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# Trade mark registration brochure

The procedure, what it costs and what we need from you.

## 1 Your trade mark

To qualify for registration, a trade mark must be **distinctive** and not simply describe the nature or quality of the products or services to which it is applied. Marks that are purely descriptive cannot be registered.

Even if registered, your monopoly in a particular mark will be limited to the extent that others need to use the relevant word(s) and/or symbol(s) in trade.

A descriptive mark can acquire distinctiveness through widespread use and promotion if consumers have come to exclusively associate the mark with you (like **SHARP** for televisions). However, some marks can never acquire distinctiveness, no matter how long they are used: e.g., a purely laudatory word like **BEST**, or a mark that simply names the product (like **APPLE** for apples).

Therefore, the best marks are made-up words (like **KODAK**) or words that are not related to the products they are used in relation to (like **APPLE** for computers). Suggestive words (like **JAGUAR** for cars, evoking the idea of elegance and speed) or combination words (like **AIRBUS** for airplanes) also work well.

STRONGEST — CANNOT REGISTER

| INVENTED | ARBITRARY | SUGGESTIVE | COMBINATION | DESCRIPTIVE |
|---|---|---|---|---|
| **KODAK** | **APPLE** | **JAGUAR** | **AIRBUS** | **FRESH** |
| for cameras | for computers | for cars | for aircraft | for juice |

### What to file?

You can file a **word mark** (a name in plain text), a **stylised word mark** (a word mark in a particular font) or a **logo** (an image that represents your brand with or without wording). A word mark will give you the widest protection. A stylised word mark or logo will give you more specific protection that covers the design elements forming part of your brand.

NIKE

**Word mark**

The name itself, in any font, colour or size. The widest protection.

**Logo (with words)**

The name in its own styling, with its device.

**Standalone logo**

The device on its own, with no words.

Most clients file both a word mark and a logo. A word mark protects the name in any styling. A logo protects the name (if any, since a logo can be a wordless image) as it is drawn. This can be the stronger right where two names are not that similar as words but are styled the same way.

**COCA COLA** vs **LORA LOBA**

**As word marks**

Not close on the words alone. Arguably not confusingly similar.




**As logos**

The same script and the same swash. Here the logo registration is more likely to be deemed confusingly similar.

Until the mark is registered, use the ™ symbol. The ® symbol may only be used on a registered mark; using it on an unregistered mark is an offence under the Trade Marks Act.



**Shape** **Packaging** **Colour** **Pattern** **Sound** **Character**

*Beyond a name and a logo you can also protect the shape of a product, its packaging, a colour or colour combination, a pattern, a sound or a character like Mickey Mouse, where the public has come to recognise it as yours. These marks are harder to register.*

## Classification of goods and services

Trade marks are registered in 45 different classes in accordance with the "Nice" International Classification of Goods and Services. A separate application is required for each class.

You can read more about the classes further on in this brochure, or you can play around with the search terms field here – **euipo.europa.eu/ec2**, or on our website search at **brandlaw.co.za/search** – to see which classes may be relevant.

The classifier in our application form also suggests the classes from a plain description of what you sell: **brandlaw.co.za/apply**.

Alternatively, we can assist you with classification if you provide us with:

1. a list of the goods or services you would like to protect, and/or
2. a link to your website or product or service offering.

Ultimately, the classes in which you register your mark should be guided by how you use the mark, your business, your product or service offering and future plans, your branding and budget, the level of protection you need and the classes in which your competitors have filed. We are happy to discuss your options further.

Your protection is defined by the goods or services listed in the application, not by the class number itself. In many cases, we include the full class heading, meaning everything in that class should be covered. South African examiners generally accept broad lists of goods/services. We therefore usually try to cover as much as possible when filing a trade mark and only narrow the list where this helps avoid a conflict with a similar existing mark. Filing broadly can also save you from having to file a new application later if you expand your business to offer additional goods or services.

## 2 Searches

We recommend conducting a search of the South African Trade Marks Register to identify obstacles to the registration of your mark – including other marks that look the same, sound the same or mean the same as your mark and cover identical or similar products/services.

The search results will also help us to increase the possibility of successful registration by tailoring our filing strategy.

**If you do not conduct a trade mark search, you could discover after filing that your mark is not available and then be forced to rebrand**. You may then also have to file a new application down the line.

| SEARCH SERVICE | | PRICE |
|---|---|---|
| **Focused search and opinion** | A targeted search for the marks that, in our experience, are the ones most likely to be cited against you: identical and highly similar marks, in your main classes and the related ones. You receive a short written opinion – the obstacles, the likely outcome and how to file around them. It is the search we run on our own marks, and for most applicants it is enough. Where someone else will rely on the opinion, or the investment is significant, take the comprehensive search. | **R2,750**<br>$180 · €165<br>2-3 business days |
| **Comprehensive search and opinion** | We conduct a full search of the South African Trade Marks Register in all relevant classes of goods/services for brands similar to yours. We provide a full opinion on your mark's registrability, as well as a strategy for maximising the likelihood of success. | **R5,500**<br>$360 · €330<br>6-8 business days |
| **Marketplace search and comprehensive search and opinion** | We conduct a full search of the South African Trade Marks Register, and marketplace investigations for unregistered identical and similar marks – marks in use, company names, domain names and the main social platforms. The marketplace work focuses on South Africa, because trade mark rights are territorial. We provide a full opinion on the mark's registrability and your risk of claims of infringement in view of other marks in use. | **R9,990**<br>$650 · €600<br>7-9 business days |

All charges include official search costs.

**DISCLAIMER:** This applies to our register searches. Where you have instructed the marketplace search, the common law, company name, domain name and social platform exclusions below do not apply to that part of the work, which is described above. Our search report is subject to the accuracy and completeness of the online records of the relevant Trade Marks Office. It does not cover trade mark applications filed for registration which have not yet been captured in the database at the Trade Marks Office. Our search does not deal with trade marks which may be in use but for which no trade mark registration or application exists (common law trade marks). In addition, our search does not include a search for trade mark applications filed in any other foreign jurisdictions, the CIPC register for South African company or closed corporation names incorporating or consisting of the proposed trade mark, domain names incorporating or consisting of the proposed trade mark, well-known trade marks that enjoy a reputation in the relevant jurisdiction and are afforded protection under the applicable law (even though the proprietor has not filed a trade mark application), trade mark applications filed subsequent to this search whereby priority is claimed from a foreign application filed up to six months earlier, or the proposed trade mark filed in any other language.



You can also run a free search of our unofficial database at brandlaw.co.za/search. Caution: it may be incomplete, not show all conflicts, clarify whether a mark is a logo or specify the exact goods or services covered.

We can also conduct searches of foreign registers (including the European Union (EU), the United Kingdom (UK), the United States (US), Canada and Australia). Please enquire with us about the charges in the respective jurisdictions.

If you are willing to take a risk, or you have used the mark widely for more than ten years, you can also file without a search. We do not recommend this: it may lead to a failed application and to avoidable costs later.

## 3 Filing costs

Our charges for preparing and filing a trade mark application in South Africa are:

| TRADE MARK APPLICATION | PRICE |
|---|---|
| Trade mark application (per class) – our fee and the official fee together | R2,990 $195 · €180 |
| Convention priority claim (where the same mark was filed abroad within the last six months) | R500 $30 · €30 |

> There may be additional costs on examination, but we can only determine what these costs will be when the mark is examined approximately 8-12 months after filing. **In a straightforward case, if no further action is required by the examiner, no conditions are imposed and the application is not opposed by a third party, no further costs apply.**

If further action is required by the examiner and we need to respond, the following costs may apply:

| RESPONDING TO AN EXAMINER'S OFFICE ACTION | PRICE |
|---|---|
| Drafting and sending a response to the examiner (first class) | R1,650 $110 · €100 |
| Drafting and sending a response to the examiner (per additional class) | R600 $45 · €40 |
| Entering a required disclaimer, endorsement or association (first class) | R900 $60 · €55 |
| Entering a required disclaimer, endorsement or association (additional class) | R350 $23 · €21 |
| Arguing against a provisional refusal (time based, per hour), depending on the seniority of the attorney | R1,450 – R2,450 $95 – 160 · €85 – 145 |

Opposition proceedings, extensions of time and litigation are quoted separately.

**What one class costs**

| | FIRST CLASS | EACH ADDITIONAL |
|---|---|---|
| **Total, straightforward case** | **R2,990** | **R2,990** |
| **If the examiner imposes a condition or raises an objection:** | | |
| A response to the examiner | R1,650 | R600 |
| Entering a required disclaimer, endorsement or association | R900 | R350 |
| **Total if both apply** | **R2,550** | **R950** |

## 4 Procedure and timeline




The entire registration process, from filing to registration, takes up to 24 months in a straightforward case. If further action is required or the mark is opposed, it will take longer.

A response to the examiner is due within three months of the examination report/office action being issued. Extensions of time may be granted at the Registrar's discretion, at a fee. **If no action is taken within the three months, the application is deemed abandoned** and the filing date is lost.

If the application is refused, there are various ways to argue against the refusal. We will provide more information on possible further actions and associated costs if it gets to this point.

If the application is accepted, and once any necessary conditions have been complied with, the application is advertised for opposition purposes in the South Africa Patents Journal. Interested parties then have three (3) months to lodge an objection to the registration of your mark.

Please note that once the trade mark is registered, it is protected from the initial filing date (and not the ultimate registration date) for renewable periods of ten (10) years.

## 5 Renewal and maintenance

A trade mark registration falls due for renewal ten years after the filing date – and every ten years after that – for as long as you want to use/preserve the mark. We diarise the renewal date and remind you, provided we are on record as your address for service.

| AFTER REGISTRATION | PRICE |
|---|---|
| Renewal – first mark or class/each additional | R2,700 / R1,900<br>$170 / 120 · €155 / 110 |
| Recordal of a change of name, address or ownership, or of a licence – first mark/each additional | R2,990 / R900<br>$190 / 60 · €175 / 55 |

A registered mark becomes vulnerable to removal for non-use where there has been no bona fide use for a continuous period of five years running from the date the registration certificate issued (not from the filing date). If it is challenged, the onus of proving use is yours.

## 6 Requirements – what we need from you

Before we can proceed, we require the following information from you:

1. whether you would like us to conduct a **search** of the register first, and the type of search you require;
2. the **trade mark(s)** (in an electronic format if you want to file a stylised word mark or logo) and **class(es)** in which you would like to register;
3. the **name of the applicant** for the mark and a **physical address** for that person, partnership or entity; and
4. **contact details** (address, phone number, P.O. box address, VAT number, etc.) for our correspondence and invoices.

To file the application(s) on your behalf, we require a power of attorney (POA) authorising us to do so. We will send you a suitable document once your instructions to file have been confirmed. By lodging the POA, we would also record ourselves as your address for service for any processes and documents related to the mark(s). This will allow us to administer the trade mark registration(s) (deal with renewals, oppositions, recordals, etc.) going forward.

To instruct us, reply to the covering email for this brochure. We will confirm the classes and the fees and then send our invoice and the POA for you to sign (no notarisation required). We file on receipt and send you the application number and filing date as soon as the filing receipt(s) is/are issued.

The applicant should be the owner of the mark (or the intended owner); filing in bad faith knowing you are not the owner may prevent registration.

Or apply online at brandlaw.co.za/apply, where the same details are taken step by step and you can pay by card or ask for an invoice.

**Stephan Viollier**
stephan@brandlaw.co.za

**WhatsApp**
Scan the code or tap brandlaw.co.za/wa to message us.

## 7 Classes of goods and services

Nice Classification, 13th edition, in force from 1 January 2026. The class headings below are reproduced as published. Your protection is set by the goods or services listed in your application. To find your class from a plain description of what you sell, use our classifier at **brandlaw.co.za/apply**, or send us the list and we will do it.

### Goods

| | |
|---|---|
| 1 | Chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; compost, manures, fertilizers; biological preparations for use in industry and science. |
| 2 | Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants, dyes; inks for printing, marking and engraving; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art. |
| 3 | Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumes; bleaching preparations and other substances for laundry use; cleaning, polishing and abrasive preparations. |
| 4 | Industrial oils and greases, wax; lubricants; dust absorbing, wetting and binding compositions; fuels and illuminants; candles and wicks for lighting. |
| 5 | Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary purposes, food for babies; dietary supplements for human beings and animals; adhesive plasters, materials for dressings; material for filling teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides. |
| 6 | Common metals and their alloys, ores; metal materials for building and construction; transportable buildings of metal; non-electric cables and wires of common metal; small items of metal hardware; metal containers for storage or transport; safes. |
| 7 | Machines, machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines. |
| 8 | Hand-operated hand tools and implements; cutlery; side arms, except firearms; razors. |
| 9 | Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable multimedia files, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus. |
| 10 | Surgical, medical, dental and veterinary apparatus and instruments; artificial limbs, eyes and teeth; spectacles, contact lenses and sunglasses; orthopaedic articles; suture materials; therapeutic and assistive devices adapted for persons with disabilities; massage apparatus; apparatus, devices and articles for nursing infants; sexual activity apparatus, devices and articles. |

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| **11** | Apparatus and installations for lighting, heating, cooling, steam generating, cooking, drying, ventilating, water supply and sanitary purposes. |
| **12** | Vehicles; apparatus for locomotion by land, air or water. |
| **13** | Firearms; ammunition and projectiles; explosives; fireworks. |
| **14** | Precious metals and their alloys; jewellery, precious and semi-precious stones; horological and chronometric instruments. |
| **15** | Musical instruments; music stands and stands for musical instruments; conductors' batons. |
| **16** | Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks. |
| **17** | Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, tubes and hoses, not of metal. |
| **18** | Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals. |
| **19** | Materials, not of metal, for building and construction; rigid pipes, not of metal, for building; asphalt, pitch, tar and bitumen; transportable buildings, not of metal; monuments, not of metal. |
| **20** | Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber. |
| **21** | Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, except paintbrushes; brush-making materials; articles for cleaning purposes; unworked or semi-worked glass, except building glass; glassware, porcelain and earthenware. |
| **22** | Ropes and string; nets; tents and tarpaulins; awnings of textile or synthetic materials; sails; sacks for the transport and storage of materials in bulk; padding, cushioning and stuffing materials, except of paper, cardboard, rubber or plastics; raw fibrous textile materials and substitutes therefor. |
| **23** | Yarns and threads for textile use. |
| **24** | Textiles and substitutes for textiles; household linen; curtains of textile or plastic. |
| **25** | Clothing, footwear, headwear. |
| **26** | Lace and embroidery, and haberdashery ribbons and bows; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair. |
| **27** | Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings, not of textile. |
| **28** | Games, toys and playthings; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees. |
| **29** | Meat, fish, poultry and game; meat extracts for culinary purposes; preserved, frozen, dried and cooked fruits, vegetables and seaweeds; jellies, jams, compotes; eggs; milk, cheese, butter, yogurt and other milk products; oils and fats for food. |

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| **30** | Coffee, tea, cocoa and substitutes therefor; rice, pasta and noodles; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; chocolate; ice cream, sorbets and other edible ices; sugar, honey, treacle; yeast, baking-powder; salt, seasonings, spices, preserved herbs; vinegar, sauces and other condiments; ice (frozen water). |
| **31** | Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt. |
| **32** | Beers; non-alcoholic beverages; mineral and aerated waters; fruit beverages and fruit juices; syrups and other preparations for making non-alcoholic beverages. |
| **33** | Alcoholic beverages, except beers; alcoholic preparations for making beverages. |
| **34** | Tobacco and tobacco substitutes; cigarettes and cigars; electronic cigarettes and oral vaporizers for smokers; smokers' articles; matches. |

## Services

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|---|---|
| **35** | Advertising; business management, organization and administration; office functions. |
| **36** | Financial, monetary and banking services; insurance services; real estate services. |
| **37** | Construction services; installation and repair services; mining extraction, oil and gas drilling. |
| **38** | Telecommunications services. |
| **39** | Transport; packaging and storage of goods; travel arrangement. |
| **40** | Treatment of materials; recycling of waste and trash; air purification and treatment of water; printing services; food and drink preservation. |
| **41** | Education; providing of training; entertainment; sporting and cultural activities. |
| **42** | Scientific and technological services and research and design relating thereto; industrial analysis, industrial research and industrial design services; quality control and authentication services; design and development of computer hardware and software. |
| **43** | Services for providing food and drink; temporary accommodation. |
| **44** | Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, aquaculture, horticulture and forestry services. |
| **45** | Legal services; security services for the physical protection of tangible property and individuals; dating services, online social networking services; funerary services; babysitting. |