PRETORIA ATTORNEYS ASSOCIATION
PRETORIASE PROKUREURSVERENIGING
MOKGATLHO WA BAEMEDI BA PRETORIA

T: (012) 323 2520 / 323 6201
F: (012 323 4388
E: ppv@ppv.co.za
Po Box | Posbus | Lepokisi Poso 3864
Pretoria
0001
Room | Kamer | Ofisi 5.15
Fifth Floor | Vyfde Vloer | Floro Ya Bohlano
High Court Building | Hooggeregshofgebou | Kgotlakgolo Ya Molao
Madiba Street | Madibastraat
Pretoria

Date: 13 August 2020

TO THE MEMBERS OF THE PRETORIA ATTORNEYS' ASSOCIATION

BY E-MAIL

Dear Sir/Madam,

RE: Office of the Registrar of Trade Marks | CIPC

1. The Pretoria Attorneys' Association ("PAA") has recently entered into talks with the Office of the Registrar of Trade Marks for purposes of assisting its members to create a direct communication channel between its members and the Office of the Registrar of Trade Marks.

2. This initiative by the PAA has been some time in the making and the PAA is very excited about this going forward, as it will provide the members of the PAA with a single point of contact for any trade mark questions that such members may have.

3. The PAA recently received correspondence from members where such members had general questions regarding the trade mark prosecution process. These questions were discussed with Ms.

Fleurette Coetzee, the Senior Manager: Trade Marks, and head of the trade marks division at CIPC. These general questions and her feedback were as follows:

3.1 **Question**: We have filed our documents, but we are waiting for official documentation from CIPC. How long does it take for the trade marks' office of CIPC to respond and with whom must we follow up, or how do we escalate such query?

Answer: The contact person will depend on the type of official document for which the member is waiting and the response time depends on the action to be taken. Members can find the Service Delivery Standards and updated list setting out the contact numbers for the trade marks office at CIPC attached hereto.

3.2 **Question**: How do we reach the examiners?

Answer: The best manner in which to reach the examiners is by e-mail.

3.3 **Question**: How long does it take for the hard copy file to be delivered to the examiner after such file has been requested from archives?

Answer: There is, unfortunately, no answer to this question. The examiner might receive the file the same day as ordering such file, the next day, or much later. The examiner, will however, work on the matter as soon as the physical file is received. Ms. Coetzee requested that PAA members should follow up with an examiner, who is waiting for a physical file, on a three-monthly basis.

3.4 **Question**: Why don't I receive a response from the examiner to my question addressed to the examiner within the 3 month period as contemplated in Section 20(2) of the Trade Marks Act 194 of 1993 ("*The Act*")?

Answer: This is a question that has been directed to the trade marks office many times. It would, unfortunately, appear that there is a misunderstanding on the part of the attorney raising such question. Section 20(2) of the Act reads:

"*If the application is refused, or is conditionally accepted and the applicant having been advised of the registrar's objection to the application, or of his conditions for acceptance, fails to take such steps as are available to him under this Act within three months of the date of such advice, or such further time as the registrar may allow, the application shall be deemed to have been abandoned.*"

The response to the official action issued by the examiner must be filed by the trade mark applicant within three months from the date of such official action. The answer by the examiner to such response, or any further action by the examiner has no deadline, but is subject to the Service Delivery Standards of the trade marks office of CIPC.

4. PAA members are invited to direct any trade mark related queries to Andre du Plessis of PFT Burger Patent and Trade Mark Attorneys at andre@burgerip.co.za. The PAA will endeavour to answer any trade mark related questions as soon as possible, alternatively such questions will be raised at a monthly meeting with Ms. Coetzee.

5. The PAA is also in the process of arranging a webinar lecture on the examination guidelines for trade mark applications and the application of such guidelines by the examiners at the trade marks' office. The webinar will be presented by Ms. Fleurette Coetzee and the cost will be R950-00 per delegate. The date and time for such webinar is still to be confirmed, however PAA members interested in attending such a webinar can indicate their interest by sending an email to lana@ppv.co.za

Yours faithfully,



Andre du Plessis
PFT Burger Patent and Trade Attorneys
(PAA CIPC Committee and IP Sub-Committee Member)

CIPC
Service Delivery Standards – Our promise to our Customers

Important to note

- The standards are **an indication of the maximum time it will take to process 90% of received applications.**
- The Companies and Intellectual Property Commission (CIPC) is committed to maintaining and exceeding the 90% target performance of the service delivery standards. This is to allow CIPC to stabilize its internal resource environment. As customer centric organization, listed to International Standardization for Organizations (ISO) we will be dedicating much improvements efforts to customer-facing processes, such as query resolution and complaints management.
- CIPC will continue to maintain and improve on 90% performance on the standards, on condition that the below requirements are adhered to:
    - **Customers submit accurate and complete information.**
    - **The Customer's account has sufficient funds available for the transaction to be processed.**

In an effort to improve the customer facing processes and fulfill our customer centric principles, CIPC has introduced an on-line Query Resolution System. The system measures the resolution of a query within 10 working days from the date a query has been registered. The system requires a client to register a query, first, and get allocated a ticket as a reference number. The purpose of the system is to monitor the effectiveness of the service delivery standards. Thus, upon the expiry date of the service standard, the client can register on the system to enquire about the status of the lodged transaction/s**.**

CIPC SERVICE DELIVERY STANDARDS
TRADE MARKS

On receipt of an application with complete and accurate information and sufficient funds in the relevant account, CIPC will process 90% of the requests in each area within the **maximum period** indicated below

Service offering	Service Standard	Process	Channel of lodgm applications	If the standard is not met use the 1st person's email below to resolve the query within 3 working days.	If the query is not resolved within five working days, forward the same emails to the person below for resolution within 5 working days.
TRADE MARKS					
A special search report	15 working days of receipt of the application for a special search	http://www.cipc.co.za/index.php/find-enterprise-ip-informatr/sear/	• Drop Off Box • Post	**1st level query** Frank Chauke fchauke@cipc.co.za	**Last level query** Fleurette Coetzee Email: fcoetzee@cipc.co.za
Allocate an official application number to new trade mark applications	3 working days of having received the application/s	http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/trade-marks/ho/	• E-filing • Drop Off Box • Post	**1st level query** Celia Sekgothe Email: csekgothe@cipc.co.za	**Last level query** Fleurette Coetzee Email: fcoetzee@cipc.co.za
Issue a first official action in relation to new trade mark applications	12 months from date of application	N/A	N/A	**1st level query** Vuyiswa Tlape Email: Vtlape@cipc.co.za	**Last level query** Fleurette Coetzee Email: fcoetzee@cipc.co.za

Trade mark registration certificates	66 working days (3 months) from the expiry of the statutory opposition period in relation to applications where no formal opposition had been entered	N/A	N/A	**1st level query** Maphefo Makhudu Email: mmakhudu@cipc.co.za	**Last level query** Fleurette Coetzee Email: fcoetzee@cipc.co.za
Process applications for renewal of trade marks	3 working days after receipt of the application/s for renewal	http://www.cipc.co.za/index.php/trade-marks-patents-designs-copyright/trade-marks/maintain/	• Drop Off Box • Post	**1st level query** Helen Nuwejaar Email: hnuwejaar@cipc.co.za	**Last level query** Fleurette Coetzee Email: fcoetzee@cipc.co.za

Companies and Intellectual Property Commission
a member of the dti group

TRADE MARKS DIVISION

CONTACT LIST

JULY 2020

OFFICIAL	SECTION	TELEPHONE NUMBER	E-MAIL ADDRESS
Ms Fleurette Coetzee	Senior Manager: Trade Marks	+27 12 394-5109	fcoetzee@cipc.co.za
Mr Frank Chauke	Enquiries on:- - special searches	+27 12 394 5139	FChauke@cipc.co.za
Ms Engela Erasmus	Enquiries on:- - court roll administration, - *ex parte*, interlocutory & formal hearings	+27 12 394-5133	EErasmus@cipc.co.za
Ms Vuyiswa Tlape	Enquiries on:- - outstanding official actions - outstanding notices of acceptance	+27 12 394 5226	Vtlape@cipc.co.za
Mr Judas Masombuka	Enquiries on:- - oppositions	+27 12 394-5105	jmasombuka@cipc.co.za
Mrs Celia Sekgothe	Enquiries on:- - new applications - electronic lodgment of priority documents	+27 12 394-5132	csekgothe@cipc.co.za
Ms Maphefo Makhudu	Enquiries on:- - registration certificates	+27 12 394-5123	mmakhudu@cipc.co.za
Mr Namedi Ramaboea	Enquiries on:- - certified extracts, etc	+27 12 394-5297	nramaboea@cipc.co.za
Ms Anette Jordaan	Enquiries on:- - amendments (after registration)	+27 12 394-5103	ajordaan@cipc.co.za
Ms Nikiwe Nnadi	Enquiries on:- - amendments (before registration)	+27 12 394-5095	nnnadi@cipc.co.za
Ms Tebogo Motshegoa	Enquiries on:- - assignments	+27 12 394-5576	tmotshegoa@cipc.co.za
Ms Helen Nuwejaar	Enquiries on:- - renewals - restorations	+27 12 394-5062	hnuwejaar@cipc.co.za
Ms Mpho Seaga	Enquiries on:- - perusal of files - obtaining copies of documents from files	+27 12 394-5591	Mseaga@cipc.co.za