

**TRADE MARKS, PATENTS AND DESIGNS (AMENDMENT) ACT,
1974**

No. 6



of 1974

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of Cap. 153
3. Amendment of Cap. 155

**An Act to amend the Trade Marks Proclamation (Cap. 153)
and the Patents and Designs Protection Proclamation
(Cap. 155)**

Date of Assent: 10.4.74

Date of Commencement: 19.4.74

ENACTED by the Parliament of Botswana

1. This Act may be cited as the Trade Marks, Patents and Designs (Amendment) Act, 1974. Short title

2. The Trade Marks Proclamation (Cap. 153) is amended as follows — Amendment of Cap. 153

(a) by substituting for section 9 thereof the following new section

“Fees 9. There shall be paid in respect of the several matters or services mentioned in the First Schedule such fees as are specified therein.”;

(b) by insertion therein immediately after section 9 thereof of a new section as follows —

“Minister to amend 10. The Minister may, by notice in the Gazette, amend any of the Schedules to this Proclamation.”;

(c) by substituting for the First Schedule the following new Schedule —

“FIRST SCHEDULE
(S.9)

**FEEES TO BE CHARGED IN RESPECT OF SEVERAL
MATTERS OR SERVICES RENDERED**

	R
1. On registration of trade mark	15,00
2. On renewal of registration as and when and so often as renewal is necessary in the Republic of South Africa	10,00
3. On registration of any assignment, amendment, extension or registered user or cancellation or variation of any such registration	5,00
4. Restoration of lapsed trade mark	5,00
5. On issue of a certificate of registration to be used in legal proceedings or other specified purpose	1,50
6. On inspecting the register: —	
(a) by application (flat rate)	1,50
(b) by official	2,00
7. For copies of extracts including certification, for every hundred words or part thereof 50 cents with minimum of	5,00
8. For certifying copies of extracts made by an applicant per copy	3,00

Provided that any person engaged in research work of an historical character or of general public interest may be permitted, subject to such conditions as the Registrar may stipulate, to inspect the records and registers or to make copies of any certificate or other document free of the payment of any fees.

9. On registration of altered address or address for service of trade mark	3,00
10. On registration of a change of names, description of proprietor or registered user of a mark where there has been no alteration in the proprietorship	3,00.”.

Amendment
of Cap. 155

3. The Patents and Designs Proclamation (Cap. 155) is amended as follows —

(a) by substituting for section 11 thereof the following new section —

Fees 11. (1) There shall be paid in respect of several matters or services mentioned in the Schedule such fees as are specified therein.

(2) The Minister may, by notice in the Gazette, amend the Schedule to this Proclamation.”;

(b) by substituting for the Schedule the following new Schedule –

“SCHEDULE

(S.11)

	R
1. On registration of patent/design	15,00
2. On renewal of patent before the expiration of the 3rd year reckoned from the date of registration in Botswana	10,00
Before expiration of 4th year reckoned from the date of registration	11,00)
Before the expiration of the 5th year reckoned from the date of registration	12,00)
Before the expiration of the 6th year reckoned from the date of registration	13,00)
Increasing thereafter by R1,00 for each year with the maximum of R23,00	
3. On registration of any assignment, amendment, extension or licence	15,00
4. On enlargement of time for payment of renewal fees —	
Not exceeding one month	5,00)
Not exceeding two months	6,00)
Not exceeding three months	7,00)
Not exceeding four months	8,00)
Not exceeding five months	9,00)
Not exceeding six months	10,00)
5. On restoration of patent/design	10,00
6. For altering name or nationality or address, or address for service	3,00
7. On registering change in the name of subsequent proprietor	3,00
8. On inspection of register —	
(a) by applicant	Flat) 1,50
	Rate)
(b) by official	2,00

Provided that any person engaged in research work of an historical character or of general public interest may be permitted, subject to such conditions as the Registrar may stipulate, to inspect the records and registers or to make copies of any Certificate or other document free of the payment of any fees.

9. For copies of extract including certification for every hundred words or part thereof 50 cents with a minimum of	5,00
10. For certifying copies of extracts made by an applicant per copy	2,00
11. On issue of a Certificate of Registration to be used in legal proceedings or other specified purpose	2,00
12. On extension of registration as and when Republic of South Africa design registration is extended	10,00
13. On registration of rectification or expungement of patent or design registration	3,00."

Passed by the National Assembly this 28th day of March, 1974.

I.P. GONTSE,
Clerk of the National Assembly.