



BRANDLAW

TRADE MARK AND IP ATTORNEYS · POWERED BY VIOLLIER IP

South Africa Trade Mark Registration Procedure

Procedure, costs and what we need from you. Our charges include the official fees of the Trade Marks Office.

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R2,990

per class - trade mark
application, official fee
included

**up to 24
months**

from filing to registration in a
straightforward case

10 years

protected from the filing date,
for renewable periods of ten
years

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 word 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), although a trade mark that consists exclusively of descriptive matter (like **APPLE** for apples) may never be registrable.

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.

The most common objection raised by the examiner is not descriptiveness but an earlier conflicting mark on the register - which is what a search is for.

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.

Where a descriptive word forming part of a logo is disclaimed on registration, the registration gives no exclusive right in that word on its own. Most clients file both the word mark and the logo, because they protect different things.

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.

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.

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

- a list of the goods or services you would like to protect, and/or
- 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/service offering and future plans, your branding and budget, the level of protection you need and the classes in which your competitors have filed. Your protection is defined by the goods or services listed in the application, not by the class as a whole, so goods added later may require a further application.

We are happy to discuss your options further.

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 - and may also have to file a new application down the line.

Our search options are as follows:

Search service		Turnaround	Price
Focused Search and Opinion	We conduct a search of the South African Trade Marks Register in your core classes of goods/services for identical and highly similar marks. We provide an opinion on the clear obstacles to registration and on how to file around them.	2-3 business days	R2,750
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.	6-8 business days	R5,500

Search service		Turnaround	Price
Marketplace search + 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 in South Africa. We provide a full opinion on the mark's registrability and your risk of claims of infringement in view of other marks in use.	6-8 business days	R8,990

All charges include official search costs.

DISCLAIMER: Please note that 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. The Marketplace search covers marks in use, company names and domain names.

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 have been using your mark for a very long time and you are certain there is nothing similar in the marketplace, you could take a chance and file without a search. However, this is generally not recommended.

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
Convention priority claim (where the same mark was filed abroad within the last six months)	R500

Please note that we can also file applications to register trade marks in other countries via our trusted network of agents. As these fees change with the exchange rate and updated charges from our agents, please enquire with us about a costing. Fees current at September 2026. Official fees are set by regulation and may change.

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 Office Action	Price
Drafting and sending a letter responding to the examiner (first class)	R1,650
Drafting and sending a letter responding to the examiner (per additional class)	R600
Entering a required disclaimer, endorsement or association (first class)	R900
Entering a required disclaimer, endorsement or association (additional class)	R350
Arguing against a provisional refusal (time based - per hour)	R1,350 - R1,950

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

4 Procedure



The registration procedure is as follows:

Step	What happens
1	The application is lodged at the Trade Marks Office and allocated an application number and a filing date within three (3) days of filing.
2	The application is examined approximately 8-12 months later and the examiner will issue their examination report. They can accept the application unconditionally, or require us to comply with certain conditions for final acceptance, or they will refuse it.
3	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. A response is due within three months of the examination report; extensions of time are available at a fee.
4	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.
5	If no opposition is lodged, the trade mark will proceed to registration and the registration certificate will be issued.

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.

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.

After registration

- Renewal every ten years from the filing date: R2,700 for the first mark or class and R1,900 for each additional; a R900 surcharge applies within the six-month grace period after expiry.
- Recordal of a change of name, address or ownership, or of a licence: R2,990 for the first mark and R900 for each additional.
- A registered mark that has not been used in good faith for a continuous period of five years becomes vulnerable to removal for non-use.
- The applicant should be the person or entity that will use the mark; a registration in the wrong name is costly to correct.

5 Requirements - What We Need from You

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

- whether you would like us to conduct a search of the register first, and the type of search you require;
- the trade mark(s) (in word format or an electronic format if you want to file a stylised word mark or logo) and class(es) in which you would like to register;
- the name of the applicant for the mark and a physical address for that person, partnership or entity; and
- 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 authorising us to do so. We will send you a suitable document once your instructions to file have been confirmed. By lodging the power of attorney, 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, simply reply to the email this brochure came with, with the information above. We confirm the classes and the fees, and send our invoice and the power of attorney for signature (simply signed - no notarisation required). We file on receipt and report the application number and filing date to you.

Stephan Viollier

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6 Filing from abroad

South Africa is not a member of the Madrid system; a national application through a South African attorney with a local address for service is the only route. We act for foreign applicants and for the firms who instruct on their behalf, at fixed rates in USD, EUR and GBP inclusive of the official fees, with volume terms for firms that file regularly.

Service	ZAR	USD	EUR	GBP
Trade mark application (per class)	R2,990	200	on request	on request
Focused Search and Opinion	R2,750	180	160	135
Comprehensive Search and Opinion	R5,500	360	320	270
Convention priority claim	R500	35	32	28

Priority may be claimed within six months of the first foreign filing. The power of attorney is simply signed; no notarisation or legalisation is required. Recordals, renewals and oppositions are quoted in the same currencies on request.

7 Classes of Goods and Services

Nice Classification, current edition. Class headings are summarised; the specification you file lists the actual goods or services.

Goods

1	Chemicals for industry, science and photography; agriculture, horticulture and forestry chemicals; unprocessed resins and plastics; fire-extinguishing compositions; adhesives for industry
2	Paints, varnishes, lacquers; preservatives against rust and deterioration of wood; colorants, dyes; inks for printing and marking; raw natural resins; metals in foil and powder form
3	Non-medicated cosmetics and toiletries; non-medicated dentifrices; perfumery and essential oils; bleaching and laundry preparations; cleaning, polishing and abrasive preparations
4	Industrial oils and greases, wax; lubricants; dust-absorbing and binding compositions; fuels and illuminants; candles and wicks
5	Pharmaceuticals, medical and veterinary preparations; sanitary preparations; dietetic food for medical use; food for babies; dietary supplements; plasters and dressings; disinfectants
6	Common metals and alloys, ores; metal building materials; transportable metal buildings; non-electric metal cables; metal hardware; metal containers
7	Machines, machine tools and power-operated tools; motors and engines except for land vehicles; machine coupling and transmission components; agricultural implements; automatic vending machines
8	Hand tools and implements, hand-operated; cutlery; side arms except firearms; razors

9	Scientific, research, navigation, photographic, audiovisual, optical, measuring, signalling and teaching apparatus; computers and computer software; downloadable applications; eyewear; recorded media
10	Surgical, medical, dental and veterinary apparatus; artificial limbs, eyes and teeth; orthopaedic articles; suture materials; therapeutic and assistive devices
11	Apparatus 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; conductors' batons
16	Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites; adhesives for stationery; artists' materials; instructional and teaching material
17	Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos and mica; plastics and resins in extruded form; packing, stopping and insulating materials; flexible non-metal pipes
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	Non-metal building materials; rigid non-metal pipes; asphalt, pitch, tar and bitumen; transportable non-metal buildings; non-metal monuments
20	Furniture, mirrors, picture frames; non-metal containers; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber
21	Household and kitchen utensils and containers; cookware and tableware except cutlery; combs and sponges; brushes; cleaning articles; unworked or semi-worked glass; glassware, porcelain and earthenware
22	Ropes and string; nets; tents and tarpaulins; awnings; sails; sacks; padding, cushioning and stuffing materials; raw fibrous textile materials
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, braid and embroidery; 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 floor coverings; non-textile wall hangings
28	Games, toys and playthings; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees
29	Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk, cheese, butter, yoghurt and other milk products; edible oils and fats
30	Coffee, tea, cocoa and artificial coffee; rice, pasta and noodles; flour and cereal preparations; bread, pastries and confectionery; chocolate; ice cream; sugar, honey; yeast; salt, spices, sauces and vinegar



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| 31 | Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; grains and seeds; fresh fruits, vegetables and herbs; natural plants and flowers; live animals; foodstuffs for animals; malt |
| 32 | Beers; non-alcoholic beverages; mineral and aerated waters; fruit beverages and juices; syrups for making beverages |
| 33 | Alcoholic beverages except beers; alcoholic preparations for making beverages |
| 34 | Tobacco and tobacco substitutes; cigarettes and cigars; electronic cigarettes and vaporisers; smokers' articles; matches |
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Services

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| 35 | Advertising; business management; business administration; office functions - including retail and online store services |
| 36 | Insurance; financial affairs; monetary affairs; real estate affairs |
| 37 | Building construction; repair; installation services |
| 38 | Telecommunications services |
| 39 | Transport; packaging and storage of goods; travel arrangement - including delivery and courier services |
| 40 | Treatment of materials; recycling; air purification and water treatment; 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; industrial analysis; design and development of computer hardware and software - including software-as-a-service |
| 43 | Services for providing food and drink; temporary accommodation |
| 44 | Medical services; veterinary services; hygienic and beauty care; agriculture, horticulture and forestry services |
| 45 | Legal services; security services; personal and social services rendered by others to meet the needs of individuals |
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