed notice the owner of the copyright has not duly sent to the person reproducing the work an intimation of some reasonably convenient place within the Union from which such labels can be obtained; or
- (b) the owner of the copyright refuses or neglects to supply such labels within fourteen days after demand duly made,

copies of the work may be delivered to purchasers without having labels affixed thereto, and the amount of royalties shall be a debt due by the person reproducing the work to the owner of the copyright, and the person reproducing the work shall keep an account of all such copies sold by him.

(2) For the purpose of this rule "the date of the prescribed notice" means—

- (a) in cases when the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;
- (b) in cases when the notice is required to be advertised in the *Gazette*, the date of such advertisement.

36. Where royalties are by agreement payable in any other mode than by means of adhesive labels the time and frequency of the payment shall be such as are specified in the agreement.

37. The adhesive label supplied as aforesaid shall be an adhesive paper label, square in shape, the design to be entirely enclosed within a circle, and the side of the label not to be greater than  $\frac{3}{4}$  inch in length. The label shall not be in a form which resembles any postage stamp nor bear the effigy of the Sovereign or any other person, nor any word, mark, or design such as to suggest that the label is issued by or under the authority of the Union Government for the purpose of denoting any duty payable to such Government.

#### ROYALTY SYSTEM (MECHANICAL MUSICAL CONTRIVANCES).

38. (1) The notice required by sub-section (2) of section *nineteen* of the British Copyright Act shall contain the following particulars:—

- (a) The name and address of the person intending to make the contrivances;
- (b) the name of the musical work which it is intended to reproduce and of the author (if known); and (if necessary) a description sufficient to identify the musical work;

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## ROYALTY SYSTEM (GENERAL).

32. (1) The notice required by section three of the British Copyright Act shall contain the following particulars:—

- (a) The name and address of the person intending to reproduce the work;
- (b) the name of the work which it is intended to reproduce, and (if necessary) a description sufficient to identify it;
- (c) the manner in which it is intended to reproduce the work, e.g. whether by printing, lithography, photography, etc.;
- (d) the price or prices at which it is intended to publish the work;
- (e) the earliest date at which any of the copies will be delivered to the purchaser.

(2) The notice, shall, not less than one month before any copies of the work are delivered to the purchaser, be sent by registered post or published by advertisement as follows:—

- (a) If the name and address within the Union of the owner of the copyright, or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, the notice shall be sent to the owner or agent at that address;
- (b) if such name and address are not known and cannot, with reasonable diligence, be ascertained, the notice shall be advertised in the *Gazette*; the advertisement in the *Gazette* shall give the particulars required by paragraphs (a) and (b) of paragraph (1) of this rule, and shall also state an address from which a copy of the notice described in paragraph (1) of this rule may be obtained.

33. (1) Unless otherwise agreed, royalties shall be payable by means of adhesive labels purchased from the owner of the copyright, and affixed to the copies of the work.

(2) After the person reproducing the work has given the prescribed notice of his intention to reproduce the work, the owner of the copyright shall, by writing sent by registered post, intimate to him some reasonably convenient place within the Union from which adhesive labels can be obtained, and, on demand in writing and tender of the price, shall supply from such place adhesive labels of the required denominations at a price equal to the amount of royalty represented thereby.

34. Subject to these rules, no copy of the work shall be delivered to a purchaser until the label or labels denoting amount of royalty have been affixed thereto.

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ASSIGNMENTS, ETC.

29. (1) When any person becomes entitled to any registered copyright or performing right, by virtue of an assignment or transmission, or to any interest therein, a request for the entry of his name in the register may be left at, or sent by post to, the office.

(2) The request may be in accordance with Form G or Form H, as the case may be, and shall be made and signed by the person claiming to be registered as owner or licensee, or by his agent, and the applicant shall produce such proof of his title as the Registrar may require.

(3) The Registrar, if satisfied with the request, shall register the assignment, transmission, or licence by entering particulars thereof in the proper register.

THE REGISTER.

30. The Register of Copyright may be altered or amended by the Registrar in the following cases:—

(a) Where the error in entry has been made purely through the fault of the office; or

(b) where the error in entry has been made through accident on the part of an applicant or his agent.

In the latter case, however, no amendment shall be made unless the owner of the copyright or performing right lodges at the Copyright Office a request to amend, accompanied by the prescribed fee.

31. (1) The Registrar of Copyright shall be open to the inspection of the public during office hours on every day during which the office is open, except on the days and at the times following:—

(a) Days which are from time to time notified by a placard posted in a conspicuous place at the office; and

(b) times when the registers are required for any purpose of official use.

(2) The office shall not be open to the public on the following days:—

(a) All days observed as public holidays;

(b) days which may from time to time be notified by a placard posted in a conspicuous place at the office; and

(c) days observed as days of public fast or thanksgiving.

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*Instituted a new rule at the notice 823 of 4d.*

*31 bis - New Rule inserted by Gov. Notice 823 of 8/5/42 (page 496)*

18. An application for the registration of copyright in an unpublished work, other than a work specified in Rules Nos. 15 and 17, must be accompanied by a copy of the work.

19. The title of a literary work should be given exactly as on the title page of the book, or on the work, and the other particulars required to be specified should be exactly as indicated in the work itself.

20. An application for the registration of copyright in a published book must be accompanied by a copy of the book, with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the books are published, and bound, sewed or stitched together and on the best paper on which the book is printed.

21. An application for the registration of copyright in an artistic work must be accompanied by a copy thereof, or a representation of it.

22. An application for the registration of copyright in an interchangeable part of a mechanical instrument for mechanically reproducing musical works must be accompanied by the disc, cylinder, or music roll, by means of which the music is reproduced.

23. Where an application for registration of copyright is made by a person, other than the author of the work, he shall in his application trace his title from the author, and shall produce such proof of title as the Registrar may require.

24. In the case of new editions of works containing material additions or alterations either in the letterpress or in the maps, prints, or other engravings belonging thereto, applications for registration of copyright may be made in respect of the new edition as if it were an independent work.

25. If it is desired to register the words only of a song, the application should be made as for a literary work; if it is desired to register both words and music, application should be made as for a musical work.

26. In the case of music published in different editions arranged for different instruments, application for registration of copyright may be made for each arrangement.

27. In the case of engravings, photographs, or other artistic works published with variations, application for registration of copyright may be made for each variety, and should be so worded as to clearly differentiate the different issues.

28. Every application for the registration of a copyright or performing right must contain an address in the Union to which all notices, requisitions, and communications of every kind may be made.

28 bis --- New Reg. issued by  
 Gov. Notice No 822 of  
 18/1/1911

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## APPLICATION FOR REGISTRATION.

7. Every application for the registration of copyright or performing right must be left at, or sent to, the office and may be sent by letter through the post, and must in every case be accompanied by the prescribed fee.

8. Every application for the registration of copyright or performing right must be signed by all applicants or their agents.

9. An application for the registration of copyright in a published literary, dramatic, musical, or artistic work may be in accordance with Form A, A1, A2, or A3 as the case requires.

10. An application for the registration of copyright in a photograph may be in accordance with Form C or C1 as the case requires.

11. An application for the registration of copyright in an unpublished literary, dramatic, musical, or artistic work may be in accordance with Form B.

12. An application for the registration of copyright in a published mechanical musical contrivance may be in accordance with Form D.

13. An application for the registration of copyright in an unpublished mechanical musical contrivance may be in accordance with Form E.

14. An application for the registration of the sole right to perform or authorize the performance of a musical or dramatic work may be in accordance with Form F, and shall be accompanied by a copy of the work.

15. An application for the registration of copyright in an unpublished dramatic work, consisting of a choreographic work or entertainment in dumb show, must be accompanied by a description thereof, either typewritten or written in a fair legible hand on one side only of the paper, and without interlineations or erasures.

16. Any variation in the arrangement or acting form of a choreographic work or entertainment in dumb show must be made the subject of a separate application for copyright registration.

17. An application for the registration of copyright in an unpublished dramatic work, consisting of a cinematograph production, must be accompanied by a description of the work, preferably typewritten, and by a photograph taken from each scene represented. If after registration the work is printed or reproduced for sale, a complete copy of the work must be filed, and, if the Registrar so desires, an amended description thereof.

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## GOVERNMENT NOTICE No. 1545 of 1916.

## THE COPYRIGHT RULES, 1917.

(AS AMENDED BY GOVERNMENT NOTICE No. 317 of 1934.)

HIS EXCELLENCY THE GOVERNOR-GENERAL has, under the powers vested in him by section *one hundred and ninety-two* of Act No. 9 of 1916 (The Patents, Designs, Trade Marks, and Copyright Act, 1916), been pleased to make the regulations, and to prescribe the tariff of fees, hereunder set forth:—

## PRELIMINARY.

1. The regulations (hereinafter referred to as "these Rules") may be cited as the Copyright Rules, 1917, and shall come into operation contemporaneously with the coming into operation of Chapter IV of the Act.

## INTERPRETATION.

2. Unless the context otherwise requires—

any expression to which a meaning has been assigned by any provision of the Act for the purposes thereof shall, when used in these rules, have the same meaning;

"office" means the Copyright Office established under the Act;

"the Act" means Act No. 9 of 1916;

"agent" means an attorney or patent agent resident or carrying on business in the Union;

and in the interpretation of these rules the Interpretation Act, 1910 (Act No. 5 of 1910), shall apply.

## FEES.

3. The fees to be paid in pursuance of the Act or these rules shall be the fees specified in the First Schedule hereto. All such fees shall be payable by means of revenue stamps.

4. Where any fee is payable in respect of any act or document, the Registrar may refuse to permit or perform the act, or to receive or issue the document, as the case requires, until the fee payable is paid.

## FORMS.

5. (1) Where in these rules any form is referred to, the reference is to the form in the Second Schedule hereto.

(2) The forms contained in the Second Schedule hereto may, as far as they are applicable, be used in any proceeding under the Act or these rules to which they are appropriate.

6. As regards proceedings not specifically provided for in the forms in the Second Schedule hereto any appropriate form will be accepted.

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CLASS 43.  
Fermented liquors and spirits.

*Illustrations.*  
Such as—  
Beer.  
Cyder.  
Wine.  
Whisky.  
Liqueurs.

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CLASS 44.  
Mineral and aerated waters, natural and artificial, including ginger-beer.

CLASS 45.  
Tobacco, whether manufactured or unmanufactured.

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CLASS 46.  
Seeds for agricultural and horticultural purposes.

Tabak, ruw

CLASS 47.  
Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches, and starch, blue, and other preparations for laundry purposes.

Such as—  
Washing powders.  
Benzine collas.

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CLASS 48.  
Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).

Karsen, gedeelten, verlicolie, vuurhoen andere pdoeleinden.

CLASS 49.  
Games of all kinds and sporting articles not included in other classes.

Such as—  
Billiard tables.  
Roller skates.  
Fishing nets and lines.  
Toys.

Parfumerie-art van toiletvoor de tand parfumeerde

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CLASS 50.  
Miscellaneous—

- (1) Goods manufactured from ivory, bone, or wood, not included in other classes.
- (2) Goods manufactured from straw or grass, not included in other classes.
- (3) Goods manufactured from animal and vegetable substances, not included in other classes.
- (4) Tobacco pipes.
- (5) Umbrellas, walking sticks, brushes, and combs.
- (6) Furniture cream, plate powder.
- (7) Tarpaulins, tents, rick-cloths, rope, twine.
- (8) Buttons of all kinds other than of precious metal or imitations thereof.
- (9) Packing and hose of all kinds.
- (10) Goods not included in the foregoing classes.

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## Illustrations.

CLASS 33.  
Yarns of wool, worsted, or hair.

CLASS 34.  
Cloths and stuffs of wool, worsted or hair.

CLASS 35.  
Woollen and worsted and hair goods not included in Classes 33 and 34.

CLASS 36.  
Carpets, floor-cloth, and oil-cloth.

Such as—  
Drugget.  
Mats and matting.  
Rugs.

CLASS 37.  
Leather, skins, unwrought and wrought, and articles made of leather not included in other classes.

Such as—  
Saddlery.  
Harness.  
Whips.  
Portmanteaus.  
Furs.

CLASS 38.  
Articles of clothing.

Such as—  
Hats of all kinds.  
Caps and bonnets.  
Hosiery.  
Gloves.  
Boots and shoes.  
Other ready-made clothing.

CLASS 39.  
Paper (except paper-hangings), stationery, and bookbinding.

Such as—  
Envelopes.  
Sealing wax.  
Pens (except gold pens).  
Ink.  
Playing cards.  
Blotting cases.  
Copying presses.

CLASS 40.  
Goods manufactured from india-rubber and gutta-percha not included in other classes.

CLASS 41.  
Furniture and upholstery.

Such as—  
Paper-hangings.  
Papier maché.  
Mirrors.  
Mattresses.

CLASS 42.  
Substances used as food, or as ingredients in food.

Such as—  
Cereals.  
Pulses.  
Olive oil.  
Hops.  
Malt.  
Dried fruits.  
Tea.  
Sago.  
Salt.  
Sugar.  
Preserved meats.  
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Oil cakes.  
Pickles.  
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ammunition, and stores not included in Class 20.

Such as—  
Cannon.  
Small-arms.  
Fowling pieces.  
Swords.  
Shot and other projectiles.  
Camp equipage.  
Equipments.

Illustrations.

CLASS 20.  
Explosive substances

Such as—  
Gunpowder.  
Gun-cotton.  
Dynamite.  
Fog-signals.  
Percussion caps.  
Fireworks.  
Cartridges.

CLASS 21.  
Naval architectural contrivances and naval equipments not included in Classes 19 and 20.

Such as—  
Boats.  
Anchors.  
Chain cables.  
Rigging.

CLASS 22.  
Carriages.

Such as—  
Railway carriages.  
Wagons.  
Railway trucks.  
Bicycles.  
Bath chairs.

CLASS 23.  
(a) Cotton yarn  
(b) Sewing cotton

CLASS 24.  
Cotton piece goods of all kinds.

Such as—  
Cotton shirtings.  
Long-cloth.

CLASS 25.  
Cotton goods not included in Classes 23, 24, or 38.

Such as—  
Cotton lace.  
Cotton braids.  
Cotton tapes.

CLASS 26.  
Linen and hemp yarn and thread.

CLASS 27.  
Linen and hemp piece goods.

CLASS 28.  
Linen and hemp goods not included in Classes 26, 27, and 50.

CLASS 29.  
Jute yarns and tissues, and other articles made of jute not included in Class 50.

CLASS 30.  
Silk spun, thrown, or sewing.

CLASS 31.  
Silk piece goods.

CLASS 32.  
Other silk goods not included in Classes 30 and 31.

Wapenen, amm  
niet begrepen

Ontploffbare stoff

Toestellen en inri  
voor de zeevaart  
uitrusting, niet b  
19 en 20.

Voertuigen.

(a) Katoengaren.  
(b) Naaigaren.

Katoenen stukgoedere  
ten.

Katoenen goederen  
Klassen 23, 24 of 38

Linnen en hennep.  
Garen en draad.

Linnen en hennep stukg

Linnen en hennep goeder  
in Klassen 26, 27 e

Jutegaren en vezels en anc  
gemaakt van jute, ni  
Klasse 50.

Zijde, gesponnen, getweer  
naaien.

Zijden stukgoederen.

Andere zijden goederen ni  
Klassen 30 en 31.

conditions or restrictions:

The proposed permitted use is to end on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
The proposed permitted use is without limit of period.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
(i) \_\_\_\_\_

Address for Service: \_\_\_\_\_

To: THE REGISTRAR,  
THE TRADE MARKS OFFICE,  
PRETORIA.

- \* Additional numbers may be given in a signed schedule on the back of the form.
- (a) Here insert full name, trade or business address and description of the Registered Proprietor(s).
- (b) Here insert the specification in the register.
- (c) Here insert the full name, description and nationality of the individual firm, or body corporate, proposed as Registered User. The names of all partners in a firm must be given in full. In case of a body corporate brief particulars of the kind and country of incorporation should be stated.
- (d) Here insert the full trade or business address of the proposed Registered User.
- (e) Here insert trading style (if any).
- (f) Here insert designation of goods (which must be comprised within the specification).
- (g) Write None if there are no conditions or restriction.
- (h) Strike out the words that are not applicable.
- (i) Signature.

FORM T.M. No. 35.

TRADE MARKS.  
Fee: £1.

THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

APPLICATION BY THE REGISTERED PROPRIETOR OF A TRADE MARK FOR VARIATION OF THE REGISTRATION OF A REGISTERED USER THEREOF WITH REGARD TO THE GOODS OR THE CONDITIONS OR RESTRICTIONS. [SECTION 131 bis (9) PARAGRAPH (a); RULE 88 *quat*]

[To be accompanied by a Statement of the Grounds for the application and the written consent (if given) of the Registered User.]

Application is hereby made by (a) \_\_\_\_\_  
the Proprietor of Trade Mark(s) No. \_\_\_\_\_  
registered in Class \_\_\_\_\_  
in respect of (b) \_\_\_\_\_  
that the registration of (c) \_\_\_\_\_  
as Registered User of the above-numbered Trade Mark(s) in respect  
of (d) \_\_\_\_\_  
may be varied in the following manner: (e) \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
(f) \_\_\_\_\_

To: THE REGISTRAR,  
THE TRADE MARKS OFFICE,  
PRETORIA.

- \* Additional numbers may be given in a signed schedule on the back of the form.
- (a) Here insert the full name, description and trade or business address of the Registered Proprietor.
- (b) Here insert the specifications in the register.
- (c) Here insert the full name, description and trade or business address of the Registered User.
- (d) Here insert the goods in respect of which the user is registered.
- (e) Here state in terms the manner in which it is requested that the entry should be varied.
- (f) Signature.

FORM T.M. No. 36.

TRADE MARKS.  
Fee: 5s.

THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

APPLICATION BY THE REGISTERED PROPRIETOR OR TRADE MARK OR BY ANY OF THE REGISTERED USERS OF THE TRADE MARK FOR THE CANCELLATION OF ENTRY OF REGISTERED USER THEREOF. [SECTION 131 bis (9) PARAGRAPH (b); RULE 88 quin.]

(To be accompanied by a Statement of the Grounds for the application).

Application is hereby made by (a) \_\_\_\_\_

being (b) the Registered Proprietor (a Registered User) of Trade Mark(s) No. \_\_\_\_\_ \* registered in Class \_\_\_\_\_

in respect of (c) \_\_\_\_\_

for the cancellation of the entry under the above-mentioned registration(s) of (d) \_\_\_\_\_

as a Registered User of the Trade Mark(s) in respect of (e) \_\_\_\_\_

The grounds for the application are set forth in the accompanying statement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

(f) \_\_\_\_\_

To: THE REGISTRAR,  
THE TRADE MARKS OFFICE,  
PRETORIA.

- \* Additional numbers may be given in a signed schedule on the back of the form.
- (a) Here insert the full name, description and trade or business address of the applicant or of the applicants.
- (b) Strike out the words that are not applicable.
- (c) Here insert the specification in the register.
- (d) Here insert the full name, description and trade or business address of the Registered User whose entry is sought to be cancelled.
- (e) Here insert goods in respect of which that Registered User is entered.
- (f) Signature(s).

FORM T.M. No. 37.

TRADE MARKS.  
Fee: 5s.

THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

APPLICATION FOR CANCELLATION OF ENTRY OF A REGISTERED USER OF A TRADE MARK. [SECTION 131 bis (9) PARAGRAPH (c); RULE 88 sext.]

(To be accompanied by a Statement of the Grounds for the application).

In the Matter of Trade Mark(s) No.(s) \_\_\_\_\_ registered in Class \_\_\_\_\_ in the name of (a) \_\_\_\_\_

application is hereby made by (b) \_\_\_\_\_

THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

## CLASS 12.

Cutlery and edge tools.*Illustrations.*

Such as—

Knives.  
Forks.  
Scissors.  
Shears.  
Files.  
Saws.

## CLASS 13.

Metal goods not included in  
other classes.

Such as—  
Anvils.  
Keys.  
Basins (metal).  
Needles.  
Hoes.  
Shovels.  
Corkscrews.

## CLASS 14.

Goods of precious metals (including aluminium, nickel, Britannia metal, etc.) and jewellery, and imitations of such goods and jewellery.

Such as—

Plate.  
Clock cases and pencil cases of such metals.  
Sheffield and other plated goods.  
Gilt and ormolu work.

## CLASS 15.

Glass.

Such as—

Window and plate glass.  
Painted glass.  
Glass mosaic.  
Glass beads.

## CLASS 16.

Porcelain and earthenware.

Such as—

China.  
Stoneware.  
Terra cotta.  
Statuary porcelain.  
Tiles.  
Bricks.

## CLASS 17.

Manufactures from mineral and other substances for building or decoration.

Such as—

Cement.  
Plaster.  
Imitation marble.  
Asphalt.

## CLASS 18.

Engineering, architectural, and building contrivances.

Such as—

Diving apparatus.  
Warming apparatus.  
Ventilating apparatus.  
Filtering apparatus.  
Lighting contrivances.  
Drainage contrivances.  
Electric and pneumatic bells.

Wap- K  
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essen en scherpe

Ont- K  
Metalen goederen n  
klassen.

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Goederen van kostb  
grepen aluminium  
niametaal, enz.) er  
taties van zodan  
sieraden.

Glas. KLAS

Porcelain en aardwer. KLAS

KLASSE  
Fabrikaten van miner  
stoffen voor bouwen

KLASSE I  
Toestellen gebruikt vo  
werken, architectuur  
ken.

Illustrations.

CLASS 5.

Unwrought and Partly wrought metals used in manufacture. Such as—

- Iron and steel, pig or cast.
- Iron, rough.
- Iron, bar and rail, including rails for railways.
- Iron, bolt and rod.
- Iron, sheet, and boiler and armour plates.
- Iron, hoop.
- Lead, pig.
- Lead, rolled.
- Lead, sheet.
- Wire.
- Copper.
- Zinc.
- Gold, in ingots.

CLASS 6.

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in Class 7. Such as—

- Steam engines.
- Boilers.
- Pneumatic machines.
- Hydraulic machines.
- Locomotives.
- Sewing machines.
- Weighing machines.
- Machine tools.
- Mining machinery.
- Fire engines.

CLASS 7.

Agricultural and horticultural machinery, and parts of such machinery. Such as—

- Ploughs.
- Drilling machines.
- Reaping machines.
- Threshing machines.
- Churns.
- Cyder presses.
- Chaff cutters.

CLASS 8.

Philosophical instruments, scientific instruments, and apparatus for useful purposes. Instruments and apparatus for teaching. Such as—

- Mathematical instruments.
- Gauges.
- Logs.
- Spectacles.
- Educational appliances.

CLASS 9.

Musical instruments.

CLASS 10.

Horological instruments.

CLASS 11.

Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals. Such as—

- Bandages.
- Friction gloves.
- Lancets.
- Fleams.
- Enemas.

KLASSE

Onbewerkte en gedeeltemetalen gebruikt v

KLASSE

Alle soorten van machinedelen van machines, en tuinbouwmachines Klasse 7.

KLASSE

Landbouw- en tuinbouwonderdelen daarvan.

KLASSE 8

Natuurkundige instrumenten en apparaten voor nuttige instrumenten en toebehoren bij het onderwijs.

KLASSE 9.

Muziekinstrumenten.

KLASSE 10

Horologiese instrumenten.

KLASSE 11.

Instrumenten, apparaten en contrivances niet geneeskundig voor heel- of geneeskundigen of in verband met de gezondheid van mensen en die

## THIRD SCHEDULE.

## CLASSIFICATION OF GOODS.

*Illustrations.*

NOTE.—Goods are mentioned in this column by way of illustration, and not as an exhaustive list of the contents of a class.

## CLASS 1.

Chemical substances used in Such as—  
 manufactures, photography, or Acids, including vegetable  
 philosophical research, and acids.  
 anti-corrosives. Alkalies.  
 Artists' colours.  
 Pigments.  
 Mineral dyes.

## CLASS 2.

Chemical substances used for Such as—  
 agricultural, horticultural, Artificial manure.  
 veterinary, and sanitary pur- Cattle medicines.  
 poses. Deodorizers.  
 Vermin destroyers.

## CLASS 3.

Chemical substances prepared for Such as—  
 use in medicine and pharmacy. Cod liver oil.  
 Medicated articles.  
 Patent medicines.  
 Plasters.  
 Rhubarb.

## CLASS 4.

Raw or partly prepared vegetable, Such as—  
 animal, and mineral substances Resins.  
 used in manufactures, not in- Oils used in manufactures and  
 cluded in other classes. not included in other classes.  
 Dyes, other than mineral.  
 Tanning substances.  
 Fibrous substances (e.g. cotton,  
 hemp, flax, jute).  
 Wool.  
 Silk.  
 Bristles.  
 Hair.  
 Feathers.  
 Cork.  
 Seeds.  
 Coal.  
 Coke.  
 Bone.  
 Sponge.

Chemie  
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 sanita

Chemies  
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 vat in :

APPLICATION FOR EXTENSION OF TIME IN WHICH TO APPLY FOR THE REGISTRAR'S DIRECTIONS FOR THE ADVERTISEMENT OF AN ASSIGNMENT OF TRADE MARKS OTHERWISE THAN IN CONNECTION WITH THE GOODWILL OF THE BUSINESS [SECTION 130 (7) AND RULE 80 quin].

FORMULIER H.M.

De Patenten, Mo

Application is hereby made by (a) \_\_\_\_\_ of \_\_\_\_\_

VORM VAN AP

for extension of time of (b) \_\_\_\_\_ in which to apply for the Registrar's Directions for the advertisement of an assignment to him (them) of the following Trade Marks otherwise than in connection with the goodwill of the business in which they were used at the time of assignment, namely:—

(1) Registered Trade Marks:—

Ik (a) \_\_\_\_\_ van (a) \_\_\_\_\_ geef hiermede ken in hoger beroep te van de Registrare waarbij hij (c) \_\_\_\_\_

*Registration Number.	Class.	Goods in respect of which the Marks has been used and is Assigned.

all of which are or were registered in the name of (c) \_\_\_\_\_ of \_\_\_\_\_

Ingesloten bij van mijn zaak v

who is the assignor;—

(2) Unregistered Trade Marks, all being Marks used in his business at the time of assignment and in respect of the goods stated below, by (c) \_\_\_\_\_ of \_\_\_\_\_

Gedateerd hee Aan de Registr Kantoer van

who is the assignor: \_\_\_\_\_

*Representation of Mark.	Goods in respect of which the Mark has been used and is Assigned.

FORMULIER H.

De Patenten,

The date of assignment was the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

VERZOEK O KOM

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ (d) \_\_\_\_\_

To: THE REGISTRAR, THE TRADE MARKS OFFICE, PREOTIRA.

Hande Ik, van doe hiermede worden, inzak welke mogen hiervan:—

\* Additional marks and numbers may be given in a signed schedule on the back of the form. (a) Here insert the name and trade or business address of the assignee (applicant). (b) Here insert extension applied for. (c) Here insert the name and trade or business address of the proprietor (assignor). (d) Signature

- (a) De pub
- (b) De regis
- (c) Enige a

FORM T.M. No. 34.

TRADE MARKS. Fee: £1 or 2s.

Gedateerd hede

PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

Aan de Registr Handelsme

APPLICATION FOR REGISTRATION OF REGISTERED USER.

(To be accompanied by a Statement of Case giving particulars and stating as required by section 131 bis (5), verified by a Statutory Declaration made by the Proprietor, or by some person authorised to act on his behalf and approved by the Registrar.)

Application is hereby made by (a) \_\_\_\_\_

(b) the registered proprietor(s) of Trade Marks registered in Class \_\_\_\_\_



TRADE MARKS.  
£3.

FORM T.M. No. 27.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

FORM OF APPEAL FROM THE REGISTRAR TO THE COURT.

(a) Here insert full name and address of appellant.  
(b) Here insert "the decision" or "that part of the decision" as the case may be.  
(c) Here insert the decision complained of.

I, (a).....  
of (a).....  
hereby give notice of my intention to appeal to the Court from (b).....  
of the Registrar of the.....day of.....19.....  
whereby he (c).....

Accompanying this notice is a statement of my case for the decision of the Court.

(Signed).....

Dated this.....day of.....19.....

To the Registrar,  
The Trade Marks Office, Pretoria,  
and to  
[Name of Opponent, if any].

TRADE MARKS.  
10s.

FORM T.M. No. 28.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

REQUEST FOR INFORMATION AS TO FUTURE PROCEEDINGS.

\* Here insert number of application or full particulars if no number.

Trade Mark Application No.....\*

I, .....  
of .....  
hereby request that information be sent to me with reference to any of the proceedings below which take place within six months from date hereof:—

- (a) The publication of the acceptance of the application.
- (b) The registration of the Trade Mark.
- (c) Any application for the making of any entry with reference to this Trade Mark.

(Signature).....  
Dated this.....day of.....19.....

To the Registrar,  
The Trade Marks Office, Pretoria.

NEW FORMS T.M. 29 — T.M. 40  
INSERTED BY TRADE MARKS  
AMENDMENT RULES, 1949  
(Gov Gaz 868 of 6/5/49)

TRADE MARKS  
NEW FORMS ISSUED BY TRADE MARKS  
MARKS AMENDMENT ACT, 1949. Fee: 2/1.  
THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

APPLICATION FOR THE CERTIFICATE OF THE REGISTRAR  
UNDER SECTION 130 (5) AND RULE 80 *quat* WITH  
REFERENCE TO A PROPOSED ASSIGNMENT OF A REGISTERED  
TRADE MARK

(To be accompanied by a Statement of Case in duplicate and a copy  
of the proposed assignment).

In the Matter of Trade Mark(s) No.(s) \_\_\_\_\_  
registered in the name of \_\_\_\_\_  
in Class(es) \_\_\_\_\_  
Application is hereby made by (a) \_\_\_\_\_

of \_\_\_\_\_  
being the Registered Proprietor(s) of the above-numbered registered  
trade mark(s), for the Registrar's Certificate under section 130 (5)  
with reference to a proposed assignment of the registered trade mark(s)  
No.(s) \_\_\_\_\_  
to (b) \_\_\_\_\_  
of \_\_\_\_\_  
in circumstances that are stated fully in the accompanying Statement  
of Case.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
(c) \_\_\_\_\_

To: THE REGISTRAR,  
THE TRADE MARKS OFFICE,  
PRETORIA.

- (a) Here insert the name and trade or business address of the Registered Proprietor.
- (b) Here insert the name and trade or business address of the proposed assignee.
- (c) Signature.

TRADE MARKS

FORM T.M. No. 25.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

TRADE MARKS.  
10s. or 5s.

REQUEST FOR SEARCH UNDER RULE 94.

(a) State goods.

You are hereby requested to search under Rule 94 in Class..... in respect of.....(a)..... to ascertain whether any Trade Marks are on record which resemble the Trade Mark sent herewith in duplicate each mounted on a half sheet of foolscap.

\* Signature.

\* .....

† Address.

† .....

Date this..... day of..... 19.....

To the Registrar,  
The Trade Marks Office, Pretoria.

FORM T.M. No. 26.

The Patents, Designs, Trade Marks, and Copyright Act 1916.

TRADE MARKS.  
10s.

NOTICE OF ORDER OF COURT FOR ALTERATION OR RECTIFICATION OF REGISTER OF TRADE MARKS.

In the matter of the Trade Mark No....., registered in Class..... in the name of .....

SIR,  
Notice is hereby given that by an Order of the Court made on the..... day of....., 19....., it was directed that.....

An Office Copy of the Order of the Court is enclosed herewith.

Dated this..... day of..... 19.....

\* To be signed by the person interested or his agent.

To the Registrar,  
The Trade Marks Office, Pretoria.

FORMULIER H.M. No. 25.  
De Patenten, Modellen, Ho  
Wel,

VERZOEK OM NAZOF

Gij wordt mits deze onder regel 94 in klasse... ten einde vast te stell... schreven welke enige f... merk hiernaevensgaand... half vel foolscap-pa

Gedateerd hede

Aan de Registr...  
Kantoor van

FORMULIER  
De Pater

KENN  
VOO  
DE

TRADE MARKS.  
5s.

FORM T.M. No. 23.

*The Patents, Designs, Trade Marks, and Copyright Act,*  
1916.

REQUEST TO ENTER DISCLAIMER OR MEMORANDUM RELATING TO A TRADE MARK.

I, ..... of .....

hereby request that you will enter in the Register in connection with Trade Mark No. .... in Class ..... the following ..... namely:—  
.....  
.....

\* Signature.

Dated this ..... day of ..... 19.....

To the Registrar,  
The Trade Marks Office, Pretoria.

TRADE MARKS.  
£1 or 10s.

FORM T.M. No. 24.

*The Patents, Designs, Trade Marks, and Copyright Act,*  
1916.

APPLICATION UNDER SECTION 134 TO ADD TO OR ALTER A TRADE MARK.

In the matter of the Trade Mark No. .... in Class .....

Application is hereby made on behalf of the registered proprietor of the Trade Mark numbered as above to alter it in the following particulars, that is to say—  
.....  
.....  
.....  
.....

(Here fill in full particulars).

Four copies of the mark as it will appear when so altered are filed herewith.

(Signed) .....

Dated this ..... day of ..... 19.....

To the Registrar,  
The Trade Marks Office, Pretoria.

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TRADE MARKS.  
5s.

FORM T.M. No. 21.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

FORM OF APPLICATION BY PROPRIETOR OF REGISTERED TRADE MARK TO CANCEL ENTRY ON REGISTER.

Trade Mark No. .... Class ....., advertised in the Gazette No. ...., page .....  
Name of Registered Proprietor .....

Place of Business .....  
Description .....  
I, the undersigned, .....

of .....  
[or I, the undersigned, .....  
a member of the firm of .....

of .....  
on behalf of my said firm] .....

apply that the entry upon the Register of Trade Marks of the Trade Mark No. .... in Class ..... may be cancelled.

\* Signature.

Dated this ..... day of ..... 19.....

To the Registrar,  
The Trade Marks Office, Pretoria.

TRADE MARKS.  
5s.

FORM T.M. No. 22.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

REQUEST TO STRIKE OUT GOODS FROM THOSE FOR WHICH A TRADE MARK IS REGISTERED.

I, .....  
of .....  
hereby request that you will strike out .....  
from the goods for which the Trade Mark No. .... is registered in Class .....

\* Signature.

Dated this ..... day of ..... 19.....

To the Registrar,  
The Trade Marks Office, Pretoria.

FORMULIER

De Patent

VORM VAN  
GEREG  
SELER

Handels  
de Staatsk  
Naam

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FORMULI

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Ik .....  
van .....  
verzoek

te willen  
No. ....

Geda  
Aan de  
Kant

TRADE MARKS. 5s.

FORM T.M. No. 19.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR PERMISSION TO AMEND APPLICATION UNDER SECTION 112 (4) OR SECTION 133 (1) (a). and (1) bis.

1. AMENDMENT 7 1944.

SIR, I hereby request that

error

Signature.

Dated this day of 19

To the Registrar, The Trade Marks Office, Pretoria.

FORMULIER De Patente

VORM VAN SCHRIJFING V. 112 (+) O

MIJNHEER. Hiermede

Gedagte Aan de R. Kantoor

FORMULIE De Patente

VERZOEK RING GENA. GISTE

Ik. (a)

verzoek te schrijven het Hand (c) tot de st opzichte Er is g schap va

Geda. Aan de Kant

FORM T.M. No. 20.

TRADE MARKS. Fee: 5s.

THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

REQUEST TO ENTER CHANGE OF NAME OR DESCRIPTION OF REGISTERED PROPRIETOR (OR REGISTERED USER) OF TRADE MARK UPON THE REGISTER.

I (or We), (a)

hereby request that (b) name(s) and description(s) may be entered in the Register of Trade Marks as (c) proprietor(s)/registered user(s) of the Trade Mark(s) No. \* registered in Class

(d) entitled to (c) [the said Trade Mark. Use the said Trade Mark as registered user(s)].

There has been no change in the (c) [actual proprietorship/identity of the registered user(s)] of the said Trade Mark, but (e)

The entry at present standing in the Register gives my (or our) name(s) and description(s) all as follows

Dated this day of 19 (f)

To: THE REGISTRAR, THE TRADE MARKS OFFICE, PRETORIA.

- Additional numbers may be given on a signed schedule on the back of the Form. (a) Here insert present name, address, and description of Registered Proprietor or Registered User. (b) My or our. (c) Strike out the words that are not applicable. (d) I am or We are. (e) Here state the circumstances under which the change of name took place. (f) Signature.

Act,

OF MARK

name (c) of

mark and ne goods registered. proprietor-

19

MARKS

TRADE MARKS.  
5s. or 1s.

FORM T.M. No. 17.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

NOTICE OF APPLICATION FOR ALTERATION OF ADDRESS OR ADDRESS FOR SERVICE ON REGISTER OF TRADE MARKS.

In the matter of the Trade Mark No. ....

T.M. AMENDMENT RULES 1949.

(b) Form T.M. No. 17 of the principal rules shall be amended by insertion between the words "registered" and "proprietor" of the following "(2) user or" and by the insertion of a marginal note as follows (a) delete the word that is not applicable. After the word "proprietor" in the marginal note add "or registered user".

Mark numbered .....  
address for service to .....

Dated this ..... day of ..... 19.....

\* Signature of proprietor.

To the Registrar,  
The Trade Marks Office, Pretoria.

TRADE MARKS.  
£3.

FORM T.M. No. 18.

*The Patents, Designs, Trade Marks, and Copyright Act, 1916.*

APPLICATION TO PERMIT AN APPORTIONMENT OF TRADE MARKS.

In the matter of the Registered Trade Marks Nos. ....

We, being the parties interested within the meaning of Section 131 of the Patents, Designs, Trade Marks, and Copyright Act, 1916, in certain marks of ..... who has ceased to carry on business, request you to permit an apportionment of those marks amongst the persons in fact continuing the business. With this application we send a case in pursuance of Rule 86.

(Signed) .....  
(Signed) .....

Dated this ..... day of ..... 19.....

To the Registrar,  
The Trade Marks Office, Pretoria.

FORM

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DECLARATION IN SUPPORT OF STATEMENT OF CASE  
 ACCOMPANYING FORM T.M. No. 13 OR T.M. No. 14.  
 (Only to be furnished when requested by Registrar).

FORMULIER II  
 De Patenten.

Copyright Act,

SEQUENT  
 UPON THE

VERZOEK  
 VOLGENS  
 IN HET I

I, \_\_\_\_\_  
 of \_\_\_\_\_  
 do hereby solemnly and sincerely declare that the particulars set out  
 in the Statement of Case, exhibit marked \_\_\_\_\_,  
 and left by me in connection with my request to be registered as sub-  
 sequent proprietor of the Trade Mark No. \_\_\_\_\_  
 in Class \_\_\_\_\_, are true and comprise every  
 material fact and document affecting the present proprietorship of  
 the Trade Mark \_\_\_\_\_.

name (c)  
 of \_\_\_\_\_  
 the Mark and  
 in the goods  
 is registered.  
 of (e) \_\_\_\_\_

Ik (a).....  
 verzoek(en)  
 schrijven in  
 het Handel-  
 (c).....  
 tot de stand  
 opzichte w  
 Ingeslot  
 (d).....

And I make this solemn declaration conscientiously believing the  
 same to be true. (a) \_\_\_\_\_

Declared at \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Before me (b) \_\_\_\_\_

To: THE REGISTRAR,  
 THE TRADE MARKS OFFICE,  
 PRETORIA.

Adres v

(a) To be signed here by the person making the declaration.  
 (b) Signature and title of authority before whom the declaration is made.

FORM T.M. No. 16.

TRADE MARKS.  
 £1.

THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT ACT, 1916.

APPLICATION TO THE REGISTRAR UNDER SECTION 108 (5)  
 AND RULE 64 (2) TO DISSOLVE THE ASSOCIATION BETWEEN  
 A REGISTERED TRADE MARK AND (AN) OTHER REGISTERED  
 TRADE MARK(S).

Copyright Act,

(To be accompanied by a Statement of Case. In the matter of a  
 Trade Mark).

STATEMENT  
 No. 15.

No. \_\_\_\_\_ Registered in Class \_\_\_\_\_

I (or We) \_\_\_\_\_

being the Registered Proprietor(s) of the above-numbered Trade Mark,  
 hereby apply that the association of this Trade Mark with the following  
 Trade Mark(s) registered in my (our) name:—

that the par-  
 bit marked  
 ion with my  
 rietor of the  
 \_\_\_\_\_, are true  
 ent affecting  
 ove claimed.  
 conscientiously

No. \_\_\_\_\_ Registered in Class \_\_\_\_\_  
 No. \_\_\_\_\_ Registered in Class \_\_\_\_\_

may be dissolved and the Register amended accordingly.  
 The grounds for this application are set forth in the accompanying  
 Statement of Case.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
 (a) \_\_\_\_\_

To: THE REGISTRAR,  
 THE TRADE MARKS OFFICE,  
 PRETORIA.

(a) Signature.

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- (c) the class of contrivance on which it is intended to reproduce the musical work; e.g. whether discs, cylinders, or music rolls;
- (d) the ordinary retail selling prices of the contrivances, and the amount of the royalty payable on each contrivance in respect of the musical work;
- (e) the earliest date at which any of the contrivances will be delivered to the purchaser;
- (f) whether any other work is to be reproduced on the same contrivance with the musical work specified in accordance with paragraph (b).

(2) The notice shall, not less than ten days before any contrivances on which the musical work is reproduced are delivered to a purchaser, be sent by registered post or published by advertisement as follows:—

- (a) If the name and an address within the Union of the owner of the copyright; or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, the notice shall be sent to the owner or agent at that address;
- (b) if such name and address are not known and cannot with reasonable diligence be ascertained, the notice shall be advertised in the *Gazette*; the advertisement in the *Gazette* shall give particulars required by paragraphs (a) and (b) of sub-section (1) of this rule, and shall also state an address from which a copy of the notice may be obtained. Any number of musical works may be included in the same advertisement.

39. (1) Unless otherwise agreed, royalties shall be payable by means of adhesive labels purchased from the owner of the copyright and affixed in the manner provided by this part of these rules.

(2) After the person making the contrivances has given the prescribed notice of his intention to make or sell the contrivances, the owner of the copyright shall by writing, sent by registered post, intimate to him some reasonably convenient place within the Union from which adhesive labels can be obtained, and on demand in writing and tender of the price shall supply from such place adhesive labels of the required denominations at a price equal to the amount of royalty represented thereby.

40. Subject to these rules no contrivance shall be delivered to a purchaser until such label or labels denoting the amount of royalty have been affixed thereto, or, in the case of cylinders to which it is not reasonably practicable to affix the labels, until such label or labels have been affixed to a carton or box enclosing the cylinder.

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41. (1) In cases where royalties are payable by means of adhesive labels, if at any time labels of the required denominations are not available either because—

- (a) after the expiration of five days from the date of the prescribed notice of the intention of the person making the contrivances to make or sell such contrivances the owner of the copyright has not duly sent to the person making the contrivances an intimation of some reasonably convenient place within the Union from which such labels can be obtained; or
- (b) the owner of the copyright refuses or neglects to supply such labels within three days after demand duly made,

contrivances may be delivered to purchasers without having labels affixed thereto or to the carton or box enclosing the same; and the amount of royalties shall be a debt due by the person making the contrivances to the owner of the Copyright, and the person making the contrivances shall keep an account of all such contrivances sold by him.

(2) For the purposes of this rule "the date of the prescribed notice" means—

- (a) in cases where the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;
- (b) in cases where the notice is required to be advertised in the *Gazette*, the date of such advertisement.

42. In cases where royalties are payable on contrivances made before the commencement of Chapter IV of the Act, the person making such contrivances may give notice of his intention to sell them, containing *mutatis mutandis* the same particulars and given in the same manner as is prescribed by these rules in the case of the notice required by sub-section (2) of section *nineteen* of the British Copyright Act.

43. Where royalties are by agreement payable in any other mode than by means of adhesive labels, the time and frequency of the payment shall be such as are specified in the agreement.

44. The adhesive label supplied as aforesaid shall be in adhesive paper label, square in shape, the design to be entirely enclosed within a circle, and the side of the label not to be greater than  $\frac{3}{4}$  inch in length. The label shall not be in a form which resembles any postage stamp nor bear the effigy of the Sovereign or any other person, nor any word, mark, or design such as to suggest that the label is issued by or under the authority of the Union Government for the purpose of denoting any duty payable to such Government.

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45. The ordinary retail selling price of any contrivance shall be calculated at the marked or catalogued selling price of single copies to the public, or, if there is no such marked or catalogued selling price, at the highest price at which single copies are ordinarily sold to the public.

46. (1) The inquiries referred to in sub-section (5) of section *nineteen* of the British Copyright Act shall be directed to the owner of the copyright by name, or (if his name is not known and cannot with reasonable diligence be ascertained) in general terms to "the owner of the copyright" of the musical work in respect of which the inquiries are made, and shall contain—

- (a) a statement of the name of the musical work in respect of which the inquiries are made and of the author (if known), and (if necessary) a description sufficient to identify it;
- (b) a statement of the name, address, and occupation of the person making the inquiries;
- (c) an allegation that a contrivance has previously been made by means of which the musical work may be mechanically performed, with the trade name (if known) and a description of such contrivance;
- (d) an inquiry whether the contrivance so described was made with the consent or acquiescence of the owner of the copyright.

(2) The inquiries shall be sent by registered post or published by advertisement as follows:—

- (a) If an address within the Union of the owner of the copyright is known, or can with reasonable diligence be ascertained, the inquiries shall be sent to such address; or
- (b) if such address is not known and cannot with reasonable diligence be ascertained, the inquiries shall be advertised in the *Gazette*.

47. The prescribed time for reply to such inquiries shall be—

- (a) in cases where the inquiries are required to be sent by registered post, seven days after the date when the inquiries would in ordinary course of post be delivered; and
- (b) in cases where the inquiries are requested to be advertised in the *Gazette*, seven days after the date of such advertisement.

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## THE FIRST SCHEDULE.

## FEES.

1. On filing application for registration of copyright in a literary or musical work ..	£0 10 0
2. On filing application for registration of copyright in an artistic work (except copyright in a photograph) ..	0 10 0
3. On filing application for registration of copyright in a dramatic work (except copyrights in an original cinematograph production) ..	0 10 0
4. On filing application for registration of copyright in a photograph ..	0 5 0
5. On filing application for registration of performing right in a musical or dramatic work ..	0 10 0
6. On filing application for the registration of copyright in an original cinematograph production ..	1 0 0
7. On filing application for the registration of the copyright in a mechanical contrivance for reproducing a musical work ..	1 0 0
8. On request to the Registrar to register an assignment, transmission, or licence, in connection with copyright or performing right ..	0 10 0
9. For inspection of the register, application or any other document relating thereto—	
For every quarter of an hour ..	0 1 0
Office copy—for every 100 words ..	0 1 0
Photostatic copy (size $\frac{8}{8}$ inches by $\frac{10}{10}$ inches) per sheet ..	0 1 0
10. On application to the Registrar for amendment of the register under section one hundred and fifty-seven of the Act ..	0 10 0
11. For any certificate issued by the Registrar ..	0 5 0
12. For correction of a clerical error under rule 30 (b) ..	0 5 0

\* For collating documents for certification, for every 100 words or part thereof  
 6d  
 (See Gov. Notice NO 823 of 8/5/42 Page 4/96)  
 9a x

## SECOND SCHEDULE.

## COPYRIGHT FORMS.

- A. Application for registration of copyright in a published original literary, dramatic, musical, or artistic work.
- A1. Application for registration of copyright in a published original literary, dramatic, musical, or artistic work (by a firm).
- A2. Application for registration of copyright in a published original literary, dramatic, musical, or artistic work (by a body corporate).
- A3. Application for the registration of copyright in a collective work (by owner or his assignee).
- B. Application for registration of copyright in an unpublished original literary, dramatic, musical, or artistic work.
- C. Application for registration of copyright in a photograph (by the author or his assignee).
- C1. Application for registration of copyright in a photograph (by a firm).
- D. Application for registration of copyright in a published mechanical musical contrivance.
- E. Application for registration of copyright in an unpublished mechanical musical contrivance.
- F. Application for registration of the sole right to perform or authorize the performance of a musical or dramatic work.
- G. Request to enter name of subsequent owner of copyright upon the Register of Copyrights.
- H. Request to enter notification of licence or other document in the Register of Copyrights.
- I. Application for amendment or alteration of the register under section one hundred and fifty-seven of the Act.

FORM A.

Copyright.

The Patents, Designs, Trade Marks,  
and Copyright Act, 1916.

Auteursre

Application for Registration of Copyright in a published original Literary,  
Dramatic, Musical, or Artistic Work.

Applikatie  
kundig, Dro

(By the author or authors or his or their assignee.)

I/We<sup>(1)</sup>..... of <sup>(2)</sup>.....  
<sup>(3)</sup>..... hereby make application for the registra-  
tion of the copyright in a <sup>(4)</sup>..... work being  
a <sup>(5)</sup>..... entitled <sup>(6)</sup>.....

Ik/Wij (  
<sup>(3)</sup>.....  
voor de reg-  
zijnde een

I/We do hereby declare that the said <sup>(4)</sup>..... was first  
published in (\*a part of His Majesty's Dominions to which the Act  
extends or a foreign country to which an Order-in-Council under the Act  
relates) by..... at.....  
on the..... and that such date was not later than  
fourteen days (or such further time as is fixed by law) after the date  
of its first publication elsewhere.

Ik verkla  
eerst gepub  
toe deze we  
onder de W  
de.....  
dagen (of z  
van de eers

I/We do further declare that <sup>(7)</sup>..... the author of  
the said <sup>(4)</sup>..... work, and that I am/we are the owner of the  
copyright therein.

Ik verkle  
van bedoel  
het auteurs

And I/we make this declaration conscientiously believing the state-  
ments contained therein to be true in every particular.

En ik de  
beweringer

Declared at..... this..... day of.....  
19.....<sup>(8)</sup>.

Verklaar  
van.....

Address for service in the Union.....

To the Registrar of Copyright,  
Pretoria.

Aan de Re

- (1) Name of Applicant (in full).
  - (2) Address.
  - (3) Occupation.
  - (4) State whether "Literary," "Dramatic," or "Musical," or "Artistic" Work, as the case may be.
  - (5) State whether "Book," "Drama," "Song," "Painting," "Work of Sculpture," "Lecture," etc., as the case may be.
  - (6) Title of Work (in full) or description sufficient to identify it.
  - (7) State the Name of the Author of the Work.
  - (8) Signature of Applicant or his Agent.
- \*Strike out whichever is not needed.

- (1) Naam
- (2) Adres.
- (3) Beroep
- (4) Vermel
- respektieveli
- (5) Verme
- " Voorlezing
- (6) Titel v
- (7) Verme
- (8) Handt
- \* Doorhal

FORM A1.

Copyright.

The Patents, Designs, Trade Marks,  
and Copyright Act, 1916.

Application for Registration of Copyright in a published original Literary,  
Dramatic, Musical, or Artistic Work.

(By a Firm).

(1) .....  
doing business at (2) .....  
and composed of the following members (3) .....  
hereby applies for the registration of the copyright in a (4) .....  
work, being a (5) ..... entitled  
(6) .....  
and I (7) ..... a member  
of the firm of (1) .....  
the applicant named herein, declare that the said (4) .....  
work was published in (\* a part of His Majesty's Dominions to which  
the Act extends or a foreign country to which an Order-in-Council under  
the Act relates) by .....  
at .....  
on the ..... and that such date was not later than  
fourteen days (or such further time as is fixed by law) after the date of  
its first publication elsewhere.

I, the said (7) ..... do further  
declare that (8) .....  
the author of the said (4) ..... work, and that  
the said firm of (1) .....  
is the owner of the copyright therein.

And I, the said (7) .....  
make this declaration conscientiously believing the statements contained  
therein to be true in every particular.

(9) .....

Declared at ..... this ..... day of ..... 19.....

Address for service in the Union .....

To the Registrar of Copyright,  
Pretoria.

- (1) Name of Firm (in full).
  - (2) Place of Business.
  - (3) Name of individual Members of Firm (in full).
  - (4) State whether "Literary," "Dramatic," "Musical," or "Artistic" Work, as the case may be.
  - (5) State whether "Book," "Drama," "Song," "Painting," "Work of Sculpture," etc., as the case may be.
  - (6) Title of Work (in full) or description sufficient to identify it.
  - (7) Name (in full) of Member of Firm who makes the Declaration.
  - (8) State the Name of the Author of the Work.
  - (9) Signature of person authorized to sign the application.
- \*Strike out whichever is not needed.

Auteursrecht.

De

Applikatie voor Registratie  
Letterkundig

(1) .....  
bezigheid drijvende te  
en bestaande uit de ve  
maakt bij deze applica  
(4) .....  
(5) .....  
en ik (7) .....  
van de firma (1) .....  
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Order-in-Rade onder c  
te  
op de .....  
was dan veertien dage  
steld is) na de datum  
Ik, genoemde (7) .....  
dat (8) .....  
de auteur van bedoel  
genoemde firma (1) .....  
de eigenaar (esse) is v  
En ik, genoemde (7) .....  
doe deze verklaring i  
vervat in alle opzich

Verklaard te .....

Adre

Aan de Registrateur  
Pretoria

- (1) Naam van firma (
- (2) Bezighedsplaats.
- (3) Naam van de led
- (4) Vermeld of "Le
- respektievelk.
- (5) Vermeld of "B
- enz., respektievelk.
- (6) Titel van werk (v
- (7) Naam (voluit) va
- (8) Vermeld Auteurs
- (9) Handtekening va
- Doorhalen wat nie

FORM A 2

Copyright

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

Auteursrecht

De

Application for Registration of Copyright in a published original Literary, Dramatic, Musical, or Artistic Work.

Applikatie voor Registratie van Letterkundig

(By a body corporate.)

The (1) a corporation duly organized under the laws of (2) located at (3) and having an established place of business at (4) hereby applies for the registration of the copyright in a (5) work, being a (6) entitled (7) and I (8)

De (1) een korporatie opgericht en gevestigd te (2) en hebbende een vast maakt bij deze appl een (5) getiteld (7) en ik (8)

declare that the said (9) work was first published in (10) a part of His Majesty's Dominions to which the Act extends or a foreign country to which an Order in Council under the Act relates) by (11) at (12) on (13) and that such date was not later than fourteen days (or such further time as is fixed by law) after the date of its first publication elsewhere.

verklaar dat bedoeld werd in (10) een zich uitstrekt of een betrekking heeft) de op (13) na de datum van (14)

I, the said (9) do further declare that (9) the author of the said (9) work, and that (11) as the owner of the copyright therein.

Ik, genoemde (9) van bedoeld (9) de eigenaar is van (11)

And I, the said (8) make this declaration conscientiously believing the statements contained therein to be true in every particular.

En ik, genoemde doe deze verklaring wat in alle opzichten

Signature of Declarant.

(14) Address for service in the Union

Adr

To the Registrar of Copyright, Pretoria.

Aan de Registrateur Pretoria

- (1) Name of Company, in full.
- (2) Name of State or Country under whose laws Company is organized.
- (3) State where Company is located.
- (4) State where place of business is established.
- (5) State whether "Literary," "Dramatic," "Musical," or "Artistic" Work, as the case may be.
- (6) State whether "Book," "Drama," "Song," "Patent," "Work of sculpture," etc., as the case may be.
- (7) Title of Work (to which the title is to be given).
- (8) Name and Address of the person or firm authorized to make Declaration.
- (9) State name of the Author of the Work.
- (10) Strike out whichever is not needed.

- (1) Naam van maats
- (2) Naam van Staat
- (3) Vermeld plaats v
- (4) Vermeld of "Le
- (5) Vermeld of "Bo
- (6) Titel van werk (v
- (7) Naam en adres
- (8) Vermeld naam
- (9) Doorhalen wat n



FORM A3.

Copyright.

The Patents, Designs, Trade Marks,  
and Copyright Act, 1916.

Application for the Registration of Copyright in a Collective Work.

(By the owner or owners of his or their assignee.)

(1) .....  
hereby make application for the registration of (2) .....  
copyright in a collective work being a (3) .....  
entitled (4) .....

I do hereby declare that the said (5) .....  
was first published in (\* a part of His Majesty's Dominions to which the  
Act extends or a foreign country to which an Order-in-Council under  
the Act relates) by .....  
at .....  
on the ..... and that such date was not later than  
fourteen days (or such further time as is fixed by law) after the date of  
its first publication elsewhere.

I do further declare that (6) .....  
is the owner of the copyright in the said (3) .....

And I make this declaration conscientiously believing the statements  
contained therein to be true in every particular.

(6) .....

Declared at ..... this ..... day of ..... 19.....

Address for service in the Union .....

To the Registrar of Copyright,  
Pretoria.

(1) Name (in full), Address and Occupation of Applicant. If application is made  
by an Agent or Attorney, evidence of authority to make the application must be fur-  
nished.

(2) "My," "our," "their," or "its."

(3) State whether "Encyclopaedia," "Dictionary," "Year-Book," or similar work.

(4) Title of Work (in full) or description sufficient to identify it.

(5) Name of Owner of Collective Work.

(6) Signature of Applicant or his Agent.

\* Strike out whichever is not needed.

Auteursrecht.

De W

Applikatie voor de Reg

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daarin vervat in alle

Verklaard .....

Adre

Aan de Registrateur  
Pretoria

(1) Naam (voluit), A  
door een Agent of Pro  
katie worden overg

(2) "Mijn," "ons,

(3) Vermeld of "En

(4) Titel van werk (v

(5) Naam van eigen

(6) Handtekening va

\* Doorhalen wat ni

FORM B.

Copyright.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

Auteursrecht. De

Application for Registration of Copyright in an unpublished original Literary, Dramatic, Musical, or Artistic Work.

Applikatie voor Registratie van Letterkundig, (Door de Aut

(By the author or authors or his or their assignee.)

I/We (1).....of (2)..... (3).....hereby make application for the registration of the copyright in a (4).....work, being a (5).....entitled (6).....

Ik/Wij (1)..... (3).....registratie van het au zijnde een (5).....

I/We declare that (7).....the author of the said (4).....work, and at the time of the making thereof, viz. (8).....was (9).....

Ik verklaar/Wij ve (4).....werk, te was (9).....

I/We do further declare that I am/We are the owner.....of the copyright in the said (4).....work.

Ik verklaar/Wij ve het auteursrecht op b

And I/we make this declaration conscientiously believing the statements contained therein to be true in every particular.

En ik doe/wij doe beweringen daarin ver

(10).....

Verklaard te.....

Declared at.....this.....day of.....19.....

Address for service in the Union.....

Adres

To the Registrar of Copyright, Pretoria.

Aan de Registrateur Pretoria.

- (1) Name of Applicant (in full).
- (2) Address.
- (3) Occupation.
- (4) State whether "Literary," "Dramatic," "Musical," or "Artistic" Work, as the case may be.
- (5) State whether "Book," "Song," "Drama," "Painting," etc., as the case may be.
- (6) State Title of Work (in full) or description sufficient to identify it.
- (7) Name of the Author of the Work.
- (8) Fill in date of making of the negative in the case of a photograph.
- (9) "A British Subject," "resident within a part of His Majesty's Dominions to which the Act extends," "a subject or citizen of a foreign country to which an Order-in-Council under the Act relates," "or resident in a foreign country to which an Order-in-Council under the Act relates," as the case may be.
- (10) Signature of Applicant or his Agent.

- (1) Naam van applika
- (2) Adres.
- (3) Beroep.
- (4) Vermeld of "Lette
- respektievelk.
- (5) Vermeld of "Boek.
- (6) Vermeld titel van v
- (7) Naam van auteur v.
- (8) Vul in datum waar
- (9) "Een brits onderc
- tingen waartoe de wet zic
- waarop een Order-in-Rad
- land waarop een Order-in
- (10) Handtekening van

FORM C.

Copyright  
5/-

The Patents, Designs, Trade Marks,  
and Copyright Act, 1916.

Auteursrecht  
5/-

De

Application for Registration of Copyright in a Photograph.

(By the author or authors or his or their assignee.)

Applikatie voor

(Door de Au

I/We <sup>(1)</sup>..... of <sup>(2)</sup>.....  
<sup>(3)</sup>..... hereby make application for the registra-  
tion of the copyright in a photograph entitled <sup>(4)</sup>.....

Ik/Wij <sup>(1)</sup>.....  
<sup>(3)</sup>..... registratie van het a

I/We declare <sup>(5)</sup>..... of <sup>(6)</sup>.....  
the author of the said photograph, and at the time of the making of the  
original negative (viz. <sup>(7)</sup>.....) from which  
it was directly or indirectly derived \*I or he was/we or they were <sup>(8)</sup>.....

Ik verklaar/Wij v  
de auteur van bed  
origineel negatief,  
indirekt afkomstig v

Ik verklaar/Wij  
van het auteursrech

En ik doe/wij de  
beweringen daarin v

I/We do further declare that I am/we are the owner..... of the  
copyright in the said photograph.

And I/we make this declaration conscientiously believing the state-  
ments contained therein to be true in every particular.

Declared at <sup>(9)</sup>..... this..... day of..... 19.....  
Address for service in the Union.....

Verklaard te.....

Ad

To the Registrar of Copyright,  
Pretoria.

Aan de Registrateur  
Pretoria

- (1) Name of Applicant (in full).
  - (2) Address.
  - (3) Occupation.
  - (4) Title of Photographs (in full) or description sufficient to identify it.
  - (5) State the name of the Author of the Work, or the words "I am" or "we are" as the case requires.
  - (6) Here insert address of Author, if a person other than the Applicant.
  - (7) Fill in date of the making of the negative.
  - (8) "A British Subject," "resident within a part of His Majesty's Dominions to which the Act extends," "a subject or citizen of a foreign country to which an Order-in-Council under the Act relates," or "resident in a foreign country to which an Order-in-Council under the Act relates," as the case may be.
  - (9) Signature of Applicant or his Agent.
- \*Strike out whichever is not needed.

- (1) Naam van appli
  - (2) Adres.
  - (3) Beroep.
  - (4) Titel van fotogra
  - (5) Vermeld naam v  
respektievelik.
  - (6) Voeg hier in a...
  - (7) Vul in datum va
  - (8) Een brits ond  
tingen waartoe de we  
land waarop een Orde
  - (9) Handtekening v
- \* Doorhalen wat ni

## FORM CI.

Copyright.  
5s.*The Patents, Designs, Trade Marks,  
and Copyright Act, 1916.**Application for Registration of Copyright in a  
Photograph.*

(By a firm.)

(1) .....  
doing business at (2).....  
and composed of the following members (3).....  
hereby applies for the registration of the copyright in a photograph  
entitled (4).....  
and I (5)..... a member of  
the firm of (1).....  
the applicant named herein, declare that (6).....  
..... of (7).....  
the author of the said photograph, and at the time of the making of the  
original negative, viz. (8).....  
from which it was directly or indirectly derived he was / they were  
(9) .....

I, the said (5)..... do further  
declare that the said firm of (1).....  
is the owner of the copyright in the said photograph.

And I, the said (5)..... make this  
declaration conscientiously believing the statements contained therein  
to be true in every particular.

Declared at (10)..... this..... day of..... 19.....  
Address for service in the Union.....

To the Registrar of Copyright,  
Pretoria.

- (1) Name of Firm (in full).  
(2) Place of Business.  
(3) Names of individual Members of Firm (in full).  
(4) Title of Photograph (in full) or description sufficient to identify it.  
(5) Name (in full) of Member of Firm who makes the Declaration.  
(6) Here insert (in full) Name of Author of Photograph.  
(7) Address of Author.  
(8) Fill in date of making of the negative.  
(9) "A British Subject," "resident within a part of His Majesty's Dominions to which the Act extends," "a subject or citizen of a foreign country to which an Order-in-Council under the Act relates," or "resident in a foreign country to which an Order-in-Council under the Act relates," as the case may be.  
(10) Signature of person authorized to sign the application.

Auteursrecht.  
5s.

Applikatie vo

(1) .....  
bezigheid drijvende  
en bestaande uit de  
maakt bij deze app  
fotografie getiteld ('  
en ik (6).....  
de firma (1).....  
de hierin genoemde  
van (7).....  
de auteur van gen  
het origineel negat  
waarvan het direkt

Ik, genoemde (1)  
dat genoemde firm  
de eigenaar(esse)

En ik, genoemd  
verklaring in de st  
opzichten waar zij

Verklaard te.....

Ac

Aan de Registrat  
Pretor

- (1) Naam van firma  
(2) Bezighedsplaats  
(3) Namen van lede  
(4) Titel van fotogr  
(5) Naam (voluit) v  
(6) Vul hier in naan  
(7) Adres van aute  
(8) Vul in datum v  
(9) "Een brits ond  
tingen waartoe de w  
land waarop een Ord  
(10) Handtekening

FORM D.

Copyright.

The Patents, Designs, Trade Marks,  
and Copyright Act, 1916.

Auteursrecht.

Application for Registration of Copyright in a published Mechanical  
Musical Contrivance.

Applikatie voor R

(By the author or authors or his or their assignee.)

(Door d

I/We <sup>(1)</sup>..... of <sup>(2)</sup>.....  
<sup>(3)</sup>..... hereby make application for the regis-  
tration of the copyright in a mechanical musical contrivance, being  
a <sup>(4)</sup>..... for mechanically reproducing a musical work  
entitled <sup>(5)</sup>..... by <sup>(6)</sup>.....

Ik/Wij <sup>(1)</sup>.....  
<sup>(3)</sup>.....  
registratie van h  
zijnde een <sup>(4)</sup>.....  
muzikaal werk g

De originele p  
komstig was w  
te <sup>(8)</sup>.....

The original plate from which the said contrivance was directly or  
indirectly derived was made by <sup>(7)</sup>.....  
at <sup>(8)</sup>..... on <sup>(9)</sup>.....

Ik verklaar da  
deel van Zijn Ma  
vreemd land wa  
door.....  
op.....  
veertien dagen (  
de datum van d

I declare that the said contrivance was first published in (\* a part of  
His Majesty's Dominions to which this Act extends or a foreign country  
to which an Order-in-Council under the Act relates) by.....  
at..... on.....  
and that such date was not later than fourteen days (or such further  
period as is fixed by law) after the date of its first publication elsewhere.

Ik verklaar /V  
van bedoeld me  
van het auteurs

I/We do further declare that <sup>(10)</sup>..... the author  
of the said mechanical contrivance, and that I am /we are the owner of  
the copyright therein.

En ik doe/Wi  
beweringen daar  
Verklaard te...

And I/we make this declaration conscientiously believing the state-  
ments contained therein to be true in every particular.

<sup>(11)</sup>.....

Declared at..... this..... day of..... 19.....

Address for service in the Union.....

To the Registrar of Copyright,  
Pretoria.

Aan de Registr  
Pr

- <sup>(1)</sup> Name of Applicant (in full).
  - <sup>(2)</sup> Address.
  - <sup>(3)</sup> Occupation.
  - <sup>(4)</sup> State whether " Disc," " Cylinder," " Roll," etc., as the case may be.
  - <sup>(5)</sup> Title of Musical Work and (if necessary) a description sufficient to identify it.
  - <sup>(6)</sup> State the Name of the Author of the Musical Work.
  - <sup>(7)</sup> State the Name of Maker of the Plate.
  - <sup>(8)</sup> State the Place where the original Plate was made.
  - <sup>(9)</sup> State date on which the original Plate was made.
  - <sup>(10)</sup> State the Name of the Author of the contrivance.
  - <sup>(11)</sup> Signature of Applicant or his Agent.
- \* Strike out whichever is not needed.

- <sup>(1)</sup> Naam van a
- <sup>(2)</sup> Adres.
- <sup>(3)</sup> Beroep.
- <sup>(4)</sup> Vermeld of "
- <sup>(5)</sup> Titel van Mu
- kennen.
- <sup>(6)</sup> Vermeld naa
- <sup>(7)</sup> Vermeld naa
- <sup>(8)</sup> Vermeld de j
- <sup>(9)</sup> Vermeld dat
- <sup>(10)</sup> Vermeld na:
- <sup>(11)</sup> Handtekeni:
- \* Doorhalen w:

R2-00

FORM E.

Copyright.

The Patents, Designs, Trade Marks, and Copyright Act, 1916.

Auteursrecht.

Application for Registration of Copyright in an unpublished Mechanical Musical Contrivance.

Applikatie voo

(By the author or authors or his or their assignee.)

(Door de

I/We (1) of (2) hereby make application for the registration of the copyright in a mechanical musical contrivance, being a (4) for mechanically reproducing a musical work entitled (5) by (6)

Ik/Wij (1) (2) van het auteursrecht werk getiteld (5) by (6)

The original plate from which the said contrivance was directly or indirectly derived was made by (7) on (8)

De originele plaat konstig was, werd op (8)

I/We declare that (10) the author of the said contrivance and at the time of the making thereof was (11)

Ik verklaar/Wij auteur van bedoeft was (11)

I/We do further declare that I am/we are the owner of the copyright in the said contrivance.

Ik verklaar/Wij van 't auteursrecht

And I/we make this declaration conscientiously believing the statements contained therein to be true in every particular.

En ik maak / de beweringen da

Verklaard te

(12)

Declared at this day of 19

Address for service in the Union

To the Registrar of Copyright, Pretoria.

Aan de Registratie Pretoria

- (1) Name of Applicant (in full).
(2) Address.
(3) Occupation.
(4) State whether "Disc," "Cylinder," "Roll," etc., as the case may be.
(5) Title of Musical Work and (if necessary) a description sufficient to identify it.
(6) State the Name of the Author of the Musical Work.
(7) State the Name of the Maker of the Plate.
(8) State the Place where the original Plate was made.
(9) State the Date on which the original Plate was made.
(10) State the Name of the Author of the Contrivance.
(11) "A British Subject," "resident within a part of His Majesty's Dominions to which the Act extends," "a subject or citizen of a foreign country to which an Order-in-Council under the Act relates," or "resident in a foreign country to which an Order-in-Council under the Act relates," as the case may be.
(12) Signature of Applicant or his Agent.

- (1) Naam van af
(2) Adres.
(3) Beroep.
(4) Vermeld of
(5) Titel van mu
kennen.
(6) Vermeld naam
(7) Vermeld naam
(8) Vermeld de
(9) Vermeld de
(10) Vermeld de
(11) " Een Brits
tingen waartoe de
land waarop een O
(12) Handtekening

FORM F.

Copyright  
10/-

The Patents, Designs, Trade Marks,  
and Copyright Act, 1916.

Application for Registration of the Sole Right to Perform or Authorize  
the Performance of a Musical or Dramatic Work.

I/We <sup>(1)</sup>..... of <sup>(2)</sup>.....  
<sup>(3)</sup>..... hereby make application for the registration of the sole right to perform or authorize the performance in the Union of a <sup>(4)</sup>..... work entitled <sup>(5)</sup>.....

I/We do hereby declare that <sup>(6)</sup>..... the author of the said work, and that <sup>(7)</sup>..... the owner of the sole right to perform or authorize the performance of the said work.

And I/we make this declaration conscientiously believing the statements contained therein to be true in every particular.

<sup>(8)</sup>.....  
Declared at..... this..... day of..... 19.....

Address for service in the Union.....

To the Registrar of Copyright,  
Pretoria.

- (1) Name of Applicant (in full).
- (2) Address.
- (3) Occupation.
- (4) State whether "Musical" or "Dramatic" Work.
- (5) Title of Work (in full).
- (6) State the Name of the Author of the Work.
- (7) If the Applicant is not the Author of the Work his title to apply for registration must be traced here.
- (8) Signature of Applicant or his Agent.

Auteursrecht.  
10/-

Applikatie voor  
Dramatics

Ik/Wij <sup>(1)</sup>.....  
<sup>(3)</sup>.....  
stratie van het alle  
getiteld <sup>(5)</sup>.....  
in de Unie op- of-  
nen.

Ik verklaar/Wij  
bedoeld werk en  
de eigenaar van h  
de op- of uitvoer  
En ik maak/Wij  
beweringen daari  
Verklaard te.....

Aan de Régista  
Pretoria.

- (1) Naam van app
- (2) Adres.
- (3) Beroep.
- (4) Vermeld of "M"
- (5) Titel van wer
- (6) Naam van de
- (7) Indien applike
- registratie te maker
- (8) Handtekening

FORM G.

Copyright.  
10/-

The Patents, Designs, Trade Marks,  
and Copyright Act, 1916.

Request to enter name of subsequent owner of Copyright upon the Register  
of Copyright.

Place.....  
Date.....

I <sup>(1)</sup>.....  
hereby request that you will enter my name in the Register of Copyright as owner of the copyright in the <sup>(2)</sup>..... which was entered in the register on the..... day of..... 19.....

I am entitled to the said copyright by virtue of <sup>(4)</sup>.....

And in proof whereof I transmit the accompanying <sup>(5)</sup>..... with an attested copy thereof.

Dated this..... day of..... 19.....

<sup>(6)</sup>.....  
Address for service in the Union.....

To the Registrar of Copyright,  
Pretoria.

- (1) Here insert (in full) Name, Address, and Occupation of Applicant.
- (2) "Literary," "Dramatic," "Musical," "Artistic" Work, or "Mechanical Musical Contrivance," as the case requires.
- (3) Title of Work.
- (4) Here insert particulars showing how Transferee derives his Title.
- (5) Here insert the Nature of the Document.
- (6) To be signed by the person applying for Registration of the Transfer or his Agent.

Auteursrecht  
10/-

Verzoek om Ins

Ik <sup>(1)</sup>.....  
verzoek bij u  
Auteursrecht a  
genaamd <sup>(3)</sup>.....  
werd op de.....  
Ik ben tot d  
Tot staving  
in met een gea  
Gedateerd h

Aan de Regist  
Pr

- (1) Vul hier in
- (2) "Letterkun
- Muzikale Inricht
- (3) Titel van v
- (4) Voeg hier i
- (5) Vermeld h
- (6) Te worden
- of door zijn ager

FORM H.

Copyright.  
10/-

The Patents, Designs, Trade Marks,  
and Copyright Act, 1916.

Request to enter notification of Licence or other Document in the Register  
of Copyright.

Place \_\_\_\_\_  
Date \_\_\_\_\_

I <sup>(1)</sup> \_\_\_\_\_  
hereby transmit an attested copy of <sup>(2)</sup> \_\_\_\_\_ under  
Copyright No. <sup>(3)</sup> \_\_\_\_\_ which was entered in the register  
on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

I also enclose the original document for verification, and I have to  
request a notification thereof may be entered in the register.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
(Signature) \_\_\_\_\_

To the Registrar of Copyright,  
Pretoria.

- (1) Here insert (in full) Name and Address.
- (2) Here insert a description of the Nature of the Document.
- (3) Here insert the Number of the Entry.

FORM I.

Copyright.  
10/-

The Patents, Designs, Trade Marks,  
and Copyright Act, 1916.

Request for the Register to be altered in pursuance of an Order of the Court  
under section one hundred and fifty-seven of the Act.

Copyright No. \_\_\_\_\_

I hereby request you to alter the entry in the Register of Copyright  
in accordance with the terms of the Order of the Court dated \_\_\_\_\_  
\_\_\_\_\_ office copy of which is sent herewith.

(Signed) \_\_\_\_\_  
(Address) \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

To the Registrar,  
The Copyright Office, Pretoria.

FORMULIER

Auteursrecht.  
10/-

De Wet op Patenten, Mo-  
ken en Auteursre-

Verzoek om Bekendmaking van Licentie  
Auteursrecht-Register in t

Plaats  
Datur

Ik <sup>(1)</sup> \_\_\_\_\_  
zend bij deze een geattesteerd afschrift van  
Auteursrecht No. <sup>(2)</sup> \_\_\_\_\_ hetwelk ingesc  
op de \_\_\_\_\_ dag van \_\_\_\_\_ 19\_\_\_\_

Ik sluit tevens in het origineel dokum  
dat een bekendmaking daarvan in het Reg

Gedateerd heden de \_\_\_\_\_ dag van \_\_\_\_\_  
(Handtekening) \_\_\_\_\_

Aan de Registrateur van Auteursrecht,  
Pretoria.

- (1) Vul in (vult) naam en adres.
- (2) Vermeld de aard van 't dokument.
- (3) Vermeld het nummer van de inschrijving.

FORMULI

Auteursrecht.  
10/-

De Wet op Patenten, M-  
ken en Auteursr

Verzoek om verandering van het Register o  
Hof onder Artikel honderd zeven

Ik verzoek bij deze om verandering van  
van Auteursrecht overeenkomstig de inh  
gedateerd \_\_\_\_\_  
certificeerd afschrift hierbij gevoegd is.

(Getekend) \_\_\_\_\_  
(Adres) \_\_\_\_\_

Gedateerd heden de \_\_\_\_\_ dag van \_\_\_\_\_

Aan de Registrateur van Auteursrecht,  
Pretoria.



PROCLAMATIONS IN REGARD TO PATENTS,  
DESIGNS AND/OR COPYRIGHT.

Proc. No.	Date.	Country.	Subject.	Published in Government Gazette dated :-
115	8. 6.1917.	{ Canada .. .. United States of America .. ..	Patents .. Patents and Designs ..	22. 6.1917.
82	26. 6.1918.	Great Britain ..	do.	12. 7.1918.
33	25. 2.1919.	Australia ..	do.	28. 2.1919.
73	30. 4.1920.	Various ..	Copyright ..	31. 5.1920.
118	6. 7.1920.	New Zealand ..	Patents and Designs ..	9. 7.1920.
201	24.12.1921.	British India ..	do.	30.12.1921.
138	6. 7.1923.	Various ..	Copyright ..	13. 7.1923.
118	9. 6.1924.	United States of America ..	do.	13. 6.1924.
212	8. 9.1928.	Irish Free State	Patents and Designs ..	21. 9.1928.
185	4. 8.1930.	Irish Free State	Copyright ..	29. 8.1930.
302	4. 7.1931.	German Reich ..	Patents and Designs ..	21. 8.1931.
166	14. 9.1932.	Southern Rhodesia ..	Patents ..	23. 9.1932.
39	13. 2.1933.	Federated Malay States	Copyright ..	17. 2.1933.
58	13. 4.1934.	Various ..	do.	20. 4.1934.
32	31. 1.1936.	Various ..	do.	14. 2.1936.
83	25. 4.1939.	Latvia ..	do.	5. 5.1939.
152	26. 7.1940.	Sarawak ..	do.	26. 7.1940.
153	26. 7.1940.	North Borneo ..	do.	26. 7.1940.

PROKLAMASIES IN VERBA  
MODELLE EN/OF O

Prok. No.	Datum.	Land.
115	8. 6.1917.	{ Kanada .. .. Verenigde State van Amerika ..
82	26. 6.1918.	Groot Brittanje
33	25. 2.1919.	Australië ..
73	30. 4.1920.	Verskeie ..
118	6. 7.1920.	Nu-Seeland ..
201	24.12.1921.	Brits-Indië ..
138	6. 7.1923.	Verskeie ..
118	9. 6.1924.	Verenigde State van Amerika ..
212	8. 9.1928.	Ierse-Vrystaat ..
185	4. 8.1930.	Ierse-Vrystaat ..
302	4. 7.1931.	Duitse Ryk ..
166	14. 9.1932.	Suid-Rhodesië ..
39	13. 2.1933.	Maleise State ..
58	13. 4.1934.	Verskeie ..
32	31. 1.1936.	Verskeie ..
83	25. 4.1939.	Letland ..
152	26. 7.1940.	Sarawak ..
153	26. 7.1940.	Noord-Borneo ..

## GOVERNMENT NOTICES.

1. *Government Notice No. 775 of 12th June, 1917.*

RULES OF COURT concerning matters relating to Practice and Procedure on Oppositions to the Grant of a Patent.

(Published in the *Government Gazette* of 15th June, 1917. Regulations 1917, p. 557.)

*Rules of Court concerning matters relating to practice and procedure on opposition to the grant of a patent, framed by the Judges of the Supreme Court of the Union of South Africa under the provisions of section thirty-four (4) of the Patents, Designs, Trade Marks, and Copyright Act, No. 9 of 1916.*

1. As soon as possible after the receipt of the documents relating to the application for a patent and to the opposition thereto, the Registrar of the Court shall, by letter, call upon the applicant or his duly authorized representative to state in writing within *three months* of the date of such letter, whether or not the applicant intends to proceed with his application for a patent notwithstanding the notice of opposition.

2. If the applicant, after having been called upon as aforesaid, has given notice in writing to the Registrar that he does not intend to proceed with his application, or if within the period of three months aforesaid the applicant shall not—

- (a) have notified that he intends to proceed with his application for a patent; or
- (b) have applied for extension of the said period of three months;

he shall be deemed to have abandoned his application, and the Registrar shall thereupon return the documents relating to the application and to the opposition thereto to the Registrar of Patents, who shall cause entry of such abandonment to be made in his registers.

3. If within three months from the date of the letter forwarded to the applicant, in terms of the preceding rule, such applicant shall by letter addressed to the Registrar apply to have such period of three months extended, the Registrar may, after consultation with a Judge, and upon instructions received from such Judge—

- (a) without notice of such application having been given to the objector or objectors grant such extension of the said period as such Judge may deem expedient; or

- (b) require that due notice of such application shall be given to any objector or his duly authorized representative, and, upon proof of the giving of such notice, grant any such extension of the said period as such Judge may deem expedient; or
- (c) refer the applicant to a Judge in Chambers in order that the application may be dealt with in the usual manner upon notice of motion or petition.

4. If an extension of the period within which the applicant for a patent is required to state whether or not he intends to proceed with his application has been granted, and the applicant does not within such extended period state whether or not he intends to proceed with his application, he shall be deemed to have abandoned it, and the Registrar shall thereupon return the documents relating to the application and to the opposition thereto to the Registrar of Patents, who shall cause entry of such abandonment to be made in his registers.

5. If the applicant intends to proceed with his application he shall, within the period allowed in terms of the preceding rule, give notice to that effect to the Registrar of the Court and also to any objector or to the duly authorized representative of such objector.

6. As soon as possible after the receipt by the Registrar of notice that the applicant intends to proceed with his application for a patent, such Registrar shall submit the documents relating to the application and to the opposition thereto to a Judge of the Supreme Court, who shall thereupon, either after or without causing the parties concerned to be communicated with, fix the place where, and the date and hour when, the application and the objections will be heard.

7. No affidavit or any further pleadings in connection with any opposed application for a patent shall be lodged with the Registrar, unless the Judge shall otherwise order.

8. The evidence in support of, or in opposition to, any application for a patent shall be given orally in Court unless the Judge shall otherwise order, upon formal application made by one or more of the parties concerned upon submission by the Registrar to the Judge of the documents relating to the application and to the opposition thereto.

9. If the Judge order that—

- (a) affidavits in support of, or in opposition to, any application for a patent; or
- (b) any further pleadings in relation to such application: may be lodged with the Registrar, the Judge shall at the same time, or thereafter, determine the periods within which such affidavits or pleadings shall be so lodged.

- (b) verlangen dat van de kennis gegeven wordt en dat de kennisgeving gegeven is gegeven worden en dat de kennisgeving gegeven is gegeven worden en dat de kennisgeving gegeven is gegeven worden
- (c) de applikant verwijzen opdat de applikant de wijze gebruikelijk bij de petitie.

4. Als een verlenging is toegekend, dan zal de applikant worden verzocht om te verklaren of hij al dan niet met zijn applikatie wil voortgaan. Indien hij al dan niet met zijn applikatie wil voortgaan, zal hij verondersteld worden dat hij de Griffier zal alsdan de documenten terugzenden en het verzet daartegen terzake van Patenten, die van zodanige opmaken in zijn registers.

5. Als de applikant voornemens is te gaan met zijn applikatie, zal hij, binnen het in de regel toegestane tijdvak, te dien zake het Hof alsmede aan enige bevoegde gezagde vertegenwoordiger kennis geven.

6. Zodra mogelijk nadat de Griffier de applikant voornemens is te gaan met zijn applikatie, zal de Griffier in verband met de applikatie voorleggen aan een Rechter van de Hof hetzij na hetzij zonder de partijen te hebben laten geven, de plaats, de datum en het uur waarop de applikatie tegen zullen worden gehoord.

7. Geen verklaring of enige verzoeken met enige applikatie voor een patent, getekend zal bij de Griffier worden ingediend, anders zal gelasten.

8. Het getuigenis tot staving van een applikatie voor een patent zal mondeling worden, tenzij de Rechter anders zal bevelen. Indien de Rechter anders zal bevelen, zal de Griffier aan de Rechter de documenten in verband met de applikatie en het verzoeken.

9. Als de Rechter gelast dat—

- (a) verklaringen tot staving van een applikatie voor een patent; of
- (b) enige verdere pleidooien in verband met de applikatie; bij de Griffier mogen worden ingediend, of daarna, de tijdvakken van zodanige verklaringen of pleidooien in verband met de applikatie.

10. If the applicant desires to withdraw his application for a patent, he shall give notice in writing to that effect to the objector or his duly authorized representative and to the Registrar, who shall thereupon return the documents relating to the application and to the opposition thereto to the Registrar of Patents in order that such Registrar of Patents may cause entry of such withdrawal to be made in his registers.

11. If the objector or objectors to any application for a patent desire to withdraw his or their opposition, they shall give notice in writing to that effect to the applicant and to the Registrar, who shall thereupon return the documents relating to the application and to the opposition thereto to the Registrar of Patents in order that such Registrar of Patents may deal with such application according to law.

12. If an applicant for a patent, in which notice of opposition has been lodged, desires to amend his application, he shall give notice thereof to the objector or objectors and to the Registrar of Patents and to the Registrar of the Court, and such Registrar shall thereupon return the documents relating to the application and to the opposition thereto to the Registrar of Patents in order that such Registrar may deal with the question of the amendment according to law.

13. If the Registrar of Patents does not allow the amendment of the application for the patent applied for in terms of the last preceding rule, and if the objector has not withdrawn his opposition, such Registrar shall forthwith return the documents relating to the application and to the opposition thereto to the Registrar of the Court in order that the application and the opposition thereto may be dealt with by a Judge according to law.

2. Government Notice No. 994 of 28th June, 1921.

*Rules of Court relating to Procedure in Cases of Petitions for Extension of the Term of a Patent, framed by the Judges of the Supreme Court of the Union of South Africa under the provisions of section fifty (1) of the Patents, Designs, Trade Marks and Copyright Act, No. 9 of 1916.*

RULES.

(a) A patentee intending to apply by petition under section fifty (1) of the Patents, Designs, Trade Marks, and Copyright Act, 1916, shall publish in three consecutive issues of the *Union Gazette*, and once at least in a leading newspaper published at Pretoria, a notice in the form contained in the Schedule to these rules.

10. Als de applikant zijn applikatie terug te trekken zal hij te dien effekte aan de bezwaarmaker of aan zijn be tegenwoordiger en aan de Griffier, d. betreffende de applikatie en het ver van Patenten zal terugzenden opda van Patenten in zijn registers een maken van zodanige terugtrekking.

11. Als de bezwaarmaker of bezwaaker voor een patent zijn of hun ver wens terug te trekken, moet door h worden kennis gegeven aan de applika teur, die alsdan de dokumenten in ver en het verzet daartegen zal terugzende van Patenten opdat zodanige Registrat zodanige applikatie moge handelen ove

12. Als een applikant voor een pato geving van verzet is ingediend zijn app gen, zal hij daarvan kennis geven aan bezwaarmakers, aan de Registrateur van Griffier van het Hof, en zodanige Griffie menten in verband met de applikatie en aan de Registrateur van Patenten terugz Registrateur van Patenten de kwestie va eenkomstig de wet behandle.

13. Als de Registrateur van Patenten applikatie voor het patent verzocht in middellik voorafgaande regel niet toestaat maker zijn verzet niet heeft teruggetrokke strateur de dokumenten in verband met d verzet daartegen onmiddellik aan de Gri terugzenden, opdat de applikatie en het ve een Rechter mogen behandeld worden volg

2. Goevernements Kennisgeving No. 994 va

*Regels van het Hof betrekking hebbende op in gevallen van Verzoekschriften voor h de duur van een Patent, opgesteld door het Hooggerechtshof van de Unie van gens de bepalingen van artikel vijftig op Patenten, Modellen, Handelsmerken 1916.*

REGELS.

(a) Een patenthouder die voornemens is ee in te dienen volgens artikel vijftig (1) van de ten, Modellen, Handelsmerken en Auteursrech in drie opeenvolgende uitgaven van de *Staatsi Unie* en ten minste eenmaal in een toongeve: vershijnd nieuwsblad, een bekendmaking, in vat in de Bijlage bij deze regels.

(b) The petition shall be accompanied by three copies of the specification of the patent, together with three copies of a balance-sheet showing the whole profit and loss which has been derived or sustained in respect of the invention, duly verified on oath.

(c) The petitioner shall at the hearing of the petition adduce proof that the requirements of rules (a) and (b) have been complied with in the prescribed manner.

(d) The petitioner shall, immediately upon lodging his petition, give notice thereof to the Registrar of Patents.

(e) A notice of objection shall specify full particulars of the grounds on which the objector relies against the granting of the prayer of the petition.

(f) Subject to the foregoing rules, the rules of the Supreme Court for the time being in force shall apply as far as may be practicable to all proceedings before the Court under sections *fifty* and *fifty-one* of the Patents, Designs, Trade Marks, and Copyright Act, 1916.

SCHEDULE.

FORM OF NOTICE TO BE PUBLISHED UNDER SECTION *FIFTY* (1) OF THE PATENTS, DESIGNS, TRADE MARKS, AND COPYRIGHT ACT, 1916.

In the matter of Letters Patent granted to (a)....., of....., and bearing date the..... day of..... 19..... and numbered.....

and

In the matter of the Patents, Designs, Trade Marks, and Copyright Act, 1916.

Notice is hereby given, in terms of the Rules of Court framed under section *fifty* (1) of the said Act, that it is the intention of (b)..... to present a petition to the Supreme Court at..... praying that the terms of the said Letters Patent may be extended. Any person desirous of being heard in opposition to the said petition must lodge notice of his objection with the Registrar of the Court within two months from the date of the first advertisement hereof.

The petition, which may be inspected at the Office of the Registrar of the Court, will be heard as soon as may be convenient for the Court after the expiration of the said two months.

Address for service.....

(c).....

(a) Name of original patentee (in full). (Add, if necessary, "assignee of invention.")  
 (b) Name of petitioner (in full). (Add, if necessary, "as assignee of above patent.")  
 (c) Signature of petitioner or his attorney.

(b) Het verzoekschrift gaat vergez van die specificatie van het patent, plaren van een balansstaat, alle win die behaald of geleden is in verband ede bekrachtigd.

(c) De verzoeker brengt bij het hore bewijs te berde dat aan die vereiste op de voorschreven wijze is voldaan.

(d) Onmiddellik na het indienen geeft de verzoeker daarvan kennis a Patenten.

(e) Een kennisgeving van verzet heden van de gronden waarop de ve het inwilligen van de bede in het ver.

(f) Behoudens de voorafgaande reg kracht zijnde regels van het Hoogger van toepassing op alle verrichtingen artikelen *vijftig* en *een en vijftig* van Modellen, Handelsmerken en Auteurs

BIJLAGE.

VORM VAN BEKENDMAKING VOLGENS (1) VAN DE WET OP PATENTEN, MO MERKEN EN AUTEURSRECHT, 1916.

In zake de patensbrief verleend aan (a)..... van..... en gedagtekend dag van..... 19....., en genu en

In zake de Wet op Patenten, Modellen, Handelsm

Hiermede wordt bekendgemaakt volgens de opgesteldt volgens artikel *vijftig* (1) van de geno voornemen is van (b)..... verzoekschrift in te dienen bij het Hooggerichts met de bede dat het tijdperk van genoemde p verlengd. Een ieder die verlangt gehoord te v genoemd verzoek moet aan de Registrateur van kennis geven van zijn verzet binnen twee ma datum waarop het het eerst is geadverteerd. op het kantoor van de Registrateur van het Ho zal worden behandeld zo spoedig dit het Hof sch van genoemde twee maanden.

Adres voor betekening.....

(c).....

(a) Naam van de oorspronkelijke patenthouder (voluit). sionaris van uitvinding."  
 (b) Naam van verzoeker (voluit). (Voeg bij, zo nodig, "staand patent."  
 (c) Handtekening van verzoeker of zijn prokureur.

- (b) The petition shall be accompanied by the specification of the patent, and a balance-sheet showing the whole amount which has been derived or sustained in respect of the invention, verified on oath.
- (c) The petitioner shall at the hearing of the petition adduce proof that the requirements of rules (a) and (b) have been complied with in the prescribed manner.
- (d) The petitioner shall, immediately upon lodging his petition, give notice thereof to the Registrar of Patents.
- (e) A notice of objection shall specify full particulars of the grounds on which the objector relies against the granting of the prayer of the petition.
- (f) Subject to the foregoing rules, the rules of the Supreme Court for the time being in force shall apply as far as may be practicable to all proceedings before the Court under sections fifty and fifty-one of the Patents, Designs, Trade Marks, and Copyright Act, 1916.

SCHEDULE.

FORM OF NOTICE TO BE PUBLISHED UNDER SECTION FIFTY (1) OF THE PATENTS, DESIGNS, TRADE MARKS, AND COPYRIGHT ACT, 1916.

In the matter of Letters Patent granted to (a)....., of....., and bearing date the..... day of..... 19..... and numbered.....

and

In the matter of the Patents, Designs, Trade Marks, and Copyright Act, 1916.

Notice is hereby given, in terms of the Rules of Court framed under section fifty (1) of the said Act, that it is the intention of (b)..... to present a petition to the Supreme Court at..... praying that the terms of the said Letters Patent may be extended. Any person desirous of being heard in opposition to the said petition must lodge notice of his objection with the Registrar of the Court within two months from the date of the first advertisement hereof.

The petition, which may be inspected at the Office of the Registrar of the Court, will be heard as soon as may be convenient for the Court after the expiration of the said two months.

Address for service.....

(c).....

(a) Name of original patentee (in full). (Add, if necessary, "assignee of invention.")  
 (b) Name of petitioner (in full). (Add, if necessary, "as assignee of above patent.")  
 (c) Signature of petitioner or his attorney.

- (b) Het verzoekschrift gaat vergez van die specificatie van het patent, plaren van een balansstaat, alle win die behaald of geleden is in verband ede bekrachtigd.
- (c) De verzoeker brengt bij het hore bewijs te berde dat aan die vereiste op de voorschreven wijze is voldaan.
- (d) Onmiddellik na het indienen geeft de verzoeker daarvan kennis at Patenten.
- (e) Een kennisgeving van verzet geheden van de gronden waarop de ver het inwilligen van de bede in het verz
- (f) Behoudens de voorafgaande rege kracht zijnde regels van het Hooggere van toepassing op alle verrichtingen artikelen vijftig en een en vijftig van Modellen, Handelsmerken en Auteursre

BIJLAGE.

VORM VAN BEKENDMAKING VOLGENS (1) VAN DE WET OP PATENTEN, MOI MERKEN EN AUTEURSRECHT, 1916.

In zake de patentbrief verleend aan (a)..... van..... en gedagtekend de dag van..... 19....., en genum en

In zake de Wet op Patenten, Modellen, Handelsmerken

Hiermede wordt bekendgemaakt volgens de opgesteld volgens artikel vijftig (1) van de genoee voornemen is van (b)..... verzoekschrift in te dienen bij het Hooggerechtshoi met de bede dat het tijdperk van genoemde patc verlengd. Een ieder die verlangt gehoord te wor genoemd verzoek moet aan de Registrateur van l kennis geven van zijn verzet binnen twee maand datum waarop het het eerst is geadverteerd. He op het kantoor van de Registrateur van het Hof l zal worden behandeld zo spoedig dit het Hof schikt van genoemde twee maanden.

Adres voor betekening.....

(c).....

(a) Naam van de oorspronkelijke patenthouder (voluit). (Voe slonaris van uitvinding.)  
 (b) Naam van verzoeker (voluit). (Voeg bij, zo nodig, "als staand patent.")  
 (c) Handtekening van verzoeker of zijn prokureur.

3. Government Notice No. 1241 of 13th September, 1918.

REGULATIONS relating to the Importation into the Union of Copies in which Copyright subsists.

(Published 20th September, 1918. Regulations 1918-19, p. 1200.)

It is hereby notified that His Excellency the Governor-General, under the powers in him vested by sub-section (3) of section *one hundred and forty-nine* of the Patents, Designs, Trade Marks, and Copyright Act, 1916, has been pleased to approve of the following regulations relating to the importation into the Union of copies made outside the Union of works in which copyright subsists which, if made in the Union, would infringe the provisions of the aforesaid Act:—

1. The notice in writing to be given to the Commissioner of Customs (hereinafter referred to as the Commissioner) under section *one hundred and forty-nine* of the Patents, Designs, Trade Marks, and Copyright Act, 1916, by the owner of the copyright in any book or other printed work in which copyright subsists under the said Act or his agent who is desirous that copies thereof printed or reprinted out of the Union of South Africa shall not be imported into the said Union shall be in the Form No. 1 in the Schedule hereto or as near thereto as circumstances permit.
2. Any notice in regard to any book or other printed work in which copyright subsisted on the thirty-first day of December, nineteen hundred and sixteen, which was given to and accepted by the officer charged with the administration of any Act relating to copyright in force in any Province of the Union prior to the coming into operation of Act No. 9 of 1916, shall for a period of twelve months from the first day of January, nineteen hundred and seventeen, if the copyright so long subsists, be treated as a notice given under section *one hundred and forty-nine* of the Patents, Designs, Trade Marks, and Copyright Act, 1916, unless the notice is withdrawn or superseded, or the Commissioner requires a further notice to be given.
3. The notice in writing to be given to the Commissioner under section *one hundred and forty-nine* of the Patents, Designs, Trade Marks, and Copyright Act, 1916, by the owner of the copyright in any work (other than a book or other printed work) in which copyright subsists under the said Act or his agent who is desirous that copies thereof made out of the Union of South Africa shall not be imported into the said Union may be either a general notice in the Form No. 2 in the Schedule hereto or as near thereto as circumstances permit, or a special notice in the Form No. 3 in the same Schedule relating to a particular importation.

3. Goevernements Kennisgeving 1918.

REGULATIES betrekking he  
Unie van Kopieën waarop ee  
(Gepubliceerd 20 September

bi. 12

Hiermede wordt bekendgemaak  
Goeverneur-generaal, onder de n  
door subartikel (3) van artikel *hon*  
de Wet op Patenten, Modellen. H  
recht, 1916, goedgevonden heeft de  
king hebbende op de invoer in de  
de Unie vervaardigd van werken  
bestaat, die indien in de Unie verva  
van de voormelde wet zouden in  
keuren:—

1. De kennisgeving in geschrifte t  
Kommissaris van Doeane (hierinlate  
saris) krachtens artikel *honderd neg*  
op Patenten, Modellen, Handelsmer  
door de eigenaar van het auteursrecht  
gedrukte werk waarop auteursrecht  
melde wet of zijn agent die verlangt d  
drukt of herdrukt buiten de Unie va  
de gemelde Unie zal ingevoerd word  
No. 1 in de Bijlage hieraangehecht of  
omstandigheden toelaten.
2. Enige kennisgeving met betrekki  
ander gedrukt werk waarop auteursrech  
en dertigste dag van Desember negentien  
die gegeven en aangenomen was door  
met de administratie van de Wet betr  
auteursrecht van kracht in enige Provinc  
de inwerkingtreding van Wet No. 9 van  
tijdperk van twaalf maanden van af  
Januarie negentien honderd en zeventien,  
recht zolang bestaat, beschouwd worden  
gedaan ingevolge artikel *honderd negen*  
Wet op Patenten, Modellen, Handelsmerke  
1916, tenzij de kennisgeving teruggetrok  
wordt, of de Kommissaris verlangt dat e  
geving gedaan wordt.
3. De kennisgeving in geschrifte te wo  
Kommissaris krachtens artikel *honderd neg*  
de Wet op Patenten, Modellen, Handelsme  
recht, 1916, door de eigenaar van het aut  
werk (buiten een boek of ander gedruk  
auteursrecht bestaat krachtens de gemelde v  
die verlangt dat kopieën daarvan buiten de  
Afrika vervaardigd, niet in de gemelde Un  
worden, kan of een algemene kennisgeving  
No. 2 in de Bijlage hieraangehecht of zo na  
omstandigheden toelaten of een bijzondere  
de vorm No. 3 in dezelfde Bijlage betrekkin  
een bijzondere invoer.

4. Every notice given in pursuance of these regulations in the Form No. 1 or No. 2 in the Schedule hereto shall be accompanied by a statutory declaration in the Form No. 4 in the same Schedule.

5. Before any article which appears or is alleged to be a copy of a work to which a notice applies is detained, or any further proceedings with a view to the forfeiture thereof under the Customs Management Act, 1918, are taken, the person who signed the notice whether as owner or agent shall, if required so to do, give the Commissioner in writing such further information and evidence, verified if so required by a statutory declaration, as he considers necessary to satisfy himself that the article in question is liable to detention and forfeiture.

6. In the case of any detention in consequence of a notice in the Form No. 3 given to the Commissioner the person who signed the notice whether as owner or agent must, if so required, deposit with the Collector of Customs and Excise or other chief officer of Customs and Excise at the port or place of detention a sum of money sufficient in the opinion of that officer to cover any expenses which may be incurred in the examination required by reason of his notice of the goods detained, and if upon the examination of the goods the Commissioner is satisfied that there is no ground for their detention they will be delivered.

7. If any goods are placed under detention in consequence of any notice given in pursuance of these regulations, the Commissioner may require the person who signed the notice to give an undertaking in writing to reimburse him all expenses and damages incurred in respect of the detention, and of any proceedings for forfeiture subsequently taken if such an undertaking has not already been given, and may also require him within four days after the detention to enter into a bond with two approved sureties in such form and for such amount as the Commissioner may require.

8. Any deposit of money previously made will be returned on the completion of the bond.

9. In these regulations—

“owner of the copyright” has the same meaning as in section *one hundred and forty-nine* of the Patents, Designs, Trade Marks, and Copyright Act, 1916;

“book or other printed work” means every part or division of a book, pamphlet, sheet of letterpress, sheet of music, map, plan, chart, or table separately published.

4. Iedere kennisgeving gedaan in de vorm No. 1 of No. 2 in de Bijlage vergezeld gaan van een wettelijke verklaring in dezelfde Bijlage.

5. Alvorens enig artikel, dat blijkt een kopie te zijn van een werk waarop een kennisgeving is aangehouden wordt, of enig ander artikel met het oog op de verbeurdverklaring onder de Wet op het Beheer van de Doeane, 1918, zal de persoon die de kennisgeving getekend heeft, indien verlangd, de Kommissaris eigenaar of agent, indien verlangd, de Kommissaris verdere informatie en bewijs leveren, gevestigd door een wettelijke verklaring, als vereist, om zich te overtuigen dat het bevestig is aan aanhouding en verbeurdverklaring.

6. In het geval van enige aanhouding van goederen in de vorm No. 3 aan de Kommissaris moet de persoon die de kennisgeving getekend heeft als eigenaar of agent, indien verlangd, de Kommissaris gaarder en Aksijns of ander Hoofdambtenaar, indien verlangd, de Kommissaris en Aksijns aan de haven of plaats van aanhouding van goederen, voldoende naar het oordeel van de Kommissaris deponeren tot dekking van enige kosten die voortvloeien uit de aanhouding, worden bij het onderzoek vereist, wegens zij de aangehouden goederen, en indien bij de afhandeling van de goederen de Kommissaris overtuigd is dat de aanhouding daarvan bestaat, zullen die goederen worden afgeleverd.

7. Indien enige goederen aangehouden worden in de vorm No. 3 aan de Kommissaris in de vorm No. 3 van enige kennisgeving gedaan ingevolge de wet van 1918, kan de Kommissaris van de persoon die de kennisgeving heeft getekend vorderen een onderneming in geschrift te maken van de kosten en schade, belopen ten aanzien van de goederen, terug te betalen, alsook van enige procedurekosten die voortvloeien uit de kennisgeving, indien zodanige kennisgeving reeds gegeven is, en kan ook van hem vorderen een verbintenis af te tekenen binnen twee dagen na de aanhouding een verbintenis af te tekenen met twee goedgekeurde borggen, in zodanige vorm en voor zodanig bedrag als de Kommissaris mag verlangen.

8. Enig deposito van geld tevoren gedaan zal worden bij ondertekening van de verbintenis.

9. In deze regulaties—

betekent “eigenaar van het auteursrecht” de persoon die de kennisgeving in artikel *honderd negen en veertig* van de Wet op de Patenten, Modellen, Handelsmerken, 1916;

betekent “boek of ander gedrukt werk” een afdeling van een boek, pamflet, vel of kaart, plan of tabel afzonderlijk gepubliceerd.



THE SCHEDULE.

Form No. 1.

NOTICE RELATING TO COPYRIGHT BOOKS AND OTHER PRINTED WORKS.

To the Commissioner of Customs.

I, \_\_\_\_\_  
 of \_\_\_\_\_  
 hereby give you notice that copyright in the original  
 work (1) \_\_\_\_\_ mentioned in the  
 Schedule hereto now subsists under the Patents, Designs,  
 Trade Marks, and Copyright Act, 1916, and that (2) \_\_\_\_\_  
 the owner of the copyright in  
 the said work (1) \_\_\_\_\_ and that (3) \_\_\_\_\_  
 desirous that copies of the said work (1) \_\_\_\_\_  
 printed or reprinted out of the Union of South Africa  
 shall not be imported into the said Union.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
 (Signature) \_\_\_\_\_  
 (4) \_\_\_\_\_

(1) Or works.  
 (2) If notice is given by the owner insert "I am"; if given by an agent insert name of owner and the word "is."  
 (3) "I am" or "he is."  
 (4) If an agent insert "Agent of owner."

SCHEDULE.

(\*) The notice may apply to a number of books or printed work, in which case the particulars in the schedule must be given as respects each book or printed work.  
 (\*) It is sufficient to state the country of first publication.

Title of book(\*) \_\_\_\_\_  
 Description of printed work, if not a book \_\_\_\_\_  
 Full name of author or authors \_\_\_\_\_  
 Whether author or authors alive; if not, date of death \_\_\_\_\_  
 When and where (\*) book or printed work first published \_\_\_\_\_

NOTE.—Where advantage has been taken of the provision of the Patents, Designs, Trade Marks, and Copyright Act, 1916, as to simultaneous publication, the date and place stated should be those which entitle the work copyright in the Union of South Africa.

BIJLAGE.

Vorm No. 1.

KENNISGEVING BETREKKING BOEKEN WAAROP AUTEURSEN EN ANDERE GEDRUKTE WERKEN

Aan de Kommissaris van Doeanen.  
 Ik, \_\_\_\_\_  
 van \_\_\_\_\_  
 geef u hiermede kennis dat auteursrecht  
 in het \_\_\_\_\_  
 kelijk werk (1) \_\_\_\_\_  
 schedule hieraangehecht nu bestaat kracht  
 van de Patenten, Modellen, Handelsmerken en Auteursrecht  
 en dat (2) \_\_\_\_\_ van het auteursrecht  
 werk (1) \_\_\_\_\_ en dat (3) \_\_\_\_\_  
 kopiën van gemeld werk (1) \_\_\_\_\_  
 herdrukt buiten de Unie van Zuid-Afrika  
 meide Unie zullen ingevoerd worden.  
 Gedateerd op heden de \_\_\_\_\_ dag van \_\_\_\_\_  
 (Handtekening) \_\_\_\_\_  
 (\*) \_\_\_\_\_

SCHEDULE.

Titel van boek (\*) \_\_\_\_\_  
 Beschrijving van gedrukt werk, indien niet een boek \_\_\_\_\_  
 Volle naam van schrijver of schrijvers \_\_\_\_\_  
 Of schrijver of schrijvers leven, indien niet dood \_\_\_\_\_  
 Wanneer en waar (\*) boek of gedrukt werk uitgegeven werd \_\_\_\_\_

NOTA.—Waar men zich bedient heeft van de bepalingen van de Wet op Patenten, Handelsmerken en Auteursrecht, 1916, wat betrefft gelijktijdige publicatie, moeten de datum en plaats van publicatie die zijn welke het werk het recht geeft op auteursrecht in de Unie van Zuid-Afrika.

## FORM No. 2.

NOTICE RELATING TO COPYRIGHT WORKS  
OTHER THAN BOOKS OR OTHER PRINTED  
WORKS.

To the Commissioner of Customs.

(\*) If notice is given by the owner insert "I am" if given by an agent insert name of owner and the word "is."

(\*) "I am" or "he is."

I, \_\_\_\_\_ hereby give you notice that copyright in the original work mentioned in the schedule hereto now subsists under the Patents, Designs, Trade Marks, and Copyright Act, 1916, that (\*) \_\_\_\_\_ the owner of the copyright in the said work, and that (\*) \_\_\_\_\_ the desirous that copies of the said work made out of the Union of South Africa shall not be imported into the said Union.

Dated \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

(Signature) \_\_\_\_\_

(\*) \_\_\_\_\_

(\*) If an agent insert "Agent of owner."

## SCHEDULE.

Title of work (if any) \_\_\_\_\_  
Full description of work \_\_\_\_\_  
Initials or marks (if any) usually placed on copies of work \_\_\_\_\_  
Full name of author or authors \_\_\_\_\_  
Whether author or authors alive; if not, date of death \_\_\_\_\_  
When and where (\*) work first published \_\_\_\_\_

(\*) It is sufficient to state the country of first publication.

NOTE.—Where advantage has been taken of the provisions of the Patents, Designs, Trade Marks, and Copyright Act, 1916, as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in the Union of South Africa.

If work not published:—  
Whether author British subject or not \_\_\_\_\_

If not British subject, name of country in which author was resident or domiciled at date of the making of the work \_\_\_\_\_

In the case of photographs, phonographic records, and music rolls, date of making the original negative or original plate \_\_\_\_\_

## FORM No. 2.

KENNISGEVING BETREKKING HET  
WERKEN WAAROP AUTEURSRECHT  
BUITEN BOEKEN OF ANDERE  
WERKEN.

Aan de Kommissaris van Doelane.

Ik, \_\_\_\_\_ van \_\_\_\_\_ geef u hiermede kennis dat auteursrecht op het werk vermeld in de schedule hieraangeel krachtens de Wet op Patenten, Modellen, en Auteursrecht, 1916, dat (\*) \_\_\_\_\_ van het auteursrecht op gemeld werk, en da dat kopieën van gemeld werk vervaardigd van Zuid-Afrika niet in de gemelde Unie in worden.

Gedateerd op heden de \_\_\_\_\_ dag van \_\_\_\_\_  
(Handtekening) \_\_\_\_\_  
(\*) \_\_\_\_\_

## SCHEDULE.

Titel van werk (indien enige) \_\_\_\_\_  
Volledige beschrijving van werk \_\_\_\_\_  
Voorletters of merken (indien enige) gewoonli plaren van werk \_\_\_\_\_  
Volle naam van schrijver of schrijvers \_\_\_\_\_  
Of schrijver of schrijvers leven, indien niet, dood \_\_\_\_\_  
Wanneer en waar (\*) werk het eerst gepubli \_\_\_\_\_

NOTE.—Waar men zich bediend heeft van de bepalingen van de Wet op Patenten, Modellen en Auteursrecht, 1916, wat betref tijdige publikatie, moeten de datum en plaat die zijn welke het werk het recht geeft op au in die Unie van Zuid-Afrika.

Indien het werk niet gepubliceerd is:—  
Of de schrijver een Britse onderdaan is of niet...  
Indien geen Britse onderdaan, naam van de schrijver woonachtig of gedomicilieerd was werk vervaardigd werd \_\_\_\_\_

In het geval van fotografieën, fonografische en muziekkrollen, datum van vervaardiging van of oorspronkelijke plaat \_\_\_\_\_

FORM No. 3.

NOTICE RELATING TO A PARTICULAR IMPORTATION.

To the Commissioner of Customs.

- 1) Or agent for the owner.
- (2) Describe the goods, number of packages, marks used, and any other particulars necessary for their identification.
- (3) Describe the ship, and give name or indication.
- (4) State if the goods are copies of the original work made out of the Union of South Africa or how otherwise the goods are liable to detention and forfeiture.
- (5) If an agent insert "Agent of owner."

I, \_\_\_\_\_ of \_\_\_\_\_ hereby give you notice that I am the owner (1) \_\_\_\_\_ of the copyright in a certain original work as to which copyright now subsists under the Patents, Designs, Trade Marks, and Copyright Act, 1916, and that the undermentioned goods, that is to say (2) \_\_\_\_\_ are about to be imported into the port of \_\_\_\_\_ next on or about the \_\_\_\_\_ day of \_\_\_\_\_ in the (3) \_\_\_\_\_ from \_\_\_\_\_ That such goods are liable to detention and forfeiture as being (4) \_\_\_\_\_

And I request that the said goods may be detained and dealt with accordingly, and I hereby undertake to reimburse the Commissioner of Customs all expenses and damages to be incurred in respect of the detention and of any proceedings for forfeiture which may be subsequently taken.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

(Signature) \_\_\_\_\_  
(5) \_\_\_\_\_

FORM No. 4.

STATUTORY DECLARATION.

I, \_\_\_\_\_ of \_\_\_\_\_ do solemnly and sincerely declare that the contents of the notice hereto annexed are true, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Justice of the Peace and Oaths Act, 1914.

Declared by the above-named \_\_\_\_\_ at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ before me \_\_\_\_\_

A Commissioner of Oaths.

VORM No. 3.

KENNISGEVING BETREKKING H EEN BIEZONDERE IN

Aan de Kommissaris van Doeane.

Ik, \_\_\_\_\_ van \_\_\_\_\_ geef u hiermede kennis dat ik de eigenaar ben van \_\_\_\_\_ van het auteursrecht op ziele werk waarop tans auteursrecht bes Wet op Patenten, Modellen, Handelsmerk zeggen (2) \_\_\_\_\_ staan ingevoerd te worden aan de haven van \_\_\_\_\_ op of omtrent de \_\_\_\_\_ dag van \_\_\_\_\_ aanstaande in het (3) \_\_\_\_\_ van \_\_\_\_\_

Dat die goederen onderhevig zijn aan een verbeurdverklaring, zijnde (4) \_\_\_\_\_

En ik verzoek dat gemelde goederen worden en dienovereenkomstig behandeld onderneem hiermede de Kommissaris van onkosten en schaden te worden belopen ten verklaring en van enige procedures te betalen.

Gedateerd op heden de \_\_\_\_\_ dag van \_\_\_\_\_

(Handtekening) \_\_\_\_\_  
(5) \_\_\_\_\_

Vorm No. 4.

WETTELIKE VERKLARING

Ik, \_\_\_\_\_ van \_\_\_\_\_ verklaar plechtiglijk en oprecht dat de inhoud kennisgeving hieraangehecht waar is, en ik n plechtige verklaring gelovende dezelve de we zijn en uit kracht van de bepalingen van de Vrederechters en Edén, 1914.

Verklaard door bovengenoemde \_\_\_\_\_ te \_\_\_\_\_ op heden de \_\_\_\_\_ 19\_\_\_\_, voor mij \_\_\_\_\_

Een Kommissaris van ]

★ No. 821.]

[8 May, 1942.]

His Excellency the Governor-General-in-Council has, in terms of section *one hundred and ninety-two* of Act No. 9 of 1916 (The Patents, Designs, Trade Marks and Copyright Act, 1916), approved of the amendment of the Patent Rules published under Government Notice No. 1542 of 1916, as amended by Government Notices Nos. 884 and 1255 of 1919, No. 2040 of 1920, No. 474 of 1933, No. 314 of 1934, No. 1237 of 1934, and No. 99 of 1942, as set out in the Schedule hereto.

## SCHEDULE.

## AMENDMENT OF THE PATENT RULES.

1. Rule 10 to be amended by the deletion of all the words after "No. 1 C."
2. Rule 22 to be deleted and a new Rule substituted therefor:—  
"22. A facsimile or 'true copy' (in triplicate) of the original drawings must be filed at the same time as the original drawings. It may be on tracing cloth, a blue print, a photographic or a printed copy. It must be clear but there is no restriction as to colour. The words 'true copy' must in each case be marked at the right hand top corner, under the numbering of the sheet."
3. Rule 27 to be amended—  
(a) by the substitution for the words "in three consecutive issues of" of the words "once in";  
(b) by the deletion of the word "first".
4. Rule 28 to be amended by the deletion of the word "first".
5. Sub-rule (1) of Rule 33 to be amended by the deletion of the words "the first of such advertisements" and the substitution therefor of the words "such advertisement".
6. Sub-rule (1) of Rule 35 to be amended by the substitution for the words "in three consecutive issues of" of the words "once in".
7. Rule 66 to be amended by the insertion after the word "open" of the words "or on a Saturday".
8. Rule 67 to be deleted and a new Rule substituted therefor:—  
"67. The office shall be open to the public every week-day, except Saturday, between the hours of nine and four, and on Saturday between the hours of nine and twelve, except on the following days:—  
(a) All days observed as public holidays;  
(b) days which may from time to time be notified by a placard posted in a conspicuous place at the office; and  
(c) days observed as days of public fast or thanksgiving."
9. The first Schedule to the Rules is amended—  
(a) by the deletion in the last column of Item 1. of the reference to Patents Forms Nos. 1 A and 1 D;  
(b) by the addition after Item 34 of the following new item:—  
"34 A. For collating documents for certification, for every 100 words or part thereof: 6d."  
(c) by the substitution in Item 35 A for "6 inches by 10 inches per sheet 1s." of "8 inches by 13 inches—approximately, per sheet 1s. 6d."
10. The Second Schedule to the Rules to be amended—  
(a) by inserting the following note at the bottom of Patents Form No. 1.  
"NOTE.—Where necessary delete paragraph (2) of the declaration as well as any reference thereto in paragraph (1)";  
(b) by the deletion of Patents Forms Nos. 1 B, 1 C and 11 and the substitution of new forms Nos. 1 B, 1 C and 11.  
(c) by the deletion in Patents Form No. 16 of the words "three consecutive issues of" and of the words "the first".

★ No. 821.]

Dit het Sy Eksellensie die Goewernment in terme van artikel *honderd twee-en-negentig* (Wet op Patente, Modellen, Handelsmerke) goedkeuring te verleen vir die wysiging publiseer onder Goewernmentskennisgewing gewysig deur Goewernmentskennisgewings No. 2040 van 1920, No. 474 van 1933, No. 1237 van 1934 en No. 99 van 1942, soos uiteengesit.

## BYLAE.

## WYSIGING VAN DIE PATENT

1. Reël 10 moet gewysig word deur al skrap.
2. Reël 22 moet geskrap en deur 'n nuwe reël "22. Een faksimile of 'ware kopie' van die oorspronklike tekeninge moet ingedien word. Dit kan op 'n lichte drukk, 'n blou afdruk, 'n fotografiese of 'n gedrukte kopie wees. Dit moet duidelik wees, maar daar is geen beperking van kleur. Die woorde 'ware kopie' moet in elke geval aan die regter hande boonste hoek geskryf word onder die nummering van die blad."
3. Reël 27 moet gewysig word—  
(a) deur die woorde "in drie opeenvolgende uitgawes van" te vervang deur "eenmaal in";  
(b) deur die woord "eerste" te skrap.
4. Reël 28 moet gewysig word deur die woorde "die eerste van sulke advertensies" te skrap en deur "sulke advertensie" te vervang.
5. Subreël (1) van reël 33 moet gewysig word deur die woorde "die eerste van sulke advertensies" te skrap en deur "sulke advertensie" te vervang.
6. Subreël (1) van reël 35 moet gewysig word deur die woorde "in drie opeenvolgende uitgawes van" te skrap en deur "eenmaal in" te vervang.
7. Reël 66 moet gewysig word deur die woorde "of op 'n Saterdag" na die woorde "open is" in te voeg.
8. Reël 67 moet geskrap en deur 'n nuwe reël "67. Die kantoor sal vir die publiek oop wees elke weekdag, behalwe Saterdag, tussen die ure negen en vier, en op Saterdag tussen die ure negen en twaalf, behalve op die volgende dae:—  
(a) Alle publieke feestdae;  
(b) dae wat van tyd tot tyd bekend gemaak word deur 'n aankondiging wat in 'n opvallende plek by die kantoor aangeplak word; en  
(c) publieke vasten- of dankdae."
9. Die Eerste Bylae tot die Reëls moet gewysig word—  
(a) deur die verwysing na die laaste kolom van Item 1. te skrap;  
(b) deur die volgende nuwe item na item 34. te voeg:—  
"34 A. Voor vergelyking van dokumente vir sertifisering, vir elke 100 woorde of gedeelte daarvan: 6d."  
(c) deur "6 duim by 10 duim per bladsyde 1 pond" te skrap en deur "8 duim by 13 duim—ongeveer, per bladsyde 1 pond 6d." te vervang.
10. Die Tweede Bylae tot die Reëls moet gewysig word—  
(a) deur die volgende nota onder aan Patents Form No. 1. te voeg:—  
"NOTA.—Wanneer nodig skrap paragraaf (2) van die verklaring sowel as enige verwysing na paragraaf (2) in paragraaf (1)";  
(b) deur Patents Formule No. 1 B, 1 C en 11 te skrap en deur nuwe Patents Formule No. 1 B, 1 C en 11 te voeg;  
(c) deur die woorde "drie opeenvolgende uitgawes van" en "die eerste" in Patentformulier No. 16 te skrap.

Patents Form No. 1 B.

£1 Revenue Stamp.
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UNION OF SOUTH AFRICA.  
(The Patents, Designs, Trade Marks and Copyright Act, 1916.)

## APPLICATION FOR A PATENT OF ADDITION.

I/We<sup>(1)</sup> .....  
do hereby declare that I am/we are in possession of an invention, the  
title of which is<sup>(2)</sup> .....  
that<sup>(3)</sup> .....  
claim(s) to be the inventor(s) thereof; and that—

- (1) subject to what appears in paragraph (2) hereof the same is not known or used by others in the Union and not patented or described in any printed publication in the Union or any other country to the best of my knowledge and belief, and that the said invention is an improvement in or modification of my/our invention for which a patent was applied for on the ..... day of ..... 19....., and numbered .....
- (2) any grant of a patent or similar exclusive privilege which might have issued or any use in the Union or publication in the Union or any other country which may have occurred is, I/we claim, excused by sub-sections (2) and (3) of section forty-one of the Act;
- and I/we humbly pray that a patent may be granted to me/us for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent or so much of the time as is unexpired.

Dated this ..... day of ..... 19.....

(4) .....

Address for service in the Union :  
.....  
.....To the Registrar,  
The Patent Office, Pretoria.

- (1) Here insert (in full) name, address, and calling of applicant or applicants.  
(2) Here insert title of invention.  
(3) State name or names of inventor or inventors.  
(4) To be signed by the applicant(s) or his (their) attorney or patent agent.

## NOTES.—

- (a) The application must be accompanied by four copies of Patents Form No. 2 or 3.  
(b) Where the applicant is not the inventor he must also state whether he is the assignee or legal representative of the inventor.  
(c) Where necessary delete paragraph (2) of the declaration as well as any reference thereto in paragraph (1).

Patentformulier No. 1 B.

UNIE VAN ZUID-A  
(De Wet op Patenten, Modellen,  
Auteursrecht, 1916)

## AANVRAGE OM PATENT VAN

(1) Ik/Wij .....  
verklaar/verklaren dat ik/wij in het bezit  
waarvan de titel is<sup>(2)</sup> .....  
dat<sup>(3)</sup> .....  
beweert/beweren de uitvinder(s) daarvan

- (1) behoudens het verklaarde in paragraaf mijn beste weten en geloof niet bekend door anderen in de Unie en niet in de gepatenteerd of in een gedrukte publiek gezegde uitvinding een verbetering of uitvinding waarvoor een patent aangevraagd is op ..... dag van ..... genummerd .....
- (2) enige verlening van een patent of soortgelijk hetwelk toegakend mag zijn of enig gebruik in de Unie of enig ander land dit mag worden naar mijne/onze mening door artikel een-en-veertig van de Wet vrij en ik/wij verzoek(en) beleefd dat mij/onze voor patent mag worden verleend en verzoek(en) da verder patent voor de duur daarvan dezelfde oorspronkelijk patent of zooveel van de tijd als

Gedagtekend heden de ..... 19.....

(4) .....  
Adres voor diening in .....  
.....Aan de Registrateur,  
Patentkantoor, Pretoria.

- (1) Vul in de volle naam, het adres en het beroep van aanvrager.  
(2) Vul in titel van uitvinding.  
(3) Vul in naam of namen van uitvinder of uitvinders.  
(4) Te worden ondertekend door de aanvrager(s) of zijn bezorger.

## NOTAS.—

- (a) De aanvraag moet vergezeld gaan van vier exemplaren of 3.  
(b) Wanneer de aanvrager niet de uitvinder is moet hij ook of wettelijke vertegenwoordiger van de uitvinder is.  
(c) Wanneer nodig schrapt paragraaf (2) van de verklaring of naar in paragraaf (1).

Patents Form No. 1 C.

£1 Revenue Stamp.
----------------------

UNION OF SOUTH AFRICA.  
(The Patents, Designs, Trade Marks and Copyright Act, 1916.)

## APPLICATION FOR A SECRET PATENT.

I/We<sup>(1)</sup> .....  
do hereby declare that I am/we are in possession of an invention, the  
title of which is<sup>(2)</sup>.....  
that<sup>(3)</sup>.....  
claim(s) to be the inventor(s) thereof; and that—

- (1) subject to what appears in paragraphs (2) hereof the same is not known or used by others in the Union and not patented or described in any printed publication in the Union or any other country to the best of my knowledge and belief;
- (2) any grant of a patent or similar exclusive privilege which might have issued or any use in the Union or publication in the Union or any other country which may have occurred is, I/we claim, excused by sub-sections (2) and (3) of section *forty-one* of the Act;

and I/we humbly pray that a secret patent may be granted to me/us for the said invention.

Dated this.....day of.....19.....

(4).....

Address for Service in the Union:

To the Registrar,  
The Patent Office, Pretoria.

- (1) Here insert (in full) name, address, and calling of applicant or applicants.
- (2) Here insert title of invention.
- (3) State name or names of inventor or inventors.
- (4) To be signed by the applicant(s) or his (their) attorney or patent agent.

## NOTES.—

- (a) The application must be accompanied by four copies of Patents Form No. 2 or 3, and a notice in writing under section *sixty-eight* (3).
- (b) Where the applicant is not the inventor he must also state whether he is the assignee or legal representative of the inventor.
- (c) Where necessary delete paragraph (2) of the declaration as well as any reference thereto in paragraph (1).

Patentformulier No. 1 C.

UNIE VAN ZUID-  
(De Wet op Patenten, Modellen  
Auteursrecht, 1916)

## AANVRAGE OM EEN GEHEIM

(1) Ik/Wij .....  
verklaar/verklaren mits deze dat ik/wij i  
uitvinding waarvan de titel is<sup>(2)</sup>.....  
dat<sup>(3)</sup>.....  
beweert/beweren de uitvinder(s) daarvan te

- (1) behoudens het verklaarde bij paragraaf mijn beste weten en geloof niet bekend door anderen in de Unie en niet in land gepatenteerd of in een gedrukte
  - (2) enige verlening van een patent of soort het welk toegekend mag zijn of eenig publicatie in de Unie of enig ander land ceden, wordt naar mijne/onze mening van artikel *een-en-veertig* van de Wet
- en ik/wij verzoek(en) beleefd dat een geheel noemde uitvinding verleend mag worden.

Gedagtekend heden de.....dag van.....

(4).....

Adres

Aan de Registrateur,  
Patentkantoor, Pretoria.

- (1) Vul in de volle naam, het adres en het beroep van de uitvinder(s).
- (2) Vul in titel van uitvinding.
- (3) Vul in naam of namen van uitvinder(s).
- (4) Te worden ondertekend door de aanvrager(s) of zijn bezorger.

## NOTAS.

- (a) De aanvraag moet vergezeld gaan van vier exemplaren of 3, en een schriftelijke kennisgeving onder artikel 3.
- (b) Wanneer de aanvrager niet de uitvinder is moet hij of wettelijke vertegenwoordiger van de uitvinder is
- (c) Wanneer nodig schrapt paragraaf (2) van de verklaring naar in paragraaf (1).

Patents Form No. 11.

See Rule 32.

UNION OF SOUTH AFRICA.  
(The Patents, Designs, Trade Marks and Copyright Act, 1916.)  
APPLICATION FOR CERTIFICATE OF PAYMENT OR RENEWAL.

I/We<sup>(1)</sup> .....  
of<sup>(2)</sup> .....  
hereby transmit the fee prescribed for the continuation in force of  
Patent No. .... of 19..... for a further period of .....  
years. <sup>(3)</sup>.....  
To the Registrar,  
The Patent Office, Pretoria.  
(Where the fee is transmitted by an Agent a Power of Attorney should  
accompany this application.)

- (1) Name of patentee.
- (2) Address of patentee.
- (3) Signature of patentee or agent.

(This part of the form to be filled in at the Patent Office.)

CERTIFICATE OF PAYMENT OR RENEWAL.

Letters Patent No. .... of 19.....  
This is to certify that ..... did  
this ..... day of ..... 19....., make  
the prescribed payment of £..... in respect of a period of .....  
from ..... and that by virtue of such payment the  
rights of the patentee remain in force.\*

The Patent Office,  
Pretoria.

Registrar of Patents.

Seal.

\* See section *thirty-eight* of the Act.

Patentformulier No. 11.

UNIE VAN ZUID  
(De Wet op Patenten, Model  
Auteursrecht,  
AANVRAGE OM CERTIFIKAA  
VERNIEUW

Ik/Wij<sup>(1)</sup> .....  
van<sup>(2)</sup> .....  
zend(en) hiernevens de voorgeschreven fo  
van .....  
mijn van .....  
<sup>(3)</sup> .....  
Aan de Registrateur,  
Patentkantoor, Pretoria.  
(Wanneer de fooi door een agent gesta  
deze aanvraag te vergezellen).

- (1) Naam van patenthouder.
- (2) Adres van patenthouder.
- (3) Handtekening van patenthouder of patent bez

(Dit gedeelte van het formulier moet  
ingevuld).

CERTIFIKAAT VAN BETALING

Patentbrieven No. ....  
Hiermede wordt geertificeerd dat .....  
hede de ..... dag van .....  
het voorgeschreven bedrag van £ .....  
heeft betaald, ten aanzien van een termijn  
van af ..... en d  
betaling de rechten van de patenthouder

Het Patentkantoor,  
Pretoria.

\* Zie artikel *acht-en-dertig* van de Wet.

★ No. 822.]

[8 May, 1942.]

His Excellency the Governor-General has, in terms of section one hundred and ninety-two of Act No. 9 of 1916 (The Patents, Designs, Trade Marks and Copyright Act, 1916), approved of the amendment of the Trade Mark Rules published under Government Notice No. 1544 of 1916, as amended by Government Notices Nos. 885 of 1919, 475 of 1933, 316 of 1934, 1851 of 1938 and 100 of 1942, as set out in the Schedule hereto.

## SCHEDULE.

## AMENDMENT OF THE TRADE MARK RULES.

1. Rule 69 to be amended by the substitution for the word "advertisement" of the word "expiration".
2. Rule 70 to be amended by the substitution for the words "one month from such advertisement" of the words "the said period of one month".
3. Rule 95 to be deleted and a new Rule substituted therefor:—
 

"95. The office shall be open to the public every week-day, except Saturday, between the hours of nine and four, and on Saturday between the hours of nine and twelve, except on the following days:—

  - (a) All days observed as public holidays;
  - (b) Days which may from time to time be notified by a placard posted in a conspicuous place at the office; and
  - (c) days observed as days of public fast or thanksgiving.
4. Rule 99 to be deleted and a new Rule substituted therefor:—
 

"99. Whenever the last day fixed by the Act, or by these rules, for doing any thing shall fall on a day when the office is not open, or on a Saturday, which day shall be an excluded day for the purposes of the Act, and these rules, it shall be lawful to do any such thing on the day next following such excluded day, or days if two or more of them occur consecutively."
5. The First Schedule to the Rules to be amended—
  - (a) by the insertion of the following new Item No. 28A after Item 28:—
 

"28A. For collating documents for certification, for every 100 words or part thereof: 6d.";
  - (b) by the substitution in Item 29A for "6 inches by 10 inches" and "1s." of "8 inches by 13 inches—approximately" and "1s. 6d." respectively.
6. The Second Schedule to the Rules to be amended—
  - (a) by the insertion after the word "here" in note (a) of Forms T.M. Nos. 1 and 4, of the words—
 

"and the particular goods must be specified as far as practicable";
  - (b) by the insertion at the end of note (b) of the said forms of the words—
 

"and nature of business. In the case of a firm the names of all the partners must be specified as the applicants";
  - (c) by the substitution in Form No. O. 3 for the words "the date on which the omission to pay the fee has been advertised in the Gazette" of the words "such date."

★ No. 822.]

Dit het Sy Eksellensie die Goewerneu in terme van artikel honderd twee-en-neg (Wet op Patente, Modellen, Handelsmerke) goedkeuring te verleen vir die wysiging van gepubliseer onder Goewermentekennisge soos gewysig deur Goewermentekennisge 475 van 1933, 316 van 1934, 1851 van 1938 gesit in die bygaande Bylae.

## BYLAE.

## WYSIGING VAN DIE HANI

1. Reël 69 moet gewysig word deur die woord „verstriking” te vervang
2. Reël 70 moet gewysig word deur die woorde „advertensie” deur die woorde „zodanige” te vervang.
3. Reël 95 moet geskrap en deur ’n nuwe reël „95. Het kantoor zal voor het publiek behalve Zaterdag, tussen de uren negen en twaalf, behalve op de volgende dagen:—
  - (a) Alle publieke feestdagen;
  - (b) Dagen die van tijd tot tijd bevestigd worden door een aanplakbiljet aangeplakt bij het kantoor; en
  - (c) Publieke vasten- of dankdagen."
4. Reël 99 moet geskrap en deur ’n nuwe reël „99. Wanneer de laatste dag bepaald door de wet of deze regels voor 't doen van iets valt op een Zaterdag, welke dag voor deze regels een uitgesloten dag zal zijn, dan mag de handeling op de volgende dag of op de volgende dagen gedaan worden." te vervang.
5. Die Eerste Bylae tot die Reëls moet gewysig word deur die volgende nuwe Item 28A na Item 28 te voeg:—
 

„28A. Voor vergelijking van documenten voor certificering, voor elke honderd woorden of gedeelte daarvan: 6d."
6. Die Tweede Bylae tot die Reëls moet gewysig word deur die woorde „en de bijzondere aard van de zaak moet worden aangegeven" na die woorde „en de aard van de zaak" in Formuliere H.M. Nos. 1 en 4 in te voeg.
  - (a) deur die woorde „en de bijzondere aard van de zaak moet worden aangegeven" na die woorde „en de aard van de zaak" in te voeg.
  - (b) deur die woorde „en de aard van de zaak" in te voeg.
  - (c) deur die woorde „de datum waarop de afwijking van de wet of deze regels is geadverteerd" te vervang.



★ No. 823.]

[8 May, 1942.

His Excellency the Governor-General-in-Council has, in terms of section one hundred and ninety-two of Act No. 9 of 1916 (The Patents, Designs, Trade Marks and Copyright Act, 1916), approved of the amendment of the Copyright Rules published under Government Notice No. 1545 of 1916, as amended by Government Notice No. 317 of 1934, as set out in the Schedule hereto.

## SCHEDULE.

## AMENDMENT OF THE COPYRIGHT RULES.

1. The following new Rule 28bis to be inserted after Rule 28:—

"28bis. Where registration of copyright is not completed within twelve months from the date of the application, by reason of default on the part of the applicant, the Registrar shall give notice to the applicant in writing of such non-completion, and if the applicant has an agent, shall send a duplicate of such notice to such agent. If after fourteen days from the date when such notice was sent the registration is not completed, the application shall be deemed to be abandoned, but the Registrar may with such notice, where the applicant lives at a distance, give a further time after such fourteen days for the completion of such application."

2. Sub-rule (2) of Rule 31 to be deleted and a new Rule substituted therefor:—

"31. The office shall be open to the public every week-day, except Saturday, between the hours of nine and four, and on Saturday between the hours of nine and twelve, except on the following days:—

- (a) All days observed as public holidays;
- (b) Days which may from time to time be notified by a placard posted in a conspicuous place at the office; and
- (c) Days observed as days of public fast or thanksgiving."

3. The following new Rule 31bis to be inserted after Rule 31:—

"31bis. Whenever the last day fixed by the Act, or by these rules, for doing any thing shall fall on a day when the office is not open, or on a Saturday, which day shall be an excluded day for the purposes of the Act and these rules, it shall be lawful to do any such thing on the day next following such excluded day, or days if two or more of them occur consecutively."

4. The First Schedule to the Rules to be amended—

(a) by the addition of the following new Item No. 9A:—  
"9A. For collating documents for certification, for every 100 words or part thereof: 6d."

(b) by the substitution in Item 9 for "6 inches by 10 inches" and "1s." of "8 inches by 13 inches—approximately" and "1s. 6d.", respectively.

★ No. 823.]

Dit het Sy Eksellensie die Goewerneur in terme van artikel honderd twee-en-neges (Wet op Patente, Modellen, Handelsmerke) goedkeuring te verleen vir die wysiging van gepubliseer onder Goewermentskennisgewing gewysig deur Goewermentskennisgewing uiteengesit in die bygaande Bylae.

## BYLAE.

## WYSIGING VAN DIE OUTREKKE.

1. Die volgende nuwe Reël moet na Reël 28:

28bis. Wanneer die registrasie van a binne twaalf maanden van af de datum vernuim van de aanvrager, dan geefte aanvrager schriftelik kennis van zodanige aanvrager een agent heeft, dan zendt hij van zodanige kennisgeving. Indien er is na veertien dagen van af de datum van kennisgeving, dan wordt de aanvraag zullende echter de Registrateur met die aanvrager ver weg woont, een verdere t die veertien dagen voor het voltooiën van

2. Subreël (2) van Reël 31 moet geskrap en word:—

"31. Het kantoor zal voor het publiek behalve Zaterdag, tussen de uren negen en twaalf, behalve

- (a) Alle publieke feestdagen;
- (b) Dagen die van tijd tot tijd bekend door een aanplakbiljet aangeplakt plek bij het kantoor; en
- (c) Publieke vasten- of dankdagen."

3. Die volgende nuwe Reël moet na Reël 31:

"31bis. Wanneer die laatste dag be regels voor 't doen van iets valt op een is of op een Zaterdag, welke dag voor de deze regels een uitgesloten dag zal zijn, is te doen op de dag volgende op die uitgesl twee of meer daarvan op elkaar volgen."

4. Die Eerste Bylae tot die Reëls moet gew

(a) deur die volgende nuwe Item 9A na Item "9A. Voor vergelijking van dokum moeten worden, voor elk honderdtal wo 6d."

(b) deur "6 duim bij 10 duim" en "1s." in "8 duim bij 13 duim—ongeveer," en

★ No. 824.]

[8 May, 1942.

His Excellency the Governor-General has, in terms of section *one hundred and ninety-two* of Act No. 9 of 1916 (The Patents, Designs, Trade Marks and Copyright Act, 1916), approved of the amendment of the Designs Rules published under Government Notice No. 1543 of 1916, as amended by Government Notices Nos. 315 of 1934 and 209 of 1935, as set out in the Schedule hereto.

## SCHEDULE.

## AMENDMENT OF THE DESIGN RULES.

1. Rule 23 to be amended by the insertion after the word "ink" of the words "and signed by the applicant or his agent".
2. Rule 61 to be deleted and a new Rule substituted therefor:—
 

"61. The office shall be open to the public every week-day, except Saturday, between the hours of nine and four, and on Saturday between the hours of nine and twelve, except on the following days:—

  - (a) All days observed as public holidays;
  - (b) days which may from time to time be notified by a placard posted in a conspicuous place at the office; and
  - (c) days observed as days of public fast or thanksgiving.
3. Rule 65 to be amended by the insertion after the word "open" of the words "or on a Saturday".
4. The First Schedule to the Rules to be amended—
  - (a) by the insertion of the following new Item 24A after Item 24:—
 

"24A. For collating documents for certification, for every 100 words or part thereof: 6d.";
  - (b) by the substitution in Item 25 for "6 inches by 10 inches" and "1s." of "8 inches by 13 inches (approximately)" and "1s. 6d.", respectively.
5. The Second Schedule to the Rules to be amended by the deletion of Forms Designs Nos. 1, 2, 3, 4, 5 and D.O. 1 and the substitution therefor of the following new Forms Designs Nos. 1, 2, 3, 4, 5 and D.O. 1.

★ No. 824.]

Dit het Sy Eksellensie die Goewerne in terme van artikel *honderd twee-en-negentig* (Wet op Patente, Modellen, Handelsmerke) goedkeuring te verleen vir die wysiging publiseer onder Goewermenskennisgewing gewysig deur Goewermenskennisgewing van 1935, soos uiteengesit in die bygaande.

## BYLAE.

## WYSIGING VAN DIE M

1. Reël 23 moet gewysig word deur die aanvrager of zijn agent" na die woorde „
2. Reël 61 moet geskrap en deur 'n nuwe reël „61. Het kantoor zal voor het publiek behalve Zaterdag, tussen de uren negen en twaalf, behalve op de volgende dagen:—
  - (a) alle publieke feestdagen;
  - (b) dagen die van tijd tot tijd bekendgemaakt worden door een aanplakbiljet aangeplakt bij het kantoor; en
  - (c) publieke vasten- of dankdagen.
3. Reël 65 moet gewysig word deur die woorde „niet open is" in te voeg.
4. Die Eerste Bylae tot die Reëls moet gewysig word—
  - (a) deur die volgende nuwe Item 24A na Item 24:—
 

„24A. Voor vergelijking van de te kopiëren documenten, voor elk honderd woorden of gedeelte daarvan: 6d.";
  - (b) deur „6 duim bij 10 duim" en „1s." te wissel met „8 duim bij 13 duim—ongeveer".
5. Die Tweede Bylae tot die Reëls moet gewysig word deur die volgende nuwe Modelformuliere No. 1, 2, 3, 4, 5 en D.O. 1.

Form Designs No. 1.

Designs. 10a.
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(Patents, Designs, Trade Marks and Copyright Act, 1916.)

## APPLICATION FOR REGISTRATION OF DESIGN (EXCEPT ARTICLES IN CLASSES 9 AND 15).

You are hereby requested to register the accompanying design (a) in Class \_\_\_\_\_, in the name of (b) \_\_\_\_\_ of \_\_\_\_\_ who claim(s) to be the proprietor(s) thereof; and that (c) —

- (1) subject to what appears in paragraph (2) hereof the same is not known or used by others in the Union and not registered or described in any printed publication in the Union or any other country to the best of my/our knowledge and belief;
- (2) any registration or use in the Union or publication in the Union or any other country which may have occurred is, I/we claim, excused by sub-sections (4) and (5) of section *eighty* of the Act.

The design is to be applied to (d) \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_

(e) \_\_\_\_\_

Address for service in the Union: \_\_\_\_\_

To the Registrar,  
The Designs Office, Pretoria.

- (a) Four exactly similar representations or specimens of the design should accompany this form.
- (b) Here insert legibly the name, address, and calling of the individual, firm, or company.
- (c) Where necessary delete paragraph (2) as well as any reference thereto in paragraph (1).
- (d) In the case of Class 13 or Class 14, state the kind of goods, i.e., "piece goods" or "handkerchiefs and shawls".
- (e) To be signed by the applicant(s) or his/their attorney or patent agent.

Modelformulier No. 1.

(Wet op Patenten, Modellen  
Auteursrecht,AANVRAAG OM REGISTRATIE VAN  
ARTIKELEN INGij wordt mits deze verzocht bijna  
klasse \_\_\_\_\_

beweert/beweren eigenaar(s) daarvan te z

- (1) behoudens het verklaarde bij paragraaf mijn beste weten en geloof niet bekend door anderen in de Unie en niet in geregistreerd of in een gedrukte p
- (2) enige registratie of enig gebruik in of enig ander land die mocht hebben mijne/onze mening door subartikel van de Wet vrijgesteld.

Het model zal worden toegepast op (d) \_\_\_\_\_

Gedaan op heden de \_\_\_\_\_

(e) \_\_\_\_\_

Adres van diening in de Unie. \_\_\_\_\_

Aan de Registrateur,  
Het Kantoor van Modellen, Pretoria.

- (a) Vier nauwkeurig overeenstemmende voor model behoren bij dit formulier gevoegd
- (b) Hier duidelk in te vullen de naam, het adres en maatschappij.
- (c) Wanneer nodig schrapt paragraaf (2) van de ver naar in paragraaf (1).
- (d) In het geval van klasse 13 of klasse 14 vermeld de of „zakdoeken en sjaals“.
- (e) Te worden ondertekend door de aanvrager(s) bezorger.

Form Designs No. 2.

Designs. £1
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(Patents, Designs, Trade Marks and Copyright Act, 1916.)

## APPLICATION FOR REGISTRATION OF DESIGN TO BE APPLIED TO A SET (NOT BEING LACE).

You are hereby requested to register the accompanying design (a) for (b) ..... being a set of articles in Class....., in the name of (c)..... of ..... who claim(s) to be the proprietor(s) thereof; and that (d)—

- (1) subject to what appears in paragraph (2) hereof the same is not known or used by others in the Union and not registered or described in any printed publication in the Union or any other country to the best of my/our knowledge and belief;
- (2) any registration or use in the Union or publication in the Union or any other country which may have occurred is, I/we claim, excused by sub-sections (4) and (5) of section *eighty* of the Act.

The design is to be applied to.....

Dated this.....day of.....19.....

(e).....

Address for service in the Union:

To the Registrar,  
The Designs Office, Pretoria.

- (a) Five exactly similar representations or specimens of the design should accompany this form.
- (b) Here set out the trade, description of the articles in the set, as "A toilet set".
- (c) Here insert legibly the name, address, and calling of the individual, firm, or company.
- (d) Where necessary delete paragraph (2) as well as any reference thereto in paragraph (1).
- (e) To be signed by the applicant(s) or his/their attorney or patent agent.

Modelformulier No. 2.

(Wet op Patenten, Modellen, Handelsmerken  
Auteursrecht, 1916.)AANVRAAG OM REGISTRATIE VAN MODEL  
TOEGEPAST OP EEN STEL (NIET ZIJNDE LACE)

Gij wordt mits deze verzocht bijgaand model (a) voor (b) ..... zijnde een stel artikelen in klasse..... registreren ten name van (c).....

die beweert/beweren eigenaar(s) daarvan te zijn; en dat

- (1) behoudens het verklaarde bij paragraaf (2) hiervan mijn beste weten en geloof niet bekend is aan of door anderen in de Unie en niet in de Unie of in geregistreerd of in een gedrukte publicatie beschreven;
- (2) enige registratie of enig gebruik in de Unie of publicatie of enig ander land die mocht hebben plaatsgevonden mijne/onze mening door subartikels (4) en (5) van de Wet vrijgesteld.

Het model zal worden toegepast op.....

Gedaan op heden de.....dag van.....

(e).....

Adres van diening in de Unie:

Aan de Registrateur,  
Het Kantoor van Modellen, Pretoria.

- (a) Vijf nauwkeurig overeenstemmende voorstellingen of proefmodellen behoren bij dit formulier gevoegd te worden.
- (b) Hier duidelijk te vermelden de handelsbenaming van het stel artikelen.
- (c) Hier duidelijk in te vullen de naam, het adres en het beroep van de aanvrager(s).
- (d) Wanneer nodig schrapt paragraaf (2) van de verklaring zoowel als de referentie daaraan in paragraaf (1).
- (e) Te worden ondertekend door de aanvrager(s) of zijn/hun prokureur.

Designs No. 2.

Designs. £1
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Patents, Designs, Trade Marks and Copyright Act, 1916.)

DECLARATION FOR REGISTRATION OF DESIGN TO BE APPLIED  
TO A SET (NOT BEING LACE).

I am hereby requested to register the accompanying design (a)

as a set of articles in Class....., in the name of (c).....

I claim(s) to be the proprietor(s) thereof; and that (d)—

subject to what appears in paragraph (2) hereof the same is not known or used by others in the Union and not registered or described in any printed publication in the Union or any other country to the best of my/our knowledge and belief;

no registration or use in the Union or publication in the Union or any other country which may have occurred is, I/we claim, excused by sub-sections (4) and (5) of section eighty of the Act.

This design is to be applied to.....

on this..... day of..... 19.....

(e).....

My address for service in the Union:

I am Registrar,  
Designs Office, Pretoria.

Five exactly similar representations or specimens of the design should accompany this form.

I must set out the trade, description of the articles in the set, as "A toilet set". I must insert legibly the name, address, and calling of the individual, firm, or company. If necessary delete paragraph (2) as well as any reference thereto in paragraph (1). This form must be signed by the applicant(s) or his/their attorney or patent agent.

Modelformulier No. 2.

Modellen £1.
-----------------

(Wet op Patenten, Modellen, Handelsmerken en  
Auteursrecht, 1916.)

AANVRAAG OM REGISTRATIE VAN MODEL TE WORDEN  
TOEGEPAST OP EEN STEL (NIET ZIJNDE KANTWERK.)

Gij wordt mits deze verzocht bijgaand model (a) voor (b).....

zijnde een stel artikelen in klasse..... te  
registreren ten name van (c)..... van.....

die beweert/beweren eigenaar(s) daarvan te zijn; en dat (d)—

- (1) behoudens het verklaarde bij paragraaf (2) hiervan, hetzelfde naar mijn beste weten en geloof niet bekend is aan of gebruikt wordt door anderen in de Unie en niet in de Unie of in enig ander land geregistreerd of in een gedrukte publicatie beschreven is;
- (2) enige registratie of enig gebruik in de Unie of publicatie in de Unie of enig ander land die mocht hebben plaatsgevonden wordt naar mijne/onze mening door subartikels (4) en (5) van artikel tachtig van de Wet vrijgesteld.

Het model zal worden toegepast op.....

Gedaan op heden de..... dag van..... 19.....

(e).....

Adres van diening in de Unie.

Aan de Registrateur,  
Het Kantoor van Modellen, Pretoria.

- (a) Vijf nauwkeurig overeenstemmende voorstellingen of proefekemplaren van 't model behoren bij dit formulier gevoegd te worden.
- (b) Hier duidelijk te vermelden de handelsbenaming van het stel artikels, bv. „een was-tafelstel“.
- (c) Hier duidelijk in te vullen de naam, het adres en het beroep van de persoon, firma of maatschappij.
- (d) Wanneer nodig schrap paragraaf (2) van de verklaring zoowel als enige verwijzing er naar in paragraaf (1).
- (e) Te worden ondertekend door de aanvrager(s) of zijn/hun prokureur of patentbezorger.

Form Designs No. 3.

Designs 2s.
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(Patents, Designs, Trade Marks and Copyright Act, 1916.)

## APPLICATION FOR REGISTRATION OF DESIGN IN CLASS 15.

You are hereby requested to register the accompanying design (a) (without search) in Class 15, in the name of (b).....

..... of ..... who

claim(s) to be the proprietor(s) thereof; and that (c)—

- (1) subject to what appears in paragraph (2) hereof the same is not known or used by others in the Union and not registered or described in any printed publication in the Union or any other country to the best of my/our knowledge and belief;
- (2) any registration or use in the Union or publication in the Union or any other country which may have occurred is, I/we claim, excused by sub-sections (4) and (5) of section eighty of the Act.

This design consists substantially of the checks or stripes only.

Dated this..... day of..... 19.....

(d).....

Address for service in the Union:

To the Registrar,  
The Designs Office, Pretoria.

- (a) Four exactly similar representations or specimens of the design should accompany this form.
- (b) Here insert legibly the name, address, and calling of the individual, firm or company.
- (c) Where necessary delete paragraph (2) as well as any reference thereto in paragraph (1).
- (d) To be signed by the applicant(s) or his/their attorney or patent agent.

Modelformulier No. 3.

(Wet op Patenten, Modellen, Handelsmerken  
Auteursrecht, 1916.)

## AANVRAAG OM REGISTRATIE VAN MODEL

Gij wordt mits deze verzocht bijgaand model (a) (zonder  
registreren in klasse 15 ten name van (b).....

.....  
beweert/beweren eigenaar(s) daarvan te zijn; en dat

- (1) behoudens het verklaarde bij paragraaf (2) hier mijn beste weten en geloof niet bekend is aan door anderen in de Unie en niet in de Unie of geregistreerd of in een gedrukte publicatie beschreven;
- (2) enige registratie of enig gebruik in de Unie of van enig ander land die mocht hebben plaatsgevonden mijne/onze mening door sub-artikels (4) en (5) van de Wet vrijgesteld.

Dit model bestaat in hoofzaak uit de ruitjes of streepjes

Gedaan op heden de..... dag van.....

(d).....

Adres van diening in de Unie.

Aan de Registrateur,  
Het Kantoor van Modellen, Pretoria.

- (a) Vier nauwkeurig overeenstemmende voorstellingen of modellen behoren bij dit formulier gevoegd te worden.
- (b) Hier duidelijk in te vullen de naam, het adres en het beroep van de aanvrager.
- (c) Wanneer nodig schrap paragraaf (2) van de verklaring zoowel als de referentie daaraan in paragraaf (1).
- (d) Te worden ondertekend door de aanvrager(s) of zijn/hun prokureur.

Form Designs No. 4.

Designs. 2s.
-----------------

(Patents, Designs, Trade Marks and Copyright Act, 1916.)

## APPLICATION FOR REGISTRATION OF A LACE DESIGN IN CLASS 9.

You are hereby requested to register the accompanying Lace design (a) (without search) in Class 9, in the name of (b)..... of.....

..... who claim(s) to be the proprietor(s) thereof; and that (c)—

- (1) subject to what appears in paragraph (2) hereof the same is not known or used by others in the Union and not registered or described in any printed publication in the Union or any other country to the best of my/our knowledge and belief;
- (2) any registration or use in the Union or publications in the Union or any other country which may have occurred is, I/we claim, excused by sub-sections (4) and (5) of section eighty of the Act.

Dated this..... day of..... 19.....

(d).....

Address for service in the Union :  
.....To the Registrar,  
The Designs Office, Pretoria.

- (a) Four exactly similar representations or specimens of the design should accompany this form.
- (b) Here insert legibly the name, address, and calling of the individual, firm or company.
- (c) We insert ~~legally~~ delete paragraph (2) as well as any reference thereto in paragraph (1).
- (d) To be necessary by the applicant(s) or his/their attorney or patent agent signed by.....

Modelformulier No. 4.

(Wet op Patenten, Modellen, Handelsmerken en Auteursrecht, 1916.)

## AANVRAAG OM REGISTRATIE VAN EEN KANTWERK IN KLASSE 9.

Gij wordt mits deze verzocht bijgaande kantwerk (a) (zonder onderzoek) te registreren in klasse 9, ten name van (b).....

..... die beweert/beweren eigenaar(s) daarvan te zijn en dat (c)—

- (1) behoudens het verklaarde bij paragraaf (2) hiervan mijn beste weten en geloof niet bekend is aan anderen in de Unie en niet in de Unie of in een ander land geregistreerd of in een gedrukte publicatie beschreven;
- (2) enige registratie of enig gebruik in de Unie of in een ander land die mocht hebben plaatsgevonden is, mijne/onzere mening door subartikels (4) en (5) van de Wet vrijgesteld.

Gedaan op heden de..... dag van.....

(d).....

Adres voor diening in de Unie :  
.....Aan de Registrateur,  
Het Kantoor van Modellen, Pretoria.

- (a) Vier nauwkeurig overeenkomende voorstellingen of proefeksen behoren bij dit formulier gevoegd te worden.
- (b) Hier duidlijk te vermelden de naam, het adres en beroep van de aanvrager(s).
- (c) Wanneer nodig schrapt paragraaf (2) van de verklaring zo ver naar in paragraaf (1).
- (d) Te worden ondertekend door de aanvrager(s) of zijn/hun prokurist.

Form Designs No. 5.

Designs.  
4s.

- (Patents, Designs, Trade Marks and Copyright Act, 1916.)

APPLICATION FOR REGISTRATION OF A LACE DESIGN IN  
CLASS 9 TO BE APPLIED TO A SET.

You are hereby requested to register (without search) the accompanying design (a) for a set of lace articles in Class 9, in the name of (b)

..... of  
..... who  
claim(s) to be the proprietor(s) thereof; and that (c) —

- (1) subject to what appears in paragraph (2) hereof the same is not known or used by others in the Union and not registered or described in any printed publication in the Union or any other country to the best of my/our knowledge and belief;
- (2) any registration or use in the Union or publication in the Union or any other country which may have occurred is, I/we claim, excused by sub-sections (4) and (5) of section eighty of the Act.

Dated this ..... day of ..... 19.....

(d) .....

Address for service in the Union: .....

To the Registrar,  
The Designs Office, Pretoria.

- (a) Five exactly similar representations or specimens of the design should accompany this form.
- (b) Here insert legibly the name, address, and calling of the individual, firm or company.
- (c) Where necessary delete paragraph (2) as well as any reference thereto in paragraph (1).
- (d) Signature of applicant or his attorney or patent agent.

Form D.O. No. 1.

THE PATENTS, DESIGNS, TRADE MARKS AND COPYRIGHT  
ACT, 1916.

Design No. .... of .....

Registered in the name of .....

## CERTIFICATE OF REGISTRATION

This is to certify that the Design, of which a copy is annexed, has been registered as of the ..... day of .....

19....., in respect of the application of such Design to articles comprised in Class ..... in pursuance of and subject to the provisions of the Patents, Designs, Trade Marks and Copyright Act, 1916, and the Designs Rules, 1917, and is effective for a period of five years from the registration date and, subject to renewal, for two further periods, each of five years' duration.

Registrar of Designs.

The Designs Office,  
Pretoria.

19.....

Modelformulier No. 5.

(Wet op Patenten, Modellen, Handelsmerken  
Auteurs-recht, 1916.)AANVRAAG OM REGISTRATIE VAN EEN KAN-  
IN KLASSE 9 TE WORDEN GEPAST OP EENGij wordt mits deze verzocht bijgaand model (a) v  
werkartikelen (zonder onderzoek) te registreren in k  
van (b) .....van .....  
die beweert/beweren eigenaar(s) daarvan te zijn; en

- (1) behoudens het verklaarde bij paragraaf (2) hier mijn beste weten en geloof niet bekend is aan door anderen in de Unie en niet in de Unie of geregistreerd of in een gedrukte publicatie beschreven;
- (2) enige registratie of enig gebruik in de Unie of in of enig ander land die mocht hebben plaatsge mijn/ons mening door subartikels (4) en (5) van de Wet vrijgesteld.

Gedaan op heden de ..... dag van .....

(d) .....

Adres voor diening in de Unie: .....

Aan de Registrateur,  
Het Kantoor van Modellen, Pretoria.

- a) Vijf nauwkeurig overeenkomende voorstellingen of proefstukken behoren bij dit formulier gevoegd te worden.
- b) Hier duidelijk te vermelden de naam, het adres en beroep van de maatschappij.
- c) Wanneer nodig schrapping paragraaf (2) van de verklaring zo ver naar in paragraaf (1).
- d) Te worden ondertekend door de aanvrager(s) of zijn/hun procureur.

Formulier M.K. No. 1.

WET OP PATENTEN, MODELLEN, HAN-  
AUTEURSRECHT, 1916.

Model No. .... van .....

Geregistreerd in naam van .....

## CERTIFIKAAT VAN REGISTRATIE

Hiermede wordt gecertificeerd dat het model, aangehecht is, onder dagtekening van de .....

dag van ..... 19..... ten op

sing van zodanig model op artikelen vervat in Klasse 9, geregistreerd is ingevolge en behoudens de bepalingen van de Wet op Patenten, Modellen, Handelsmerken en Auteursrecht, 1916, en van kracht is voor een termijn van vijf jaren, te rekenen van de registratie datum, en, onderhewig aan de bepalingen van de Wet, voor verdere tijdvakken, elk voor den duur van vijf jaren.

Registrat

Het Kantoor van Modellen,  
Pretoria.

19.....



**ACT****To amend the Patents (Amendment) Act, 1941.***(Signed by the Governor-General in English.)**(Assented to 17th April, 1942.)*

**BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Section one of the Patents (Amendment) Act, 1941, is amended by the deletion in sub-section (2) of all the words after the figures "1917".

2. (1) Notwithstanding anything in the Patents (Amendment) Act, 1941, or in this Act contained, no holder of a patent which, before the sixteenth day of May, 1941, was declared by judgment of a competent court in the Union, to be invalid, shall have any right of action against any person who after the fifteenth day of May, 1941, and before the ninth day of February, 1942, in the Union, availed himself or in the opinion of the Minister of Justice, took substantial steps towards availing himself of the subject matter of the patent in respect of—

- (i) any infringement of the patent between the said dates; or
- (ii) the use at any time thereafter of any process or operation by means of any mechanism, apparatus or plant the installation of which was commenced, or in connection with which substantial steps towards installation had, in the opinion of the said Minister, been initiated within that period.

(2) Any person to whom the protection of sub-section (1) applies shall be entitled after the eighth day of February, 1942, to avail himself of the subject matter of the patent in a manner not falling within the protection of that sub-section on the same conditions as, in the opinion of the Minister, apply to other persons.

(3) Nothing in the Patents (Amendment) Act, 1941, or in this Act contained shall be deemed to release a person who, prior to the sixteenth day of May, 1941, had entered into a contract in respect of the subject matter of the patent, from any of his obligations under that contract.

3. This Act may be cited as the Patents Further Amendment Act, 1942, and shall be deemed to have come into operation on the sixteenth day of May, 1941.

Short title  
and com-  
mencement.

**WET****Tot wysiging van die Wysigingswet***(Deur die Goewerneur-generaal in  
Goedgekeur op 17 Apr)*

**DIET WORD BEPAAL** deur Sy Ma. Senaat en die Volksraad van die as volg:—

1. Artikel een van die Wysigingswet o hiermee gewysig deur al die woorde in syfers „1917” te skrap.

2. (1) Nisteenstaande enige bepaling op Patente, 1941, of in hierdie Wet verva enige patent wat in die Unie voor die se 1941, deur vonnis van 'n bevoegde hof 'n reg van aksie teen enige persoon wat van Mei 1941, en voor die negende dag in die Unie, hom van die onderwerp van het of na mening van die Minister van stappe gedoen het om hom daarvan te bedie

- (i) inbreuk op die patent tussen bedie
- (ii) die gebruik te eniger tyd daarna of bewerking deur 'n meganisme, aan die monteer waarvan geduren 'n begin gemaak is, of in verbande like stappe tot monteer, na die Minister, aan die gang gesit is.

(2) Enige persoon op wie die beskerming van toepassing is, is geregtig om na die agste 1942, hom van die onderwerp van die patente wat nie binne die beskerming van daardie, onderhewig aan dieselfde voorwaarde en mening van die Minister op ander persone va

(3) Geen bepaling in die Wysigingswet op hierdie Wet vervat, word geag om i e sestiende dag van Mei 1941, 'n ooreenkomte onderwerp van die patent aangegaan het enige van sy verpligtings onder daardie ooree-

3. Hierdie Wet heet die Verdere Wysiging 1942, en word geag in werking te getree het ag van Mei 1941.