

ZIMBABWE

TRADE MARK REGULATIONS, 2005



Trade Marks Regulations, 2005

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FIRST SCHEDULE: Fees.

SECOND SCHEDULE: Forms.

THIRD SCHEDULE: Classification of goods and services.

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IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs has, in terms of section 104 of the Trade Marks Act [Chapter 26:04], made the following regulations:—

PART I

PRELIMINARY

Title

1. These regulations may be cited as the Trade Marks Regulations, 2005.

Interpretation

2. In these regulations—

“agent” means a trade mark agent and any patent agent or legal practitioner who is entitled to practise as a trade mark agent in terms of section 61 of the Act;

“form” means the appropriate form set out in the Second Schedule;

“Journal” means the Patent and Trade Marks Journal published in terms of section 95 of the Patents Act [Chapter 26:03];

“specification” means the designation of goods in respect of which a trade mark or a registered user of a trade mark is registered or proposed to be registered.

PART II

CLASSIFICATION OF GOODS AND SERVICES

Classification of goods and services

3. (1) For the purposes of—

(a) any trade mark which was registered before the 1st January, 1951, and the specification of which has been revised to bring it in accord with the Third Schedule; and

- (b) any trade mark or certification mark which was registered on or after the 1st January, 1951, or is to be or has been registered on or after the appointed day; and
- (c) the registration of registered users in respect of a trade mark mentioned in paragraph (a) or (b);

goods shall be classified in accordance with Part I of the Third Schedule.

(2) For the purposes of—

- (a) any trade mark or certification mark which is to be or has been registered on or after the appointed day; and
- (b) the registration of registered users in respect of a trade mark referred to in paragraph (a);

services shall be classified in accordance with Part II of the Third Schedule.

Application by registered proprietor for conversion of specification

4. (1) An application in terms of subsection (1) of section 41 of the Act for the revision of the specification of a trade mark which was registered before 1st January, 1951, and has not been revised to bring it in accord with the provisions of Part I of the Third Schedule shall—

- (a) be made in form T.M. 1; and
- (b) include a request for the like conversion of the specification of the goods in relation to any registered user of that trade mark.

(2) On receipt of the application referred to in subsection (1), the Registrar shall notify the registered proprietor, in writing, of the form which, in the opinion of the Registrar, the amendment of the Register should take.

Advertisement of proposal and opposition

5. (1) The proposed amendment referred to in subsection (2) of section 4 shall be advertised by the registered proprietor in the Journal if the Registrar so directs and any person may, within two months from the date of such advertisement, give notice to the Registrar of opposition to the proposed amendment which shall be—

- (a) given, in duplicate, in form T.M. 2; and

- (b) accompanied by a statement, in duplicate, showing how the proposed conversion would contravene subsection (4) of section 41 of the Act.

(2) The Registrar shall serve on the registered proprietor a copy of the notice and accompanying statement referred to in subsection (1), and the registered proprietor may, within two months from the receipt thereof, send to the Registrar a counter-statement in form T.M. 3, in duplicate, setting out fully the grounds on which he or she contests the opposition.

(3) If a counter-statement is lodged in terms of subsection (2), the Registrar shall forthwith send the copy of the counter-statement to the opponent.

(4) The Registrar may thereafter require or admit evidence directed to the questions in issue and, if so requested by either party, he or she shall, before deciding the matter, give the parties an opportunity of being heard thereon.

Conversion of specifications and resulting registration

6. (1) If a proposal for the conversion of a specification in accordance with section 4 has been advertised and—

- (a) no opposition has been lodged in terms of subsection (1) of section 5; or
- (b) an opposition having been lodged in terms of subsection (1) of section 5, the matter has been decided and a conversion allowed;

the Registrar shall make all the entries in the Register necessary to give effect to the conversion in accordance with the proposal as advertised or the proposal as amended after opposition or appeal thereon and published subsequently in the Journal, as the case may be, and shall enter in the Register the date when such entries were made.

(2) The making of an entry in terms of subsection (1) shall not affect the duration of the renewal of the registration of any trade mark in terms of section 24 of the Act.

PART III

REGISTRABLE TRADE MARKS AND PRELIMINARY ADVICE

Trade marks Registrar may refuse to register

7. (1) The Registrar may refuse to accept an application for the registration of a trade mark upon which any of the following appears—

- (a) the word or words “Patent”, “Patented”, “Registered”, “Registered Design”, “Copyright”, “To counterfeit this is a forgery” or a word or words or symbol to like effect; or
- (b) the words “Red Cross” or “Geneva Cross”;
- (c) any representation of the Geneva Cross or any other cross in red or of the Swiss Federal Cross in white on a red ground or in silver on a red ground or such representations in a similar colour or colours.

(2) Subject to any other enactment, the Registrar may refuse to accept an application for the registration of a trade mark upon which appears—

- (a) any representation of the Coat of Arms or Public Seal of Zimbabwe or of the Zimbabwe Colours, or arms or crests so nearly resembling them as to be likely to be mistaken for them; or
- (b) a representation of the Flag of Zimbabwe, as described in the Flag of Zimbabwe Act [*Chapter 10:10*]; or
- (c) any word, letter or device calculated to lead persons to think that the applicant has the patronage or authorization of the President, the State or the Government.

(3) If a trade mark contains a representation of a cross in any colour, not being one of those mentioned in paragraph (c) of subsection (1), the Registrar may require, as a condition of its registration, an undertaking from the applicant that the cross device will not be used in red or in white on a red ground or in silver on a red ground or in any similar colour or colours.

Registrar may require consent to use of certain feature or name

8. (1) Where a representation of the armorial bearings, insignia, order of chivalry, decoration or flag of any state, city, town, place, society, body corporate, institution or person appears on a trade mark which is

the subject of an application for registration, the Registrar may refuse to register that trade mark unless he or she is furnished with a consent to the registration and use of such emblems from such official or other person as appears to the Registrar to be entitled to give consent.

(2) Where the name or representation of any person appears on a trade mark which is the subject of an application for registration, the Registrar may refuse to register that trade mark unless he or she is furnished with consent from that person, or, if that person has recently died, from his or her legal representative.

Name or description of goods or services on a trade mark

9. (1) Where the name or description of any goods or services appears on a trade mark, the Registrar may refuse to register that mark in respect of any goods or services other than the goods or services so named or described.

(2) Where the name or description of any goods or services appears on a trade mark and in use the name or description varies, the Registrar may register that trade mark for those and other goods or services if the applicant undertakes that the name or description will be varied when the mark is used upon goods or services covered by the specification other than the named or described goods or services.

Application for preliminary advice by Registrar as to distinctiveness, deceptiveness, etc.

10. (1) An application in terms of subsection (2) of section 51 of the Act shall be made in form T.M. 4.

(2) A notice of withdrawal of an application for the registration of a trade mark given under subsection (3) of section 51 of the Act for the purpose of obtaining repayment of any fee paid on the filing of the application shall be given, in writing, within two months from the date of the notice of objection given by the Registrar.

PART IV

PROCEDURE FOR REGISTRATION OF TRADE MARKS

Application for trade mark

11. (1) An application for the registration of a trade mark in Part A or Part B of the Register shall be made in form T.M. 5, and shall be dated and signed by the applicant.

(2) Each application shall be for registration in respect of goods or services in one class of the Third Schedule only.

(3) In the case of an application for registration in respect of all the goods or services included in a class, or of a large variety of goods or services in one class, the Registrar may refuse to accept the application unless he or she is satisfied that the specification is justified by the use which the applicant has made of the trade mark or intends to make of the trade mark if and when it is registered.

Convention applications

12. (1) If the applicant claims priority under section 97 of the Act, he or she shall, within three months of the date of the application in Zimbabwe, lodge with the Registrar a copy of the application in the Convention country duly certified by the official chief or head of the trade marks office of the Convention country or otherwise verified to the satisfaction of the Registrar.

(2) If an application or other document relating to a Convention application is in a foreign language, a translation thereof in the English language, verified to the satisfaction of the Registrar, shall be lodged within three months from the date of lodging of the application.

Representation of trade mark

13. (1) Subject to section 14, an application for the registration of trade mark shall contain a representation of the trade mark of a durable nature affixed to it in the space provided in form T.M. 5 for that purpose:

Provided that—

- (i) if the representation exceeds such space in size, part of the representation shall be affixed to the application form and the rest may be folded;
- (ii) where the trade mark consists of a word or words represented in plain letters, the trade mark shall be typewritten in such space with a space between each letter of each word and three spaces between each word comprising the trade mark, or it may be shown in such space in such other form as may be approved by the Registrar.

(2) There shall be sent with each application for the registration of a trade mark ten additional representations of the trade mark:

Provided that no additional representations shall be necessary if the mark is represented in plain letters.

(3) The additional representations sent in terms of subsection (2) shall correspond exactly with that affixed to the application form, and shall likewise be of a durable nature.

(4) If an application relates to the registration of a series of trade marks under section 26 of the Act, a representation of each trade mark of the series shall be included in accordance with subsection (1), and subsection (2) shall apply to each such trade mark.

(5) If the Registrar is at any time dissatisfied with any representation of a trade mark, he or she may require another representation satisfactory to him or her to be substituted before proceeding with the application.

Specimens of trade marks in exceptional cases

14. (1) Where a representation cannot be given in the manner specified in section 13, 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 considers most convenient.

(2) In exceptional cases, the Registrar may require the deposit in the Trade Marks Office of a specimen or copy of any trade mark which, in his or her opinion, cannot conveniently be shown by a representation before proceeding with the application, and he or she may refer thereto in the Register in such manner as he or she thinks fit.

Separate applications

15. (1) Applications for the registration of the same trade mark in respect of different classes shall be treated as separate and distinct applications.

(2) Where a trade mark has been registered under the repealed legislation with the same official number for goods in more than one class, whether on conversion of the specification under section 4 or otherwise, the registration in respect of the goods included in each separate class shall be deemed to be a separate registration for the purposes of the Act.

Transliteration and translation

16. (1) Where a trade mark contains a word or words in characters other than roman, there shall, unless the Registrar otherwise directs,

be endorsed on the application form a sufficient transliteration and translation to the satisfaction of the Registrar of each such word, and every such endorsement shall—

- (a) state the language to which the word belongs; and
- (b) be signed by the applicant.

(2) Where a trade mark contains a word or words in a language other than English, the Registrar may require an exact translation thereof, together with the name of the language, and such translation and name, if he or she so requires, shall be endorsed and signed by the applicant.

Search by Registrar

17. (1) Upon receipt of an application for the registration of a trade mark, the Registrar shall—

- (a) cause a search to be made amongst the registered trade marks and pending applications for the purpose of ascertaining whether there is on record in respect of the same goods or services or description of goods or services specified in the application any trade mark identical with the trade mark applied for, or so nearly resembling it as to render the trade mark applied for likely to deceive or cause confusion; and
- (b) consult with the Registrar of Companies as to whether the trade mark applied for would be likely to cause confusion with the name of a company registered under the Companies Act [*Chapter 24:03*].

(2) The Registrar may, at any time before acceptance of an application, cause a search referred to in paragraph (a) of subsection (1) to be renewed, or consult further in accordance with paragraph (b) of subsection (1).

Acceptance of or objection to acceptance or otherwise of application

18. After the search and consultation in terms of section 17 and consideration of the application and of any evidence of use, distinctiveness or any other matter which the applicant has furnished, the Registrar may—

- (a) accept the application absolutely; or
- (b) object to the application; or
- (c) express his or her willingness to accept the application subject to such conditions, amendments, disclaimer, modifications or limitations as he or she considers right to impose.

Objection by Registrar

19. If the Registrar objects to the application, he or she shall send a statement, in writing, to the applicant, setting out the grounds for his or her objection, and, unless the applicant, within two months of the date of that statement, applies for a hearing or makes a considered reply, in writing, to the objection, he or she shall be deemed to have abandoned his or her application, and the Registrar shall remove the application from the list of pending applications.

Conditions, etc., imposed by Registrar

20. (1) If the Registrar is willing to accept the application subject to any conditions, amendments, disclaimer, modifications or limitations, he or she shall communicate such willingness to the applicant, in writing, and, if the applicant—

- (a) objects to such conditions, amendments, disclaimer, modifications or limitations, he or she shall, within two months of the date of the communication, apply for a hearing or make a considered reply, in writing, to the communication;
- (b) does not object to such conditions, amendments, disclaimer, modifications or limitations, he or she shall forthwith notify the Registrar, in writing, and alter his or her application accordingly.

(2) If the applicant fails to make an application, reply or notification in terms of paragraph (a) or (b) of subsection (1) within the period referred to in paragraph (a) thereof, he or she shall be deemed to have abandoned his or her application, and the Registrar shall remove the application from the list of pending applications.

Decision of Registrar

21. (1) The decision of the Registrar—

- (a) after a hearing in accordance with section 19 or 20; or
- (b) without a hearing if the applicant has duly communicated his or her considered objections or considered reply, in writing, and has stated that he or she does not desire to be heard;

shall be communicated to the applicant, in writing, and, if the applicant objects to such decision, he or she may, within two months of the date of the communication, by applying upon form T.M. 6, require the Registrar to state, in writing, the grounds of, and the materials used by him or her in arriving at, his or her decision.

(2) Where the Registrar makes any requirements to which the applicant does not object, the applicant shall comply therewith before the Registrar issues a statement in terms of subsection (1).

(3) The date when the statement referred to in subsection (1) is sent to the applicant shall be deemed to be the date of the decision of the Registrar for the purposes of any appeal.

Appeal against decision of Registrar

22. Subject to sections 19, 20 and 21, any person who wishes to appeal against a decision of the Registrar, other than as a result of opposition proceedings, shall—

- (a) submit his or her case, in writing, to the Registrar, who shall furnish that person with a statement, in writing, setting out his or her decision and the grounds therefor; and
- (b) within two months from the date of receiving the statement referred to in paragraph (a)—
 - (i) lodge at the Trade Marks office a notice on form T.M. 44; and
 - (ii) lodge with the Registrar of the Tribunal a notice of appeal in accordance with the Trade Marks (Tribunal) Rules, 1976.

Advertisement of application

23. (1) An application for the registration of a trade mark which is required by subsection (1) of section 22 of the Act or directed in terms of subsection (9) of that section to be advertised shall be advertised in form T.M. 7 in the Journal.

(2) In the case of an application with which the Registrar proceeds only after the applicant has lodged the written consent to the proposed registration by the registered proprietor of another trade mark or by another applicant, the words "By consent" shall appear in the advertisement.

(3) If a representation of the trade mark is not inserted in the advertisement of an application, reference shall be made in the advertisement to the place or places where a specimen or representation of the trade mark may be inspected free of charge.

(4) If an application relates to a number of trade marks which may be registered as a series in terms of section 26 of the Act, the advertisement shall, if the Registrar so requires, indicate the manner in which the several trade marks differ from one another.

Opposition

24. (1) Any person may, within two months from the date of the advertisement in the Journal of an application for registration of a trade mark, give notice to the Registrar of opposition to the registration.

(2) A notice of opposition in terms of subsection (1) shall be—

(a) given, in duplicate, in form T.M. 2; and

(b) accompanied by a statement, in duplicate, setting out the grounds upon which the opponent objects to the registration.

(3) If registration is opposed on the grounds that the trade mark resembles a trade mark already on the Register, the number of the registered trade mark shall be set out in the statement referred to in paragraph (b) of subsection (2).

(4) The Registrar shall forthwith send the copy of the notice and statement referred to in subsection (2) to the applicant.

Counter-statement

25. (1) Within two months from the receipt of the copies sent in terms of subsection (4) of section 24, the applicant may lodge with the Registrar a counter-statement in form T.M. 3, in duplicate, setting out—

(a) the grounds on which he or she relies as supporting his or her application; and

(b) what facts, if any, alleged in the notice of opposition he or she admits.

(2) If a counter-statement is lodged in terms of subsection (1), the Registrar shall forthwith send the copy of the counter-statement to the opponent.

(3) If no counter-statement is lodged in terms of subsection (1), the applicant shall be deemed to have abandoned his or her application, and the Registrar shall remove the application from the list of pending applications.

Evidence in support of opposition

26. (1) Within two months from the receipt of the copy sent in terms of subsection (2) of section 25, the opponent may lodge with the Registrar, in duplicate, such evidence, by way of affidavit, as he or she may desire to adduce in support of his or her opposition.

(2) If evidence is lodged in terms of subsection (1), the Registrar shall forthwith send a copy of the evidence to the applicant.

(3) If no evidence is lodged in terms of subsection (1), the opponent shall, unless the Registrar otherwise directs, be deemed to have abandoned his or her opposition.

Evidence in support of application

27. (1) Within two months of the lodging of any evidence in terms of subsection (2) of section 26, the applicant may lodge with the Registrar, in duplicate, evidence, by way of affidavit.

(2) If any evidence is lodged in terms of subsection (1), the Registrar shall forthwith send the copy of the evidence to the opponent.

Evidence in reply by opponent

28. (1) Within two months from the receipt of the evidence sent in terms of subsection (2) of section 27, the opponent may lodge with the Registrar, in duplicate, evidence, by way of affidavit, which shall be confined strictly to matters in reply.

(2) If any evidence is lodged in terms of subsection (1), the Registrar shall forthwith send the copy of the evidence to the applicant.

Further evidence

29. No further evidence shall be led on either side:

Provided that, in any proceedings before the Registrar, the Registrar may at any time, if he or she thinks fit, give leave to either the applicant or the opponent to adduce any evidence upon such terms as to costs or otherwise as the Registrar thinks fit.

Exhibits

30. Where there are exhibits to affidavits or solemn declarations filed in an opposition—

- (a) a copy or impression of each exhibit shall be sent to the other party on his or her request and at his or her expense or if such copy or impression cannot conveniently be furnished, the original shall be left with the Registrar in order that it may be open to inspection; and
- (b) the original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

Hearing

31. (1) Upon completion of the lodging of the evidence, the Registrar shall give notice to the parties of the date when he or she will hear the arguments in the case, which date shall be at least fourteen days after the date of the notice, unless the parties consent to a shorter notice.

(2) Within seven days from the receipt of the notice in terms of subsection (1), any party who intends to appear shall notify the Registrar accordingly in form T.M. 8 and, if any party does not within that period so notify the Registrar in form T.M. 8, he or she may be treated as not desiring to be heard, and the Registrar shall act accordingly.

(3) After hearing the party or parties desiring to be heard or, if none of the parties desires to be heard, then without a hearing the Registrar shall decide the matter and notify his or her decision to the parties.

(4) Any person who objects to such decision may, within two months of the date of the notification of the decision of the Registrar and by applying upon form No. T.M. 6, require the Registrar to state in writing the grounds of his or her decision and the materials used by him or her in arriving thereat.

(5) Any person who wishes to appeal against the decision of the Registrar shall, within two months from the date of receiving the statement referred to in subsection (4)—

- (a) lodge at the Trade Marks Office a notice on form T.M. 44; and
- (b) lodge with the Registrar of the Tribunal a notice of appeal in accordance with the Trade Marks (Tribunal) Rules, 1976.

Extension of time in opposition proceedings

32. (1) The Registrar may extend the periods specified in opposition proceedings if a request for such extension is made in form T.M. 9 at any time within the periods so specified or any extension of such period which has been granted.

(2) Where any extension of time is granted to any party in terms of subsection (1), the Registrar may thereafter, if he or she thinks fit, grant any reasonable extension of time to any other party in which to take any subsequent step.

Application of section 56 of the Act

33. In any opposition proceedings before the Registrar where evidence by affidavit is called for, section 56 of the Act shall apply.

Costs in uncontested case

34. In the event of an opposition being uncontested by the applicant, the Registrar, in deciding whether costs should be awarded to the opponent in terms of section 55 of the Act, shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was lodged.

Procedure under section 15(3) of the Act relating to separate applications

35. (1) Where different persons require their rights to be determined under subsection (3) of section 15 of the Act and there has not been any settlement by agreement in a manner approved by the Registrar, the Registrar shall call upon each such person to make application in order that their rights may be determined by the Tribunal.

(2) An application in terms of subsection (1) shall be—

- (a) made in form T.M. 10 within two months of being so required by the Registrar; and
- (b) accompanied by a statement setting out fully—
 - (i) the facts upon which the applicant relies; and
 - (ii) the nature of his or her interest.

(3) There shall be lodged with the Registrar a sufficient number of copies of the application and accompanying statement referred to in subsection (2) to permit—

- (a) a copy of each being served by the Registrar on each other applicant for the identical or nearly resembling trade mark; and
- (b) such number of copies as may be required by the Tribunal.

(4) If any person referred to in subsection (1) fails to make application in terms of that subsection within two months of being so required by the Registrar or within such extension of time as may be granted by the Registrar, he or she shall be deemed to have abandoned his or her application, and the Registrar shall—

- (a) remove the application from the list of pending applications; and
- (b) proceed with the remaining application or applications as the case may be, as though the application so removed had not been filed.

(5) After receiving all the applications and statements lodged in terms of subsection (2) and (3), the Registrar shall serve a copy of the application and statement of each person on the other person or persons who have lodged a similar application, and each such person shall lodge evidence in reply within two months of receiving the said copy.

(6) If any person fails to lodge the evidence in reply as required by subsection (5), he or she shall be deemed to have abandoned his or her application, and the Registrar shall—

- (a) remove the application from the list of pending applications; and
- (b) proceed with the remaining application or applications, as the case may be, as though the application so removed had not been filed.

(7) After receiving all the evidence which is to be lodged in terms of subsection (5), the Registrar shall, if there are two or more applications remaining to be settled, hand all relevant papers to the registrar of the Tribunal.

Notice of non-completion of registration

36. The notice of the non-completion of the registration of a trade mark in terms of subsection (3) of section 23 of the Act shall be given, in writing, in form T.M. 11.

Registration

37. (1) Subject to subsection (1) of section 23 of the Act, as soon as may be after the expiration of two months from the date of the advertisement in the Journal of an application for the registration of a trade mark, the Registrar shall, upon receipt of a request in form T.M. 12, enter the trade mark in Part A or Part B, as the case may be, of the Register.

(2) The entry of a trade mark in Part A or Part B of the Register shall specify the date of the registration, the goods or services in respect of which it is registered and the particulars required by subsection (1) of section 5 of the Act, including—

- (a) the address of the principal place of business of the proprietor of the trade mark;
- (b) the address for service of the proprietor in Zimbabwe;
- (c) particulars of the trade, business, profession, occupation or other description of the proprietor;
- (d) particulars of any undertakings by the proprietor entered on the form of application;
- (e) particulars affecting the scope of the registration or the rights conferred by the registration.

(3) In the case of an application which the Registrar has accepted only after the applicant has lodged the written consent to the proposed registration by the registered proprietor of another trade mark or by another applicant for registration, the entry in the Register shall state that it is "By consent", and shall give the number of the registered trade mark or the application for registration concerned.

Associated marks

38. (1) Where a trade mark is registered as associated with any other trade mark or trade marks, the Registrar shall note in the Register in connection with—

- (a) the first-mentioned trade mark, the numbers of the trade marks with which it is associated; and
- (b) in connection with each of the associated trade marks, the number of the first-mentioned trade mark as being a trade mark associated therewith.

(2) An application by a registered proprietor under subsection (5) of section 30 of the Act to dissolve the association between two or more associated trade marks shall be—

- (a) made in form T.M. 13; and
- (b) accompanied by a statement setting out fully the grounds for the application.

Death of applicant before registration

39. In the case of the death of an applicant for the registration of a trade mark after the date of his or her application and before the trade mark applied for has been entered in the Register, the Registrar, after the expiration of two months from the date of advertisement or, if there has been an opposition to the application, of the determination of the opposition, may, on being satisfied as to the death of the applicant, enter in the Register in place of the name of such deceased applicant the name, address and description of the person owning the trade mark on such ownership being proved to the satisfaction of the Registrar.

Certificate of registration

40. Upon the registration of a trade mark, the Registrar shall issue to the applicant a certificate in form T.M. 14, and shall affix thereto a copy of the trade mark, which may be a representation thereof supplied by the applicant in terms of section 13.

PART V

RENEWAL OF REGISTRATION AND RESTORATION OF TRADE MARK

Renewal of registration

41. (1) An application for the renewal of the registration of a trade mark in terms of subsection (2) of section 24 of the Act—

- (a) may be made at any time not more than one year before the expiration of the last registration of the trade mark; and
- (b) shall be made in form T.M. 15.

(2) Where the registered proprietor of a trade mark is resident outside Zimbabwe, an application for the renewal of the registration of that trade mark shall be made by an agent acting on his or her behalf.

Notice before removal of trade mark from Register

42. The notification in terms of subsection (3) of section 24 of the Act of the date of the expiration of the last registration of a trade mark shall be sent not less than three months and not more than six months before the expiration of the last registration of the trade mark if no application for the renewal of the registration has been made in terms of section 41.

Advertisement of expiration of registration

43. If, at the date of the expiration of the last registration of a trade mark, no application for renewal of the registration has been made in terms of section 41, the Registrar shall advertise in the Journal that such registration has expired.

Removal of trade mark from Register

44. (1) If no application has been made in terms of section 41 within one month of the advertisement in terms of section 43, the Registrar shall—

- (a) remove the trade mark from the Register, with effect from the date of the expiration of the last registration thereof; and
- (b) advertise in the journal that the trade mark has been removed from the Register.

(2) If an application has been made in terms of section 41 within one month of the advertisement in terms of section 43, together with the additional fee specified in the First Schedule, the Registrar may renew the registration without removing the trade mark from the Register.

(3) Where a trade mark has been removed from the Register in terms of subsection (1), the Registrar shall cause to be entered in the Register a record of the removal and of the reasons therefor.

Restoration of trade mark to Register

45. (1) An application in terms of subsection (5) of section 24 of the Act for the restoration of a trade mark to the Register shall be—

- (a) made in form T.M. 16; and
- (b) accompanied by—
 - (i) evidence by way of affidavit in support of the statements made in the application if the Registrar so directs; and
 - (ii) form T.M. 15 for renewal of the registration of the trade mark with the appropriate renewal fee.

(2) Upon receipt of the forms, evidence and fees required by subsection (1), the Registrar shall restore the trade mark to the Register if he or she is satisfied that it is just so to do, and upon such conditions as he or she considers fit to impose.

Notice of advertisement of renewal and restoration

46. Upon the renewal or restoration and renewal of the registration of a trade mark, the Registrar shall—

- (a) send notice thereof to the registered proprietor; and
- (b) advertise the renewal or restoration and renewal in the Journal.

PART VI

ASSIGNMENT AND TRANSMISSION

Application for entry of assignment or transmission

47. (1) An application for the registration of the title of any person becoming entitled by assignment or transmission to a registered trade mark shall be made in form T.M. 17 by the person becoming so entitled, and may be made conjointly with the registered proprietor.

(2) Subject to subsection (3), an application in terms of subsection (1) shall contain the name, trade or business address and description of the person claiming or stated to be entitled to the registered trade mark, together with full particulars of the instrument, if any, under which the title is claimed, and such instrument shall be—

- (a) produced for inspection by the Registrar; and
- (b) accompanied by a copy thereof, duly certified to the satisfaction of the Registrar.

(3) Where, in the case of an application made in terms of subsection (1), the person applying for registration of his or her title does not claim under any document or instrument which is capable in itself of

furnishing proof of his or her title, he or she shall, unless the Registrar otherwise directs, furnish a statement of case with his or her application, setting forth the full particulars of the facts upon which his or her claim to be proprietor of the trade mark is based and showing that the trade mark has been assigned or transmitted to him or her.

(4) If the Registrar so requires, the statement referred to in subsection (3) shall be verified by way of an affidavit in form T.M. 18.

Proof of title

48. 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 or she considers to be necessary.

Entry in Register

49. When the Registrar is satisfied as to the title of the person claiming to be registered, he or she shall cause him or her to be registered as proprietor of the registered trade mark in respect of the relevant goods or services, and shall enter in the Register—

- (a) the name, trade or business address and description of the proprietor; and
- (b) particulars of the assignment or transmission; and
- (c) a statement indicating whether the assignment or transmission is with or without goodwill; and
- (d) the effective date of the assignment.

Assignment to person resident outside Zimbabwe

50. Where a person resident outside Zimbabwe becomes entitled by assignment to a trade mark which is registered or is the subject of an application for registration, the Registrar shall not register such change of title until any permission required by regulations made under the Exchange Control Act [*Chapter 22:05*], has been furnished to him or her.

Separate registrations

51. Where, pursuant to an application in terms of section 47, and as a result of a division and separation of the goods or services of a registration or a division and separation of places or markets, different persons become registered separately under the same official number as subsequent proprietors of a trade mark, each of the resulting separate registrations in the names of those different persons shall be deemed to be a separate registration for all the purposes of the Act.

Registrar's certificate or approval as to certain assignments and transmissions

52. (1) Any person who wishes to obtain a certificate in terms of subsection (5) of section 27 of the Act or the approval of the Registrar in terms of subsection (6) of section 27 of the Act shall—

- (a) apply in form T.M. 19 or T.M. 20, as the case may be; and
- (b) submit with his or her application—
 - (i) a statement of case, in duplicate, setting out the circumstances; and
 - (ii) a copy of any instrument or proposed instrument affecting the assignment or transmission.

(2) Upon receipt of an application in terms of subsection (1), the Registrar may call for any evidence or further information which he or she considers necessary, and the statement of case shall—

- (a) be amended, if required, to include all the relevant circumstances; and
- (b) if so required by the Registrar, be verified by affidavit.

(3) The Registrar, after hearing, if so required, the applicant and any other person whom the Registrar considers to be interested in the transfer, shall consider the matter and issue a certificate thereon or a notification, in writing, of approval or disapproval thereto, as the case may be.

(4) Where a statement of case is amended in terms of subsection (2) two fair copies thereof in its final form shall be lodged with the Registrar, who shall attach a copy of the statement of case in its final form to the certificate or notification.

Substitution of applicant

53. Notwithstanding anything contained in these regulations, and subject to subsection (7) of section 27 of the Act, any person may apply in form T.M. 21 for a substitution of applicant in respect of a trade mark which is the subject of an application for registration, and the Registrar may, if he or she is satisfied that there is good reason to grant the application, approve of the substitution, subject to such conditions as he or she thinks fit.

Registration of assignment to body corporate under section 34 of the Act

54. (1) For the purposes of subsection (3) of section 34 of the Act, the period within which a body corporate may be registered as the subsequent proprietor of a registered trade mark shall be six months

from the date of advertisement in the Journal of the registration of the trade mark.

(2) An application in terms of subsection (3) of section 34 of the Act for an extension of the period prescribed by subsection (1) shall be made in form T.M. 22.

PART VII

REGISTERED USERS

Application for registration as registered user

55. (1) An application in terms of subsection (5) of section 33 of the Act for the registration of a person as a registered user of a registered trade mark shall be—

- (a) made by the person and the registered proprietor in form T.M. 23; and
- (b) accompanied by an affidavit made by the proprietor—
 - (i) giving particulars of the relationship, existing or proposed, between the proprietor and the proposed registered user, including particulars showing the degree of control by the proprietor over the permitted use which their relationship will confer and whether it is a term of their relationship that the proposed registered user shall be the sole registered user or that there shall be any other restriction as to persons for whose registration as registered users application may be made; and
 - (ii) stating the goods or services in respect of which registration is proposed; and
 - (iii) stating any conditions or restrictions proposed with respect to the characteristics of the goods or services, to the mode or place of permitted use or to any other matter; and
 - (iv) stating whether the permitted use is to be for a period or without limit of period and, if for a period, the duration thereof.

(2) The Registrar may require, in addition to the requirements mentioned in subsection (1), such further documents, information or evidence as he or she considers necessary.

Notification of registration of registered user

56. (1) The Registrar shall send a notification, in writing, of the registration of a registered user to the registered proprietor of the trade mark and to the registered user, and the registered proprietor shall notify, in writing, every other registered user whose name is entered in relation to the same registration of the trade mark.

(2) As soon as the registered proprietor has complied with the requirements of subsection (1), he or she shall notify the Registrar, in writing, that he or she has done so.

Registered proprietor's application to vary entry

57. An application by the registered proprietor of a trade mark for the variation of the registration of a registered user of a trade mark in terms of paragraph (a) of subsection (8) of section 33 of the Act shall be—

- (a) made in form T.M. 24; and
- (b) accompanied by a statement setting out the grounds on which it is made.

Cancellation of registration of registered user

58. (1) An application for the cancellation of the registration of a registered user in terms of paragraph (c) or (d) of subsection (8) of section 33 of the Act shall be—

- (a) made in form T.M. 25 or T.M. 26, as the case may be; and
- (b) accompanied by a statement setting out the grounds on which it is made.

(2) Where the registration of a registered user is for a specified period as mentioned in subparagraph (iv) of paragraph (b) of subsection (1) of section 55, the Registrar shall cancel the entry of the registered user at the expiration of that period.

(3) Where some or all of the goods or services in respect of which a trade mark is registered are struck out, the Registrar shall, at the same time, strike out the same goods or services from those specifications of registered users of the trade mark in which they are comprised.

Procedure on application to vary entry or cancel registration

59. (1) A person making an application in terms of section 57 or 58 shall satisfy the Registrar that—

- (a) he or she has given a notification, in writing, of the application—

- (i) to each registered user of the trade mark; and
- (ii) if he or she is not the registered proprietor of the trade mark, to the registered proprietor thereof;

and

- (b) he or she has duly notified the interested persons of their right of intervention as provided in subsection (2).

(2) Any person notified in terms of subsection (1) of an application thereunder who intends to intervene shall, within two months from the receipt of such notification, serve on the registered proprietor of the trade mark and on the registered user concerned and lodge with the Registrar—

- (a) a notice of intervention in form T.M. 27; and
- (b) a statement setting out the grounds on which he or she intervenes.

(3) Any person on whom a notice of intervention is served in terms of subsection (2) may, within two months from the receipt thereof, lodge with the Registrar evidence in support of his or her case, and the Registrar, after giving the parties an opportunity of being heard, may accept or refuse the application, or accept it subject to such conditions, amendments, modifications or limitations as he or she thinks fit.

PART VIII

RECTIFICATION AND CORRECTION OF REGISTER

Application to rectify or remove a trade mark from the Register

60. (1) Subject to subsection (3), an application in terms of section 31, 32, 37 or 38 of the Act for the making, expunging or varying of any entry relating to a trade mark in the Register shall be—

- (a) made, in duplicate, in form T.M. 28; and
- (b) accompanied by a statement, in duplicate, setting out fully—
 - (i) the nature of the applicant's interest; and
 - (ii) the facts upon which the applicant relies; and
 - (iii) the relief which the applicant seeks.

(2) Upon receipt of an application in terms of subsection (1), the Registrar shall, if the registered proprietor did not make the application, forthwith send the copy of the notice and the statement to the registered proprietor.

(3) Where there are registered users of a trade mark which is the subject of an application in terms of subsection (1), the application and statement of case shall be accompanied by as many additional copies thereof as there are registered users, and the Registrar shall send a copy of each to every registered user.

Further procedure

61. (1) Within two months from the receipt of the copy of the application sent in terms of subsection (2) of section 60, the registered proprietor shall lodge with the Registrar a counter-statement in form T.M. 3, in duplicate, setting out the grounds on which he or she contests the application.

(2) Upon receipt of a counter-statement lodged in terms of subsection (1), the Registrar shall forthwith send the copy of the counter-statement to the applicant, and thereafter the provisions of sections 26 to 32 shall apply, *mutatis mutandis*:

Provided that the Registrar shall not rectify the Register or remove a trade mark from the Register merely on the grounds that the registered proprietor has not filed a counter-statement in terms of subsection (1).

(3) In any case of doubt, a party may apply to the Registrar for directions.

Intervention by third parties

62. Any person who alleges an interest in a registered trade mark in respect of which an application is made in terms of section 61, and who is not the registered proprietor thereof, may apply for leave to intervene in form T.M. 29, stating the nature of his or her interest, and, after hearing the parties concerned, if so required, the Registrar may refuse or grant such leave upon such conditions and terms, including undertakings as to security for costs, as he or she considers fit to impose.

Alteration of address in Register

63. (1) Subject to subsection (2), a registered proprietor or registered user of a trade mark whose trade or business address or address for service is changed so that the entry in the Register is rendered incorrect shall forthwith request the Registrar to make the appropriate alteration of the address in the Register.

(2) A request in terms of subsection (1) shall be—

(a) made in form T.M. 30; and

- (b) accompanied by the appropriate fee specified in item 28 of the First Schedule:

Provided that, if---

- (a) the address has been altered by a public or local authority and the changed address designates the same premises or post office box as before; and
- (b) the applicant produces a certificate from the public or local authority as to the alteration;

no fee shall be payable in terms of this paragraph.

(3) Where the address of a person which is entered in the Register as the address for service of more than one registered proprietor or registered user of trade marks is altered, the Registrar may, on proof that the said address is the address of the applicant, and if he or she is satisfied that it is just to do so, accept an application from that person in form T.M. 30, amended so as to suit the case for the appropriate alteration of the entries of his or her address as the address for service in the several registrations, particulars of which shall be given in the form.

(4) On receipt of an application in terms of subsection (1) or (3), the Registrar shall, on being satisfied as to the change of address, alter the Register accordingly.

Correction of Register

64. (1) An application by the registered proprietor or registered user under section 39 of the Act for the alteration of the Register by correction, change, cancellation or striking out of goods or services or for the entry of a disclaimer or memorandum shall be made in form T.M. 31, T.M. 32, T.M. 33 or T.M. 34, as the case may be.

(2) The registered proprietor or registered user of a trade mark whose name is changed so that an entry in the Register is rendered incorrect shall forthwith request the Registrar in form T.M. 32 to make the appropriate alteration of the name in the Register, and the Registrar, if he or she is satisfied in the matter, shall alter the Register accordingly.

Evidence

65. When an application is made in terms of section 64, the Registrar may require such evidence, by way of affidavit or otherwise, as he or she thinks fit as to the circumstances in which the application is made.

Advertisement of certain applications

66. (1) Where an application is made in terms of paragraph (e) of subsection (1) of section 39 of the Act in form T.M. 34 to enter in the Register a disclaimer or memorandum relating to a registered trade mark, the Registrar, before deciding upon such application, shall cause the applicant to advertise the application in the Journal in order to enable any person desiring so to do to state, in writing, within two months from the date of the advertisement, any reason as to why the applicant should not be allowed to make such disclaimer or enter such memorandum.

(2) After considering the application referred to in subsection (1) and any statement lodged in response to the advertisement and hearing the parties, if so required, the Registrar shall—

- (a) allow or refuse the application, as he or she thinks fit; and
- (b) communicate his or her decision, in writing, to the applicant and to any other party to the proceedings.

Certificate of validity to be noted

67. (1) Where the High Court or the Tribunal has certified in terms of section 71 of the Act with regard to the validity of a registered trade mark, the registered proprietor thereof may request the Registrar to add to the entry in the Register a note that the certificate of validity has been granted in the course of the proceedings specified.

(2) A request in terms of subsection (1) shall be—

- (a) made in form T.M. 36; and
- (b) accompanied by a copy of the certificate duly certified by the clerk of the court.

(3) The Registrar shall record a note in the Register to the effect that the certificate of validity referred to in subsection (1) has been granted, and shall direct the registered proprietor to publish the note in the Journal.

Alteration of registered trade mark

68. (1) An application under section 40 of the Act shall be—

- (a) made in form T.M. 35; and
- (b) accompanied by ten representations of the trade mark as it will appear when so added to or altered:

Provided that no additional representations shall be required if the trade mark so added to or altered comprises a word or words represented in plain letters.

(2) The Registrar shall, if he or she considers it to be necessary or desirable, direct that an application referred to in subsection (1) shall be advertised in the Journal.

(3) Where an application has been advertised in terms of subsection (1), any person may, within two months from the date of the advertisement, give notice to the Registrar of opposition to the application.

(4) A notice of opposition in terms of subsection (3) shall be—

(a) given, in duplicate, in form T.M. 2; and

(b) accompanied by a statement, in duplicate, setting out the grounds upon which the opponent objects to the application.

(5) In opposition proceedings under section 40 of the Act, sections 25 to 34 shall apply, *mutatis mutandis*.

(6) If the Registrar decides to allow an application referred to in subsection (1), he or she shall add to or alter the trade mark in the Register, and, if the trade mark so added to or altered has not been advertised in terms of subsection (2), he or she shall direct the registered proprietor to advertise the trade mark as so added to or altered in the Journal.

PART IX

DEFENSIVE TRADE MARKS, CERTIFICATION MARKS AND COLLECTIVE MARKS

Application for defensive trade mark

69. (1) An application for the registration of a defensive trade mark in terms of section 32 of the Act shall be—

(a) made in form T.M. 37; and

(b) accompanied by a statement setting out fully the facts upon which the applicant relies, verified by an affidavit made by the applicant.

(2) The applicant may send, with the affidavit referred to in paragraph (b) of subsection (1) or subsequently, such other evidence as he or she wishes to furnish, whether after request made by the Registrar or otherwise.

(3) Save where otherwise expressly provided, these regulations shall apply, *mutatis mutandis*, in relation to an application made in terms of subsection (1) as they apply in relation to an application for the registration of a trade mark in Part A of the Register.

Application of regulations to certification marks

70. Subject to sections 71 to 74, Parts III, IV, V, VI and VIII shall apply, *mutatis mutandis*, in relation to certification marks as they apply in relation to trade marks.

Application for registration of certification mark

71. An application for the registration of a certification mark in terms of section 44 of the Act shall be—

- (a) made in form T.M. 38; and
- (b) accompanied by—
 - (i) a statement setting out fully the grounds on which the applicant relied in support of his or her application; and
 - (ii) draft rules, in duplicate, for governing the use of the mark; and
 - (iii) ten additional representations of the mark to be registered:

Provided that no additional representations shall be necessary if the certification mark is represented in plain letters.

Advertising of acceptance of application

72. An application in terms of section 71 shall be advertised in terms of section 45 of the Act in the Journal.

Alteration of rules

73. (1) An application in terms of subsection (3) of section 46 of the Act for the alteration of rules shall be made in form T.M. 39.

(2) The Registrar may require an applicant to file with an application referred to in subsection (1) a statement setting out fully the grounds on which he or she relies in support of his or her application, and thereafter provisions of this Part relating to an application for the registration of a certification mark shall apply, *mutatis mutandis*.

Rectification of Part C of Register

74. An application for rectification of Part C of the Register on any ground mentioned in section 47 of the Act shall be—

- (a) made, in duplicate, in form T.M. 40; and
- (b) accompanied by a statement, in duplicate, setting out fully—
 - (i) the nature of the applicant's interest; and

- (ii) the grounds on which the application is made; and
- (iii) the relief which the applicant seeks;

and thereafter sections 25 to 32 shall apply, *mutatis mutandis*.

Application of regulations to collective marks

75. Subject to section 76, Parts III, IV, V, VI and VIII shall apply, *mutatis mutandis*, in relation to collective marks as they apply in relation to trade marks.

Application for registration of collective mark

76. An application for the registration of a collective mark in terms of section 100A of the Act shall be—

- (a) made in form T.M. 46; and
- (b) accompanied by a certified copy of the constitution of the association.

PART X

GENERAL

Fees

77. (1) For any matter or proceeding specified in the first column of the First Schedule, the appropriate fee set out in—

- (a) the third column of that Schedule shall be payable, where the person required to pay it is a foreign company registered as such under the Companies Act [*Chapter 24:03*], a partnership or trust at least half of the partners or trustees of which are resident outside Zimbabwe, or an individual or other person resident outside Zimbabwe; or
- (b) the second column of that Schedule shall be payable, in the case of any other person.

(2) A fee of two hundred dollars per word shall be payable at the Trade Marks Office for the publication in the Journal of any advertisement published in accordance with the Act or these regulations.

(3) Where any photographic copy of a document is provided at the Trade Marks Office, the fee fixed by the Minister from time to time shall be payable.

Forms

78. The forms set out in the Second Schedule shall be used in all cases to which they are applicable, and may be modified as directed by the Registrar.

Size, etc., of documents

79. (1) All documents and copies of documents lodged at the Trade Marks Office shall, unless the Registrar otherwise directs, be written, typewritten, lithographed or printed in the English language—

- (a) upon strong, white paper of a size equal to the international standard paper-size A4 (two hundred and ninety-seven millimetres by two hundred and ten millimetres), leaving a clear margin of at least forty millimetres on the left-hand side thereof; and
- (b) in legible characters, using a permanent black or blue-black ink; and
- (c) with the lines widely spaced; and
- (d) except in the case of affidavits, on one side only.

(2) The Registrar may, at any time, require that an extra or duplicate copy of any document shall be lodged, and such extra or duplicate copy shall be lodged within such period as the Registrar may determine.

(3) Duplicate documents required under these regulations may be carbon-copies of the original documents if they are on paper of good quality and the typing is black and distinct.

Signature of documents

80. (1) A document purporting to be signed for or on behalf of a partnership—

- (a) shall contain the names of all the partners in full; and
- (b) may be signed by a partner or by any other person who satisfies the Registrar that he or she is authorized to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by—

- (a) a director or the secretary or other principal officer of the body corporate; or
- (b) any other person who satisfies the Registrar that he or she is authorized to sign the document.

Amendment of documents

81. Any document lodged in any proceedings before the Registrar may, if the Registrar thinks fit, be amended, and any irregularity in procedure may be rectified on such terms as he or she may direct.

Lodging of documents sent by post

82. Subject to section 101 of the Act, any notice, application or other document sent to the Trade Marks Office by post shall be deemed to have been given, made or filed at the time when the letter containing the document would be delivered in the ordinary course of post.

Address

83. (1) Where any person is by the Act or these regulations bound to furnish the Registrar with an address, 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 trade or business of the person whose address is given.

(2) The Registrar may require the address to include the name of the street and the number in relation to the street or the name of the premises, if any.

Address for service

84. (1) Every applicant, opponent or agent or a registered proprietor or registered user of a trade mark who does not reside or carry on business within Zimbabwe shall, on being so required by the Registrar, give an address for service within Zimbabwe, and such address shall be treated as the address of that person for all purposes connected with the matter in question.

(2) Any registered proprietor or registered user of a trade mark, or any person about to be registered as such, may, if he or she so desires, give an address for service for entry in the Register, and such address may be entered by the Registrar.

(3) In any case, in which no address for service is entered in the Register, the Registrar may treat the trade or business address of the registered proprietor or registered user as therein entered as his or her address for service for all purposes connected with the registration.

(4) Any written communication addressed to a party or person as aforesaid at an address given by him or her or treated by the Registrar as his or her address for service shall be deemed to be properly addressed.

(5) If at any time a doubt arises as to the continued availability of an address for service entered in the Register, the Registrar may request the person for whom it is entered, by letter addressed to his or her trade or business address in the Register, to confirm the address for service, and if, within three months of making such request, the Registrar receives no confirmation of that address, he or she may strike it off the Register.

Method and proof of service

85. (1) Where any notice, application or other document is required to be served on or sent to any person under the provisions of the Act or these regulations, such service may be effected by the delivery of a copy thereof—

- (a) at the address for service furnished to the Registrar in terms of these regulations; or
- (b) to such person personally or to his or her duly authorized agent; or
- (c) at the residence or place of business or employment of such person to some responsible person there residing or employed.

(2) Service effected by any person in accordance with subsection (1) shall be proved by a certificate made in form T.M. 41, and such certificate shall be lodged with the Registrar.

(3) Where any notice, application or other document is required by the Act or these regulations to be served upon the Registrar, it shall, unless otherwise specifically provided in these regulations, be served in duplicate.

Extension of time

86. If, in any particular case in respect of which application is made in form T. M. 9, the Registrar is satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any proceedings under these regulations, not being an extension of time expressly provided in the Act, he or she may extend the time upon such notice to other parties and other proceedings thereon and upon such terms as he or she thinks fit, and the extension may be granted though the time has expired for doing the act or taking the proceedings.

Application for hearing

87. (1) An application for a hearing shall be made within two months from the date of notification by the Registrar of any objection to an application or the date of any other notification that he or she proposes to exercise a discretionary power.

(2) Upon receiving an application for a hearing in terms of subsection (1), the Registrar shall give the applicant fourteen days' notice of a time when he or she may be heard.

(3) Within seven days from the date when the notice referred to in subsection (2) would be delivered in the ordinary course of post, the applicant shall notify the Registrar as to whether or not he or she intends to be heard on the matter.

Notification of decision

88. The decision of the Registrar in the exercise of any power referred to in section 52 of the Act shall be notified to the person affected thereby.

Dispensing with evidence

89. Where, under these regulations—

- (a) any person is required to do any act or thing, to sign any document or to make any declaration on behalf of himself or herself or of any body corporate; or
- (b) any document or evidence is required to be produced to or left with the Registrar or at the Trade Marks 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 that such document or evidence cannot be so produced or left, as the case may be, it shall be lawful for the Registrar, upon the production of such other evidence and subject to such terms as he or she thinks fit, to dispense with any such act or thing, signature, declaration, document or evidence, as the case may be.

Certificates by Registrar

90. (1) The Registrar may give a certificate, other than a certificate or registration in terms of subsection (2) of section 23 of the Act, as to any entry, matter or thing which he or she is authorized or required by the Act or these regulations to make or do upon receipt of a request therefor in form T.M. 42 from any person who, if the Registrar thinks fit so to require, can show, to the satisfaction of the Registrar, an interest in the entry, matter or thing.

(2) The Registrar shall not be obliged to include in a certificate issued in terms of subsection (1) a copy of any trade mark unless he or she is furnished by the applicant with a copy thereof suitable for the purpose.

Searches

91. (1) Any person may request the Registrar on form T.M. 4 to cause a search to be made in respect of specified goods or services specified in any one class set out in the Third Schedule to ascertain whether any trade mark is on record at the date of the search which resembles a trade mark of which duplicate representations accompany the form.

(2) Where a copy of an application to inspect a document submitted in connection with any application, not being a prescribed form, has been sent to the proprietor of or applicant for the trade mark concerned in terms of paragraph (a) of subsection (2) of section 54 of the

Act, the period within which that person may object in terms of the said paragraph (a) to be disclosure of the said document or any information contained therein shall be two months from the date when he or she receives such copy.

Removal of certain trade marks from Registrar and cancellation of registration of certain defensive trade marks

92. Where the Registrar has—

- (a) removed a trade mark from the Register in terms of subsection (4) of section 29 of the Act; or
- (b) cancelled the registration of a defensive trade mark in terms of subsection (5) of section 32 of the Act;

he or she shall cause to be entered in the Register a record of the removal or cancellation, as the case may be, and of the reasons therefor, and he or she shall advertise in the Journal that the trade mark has been removed from the Register or that the registration of the defensive trade mark has been cancelled, as the case may be.

Agency

93. (1) Any—

- (a) application, request or notice which is required or permitted under the Act or these regulations to be made or given to the Registrar; or
- (b) other communication between an applicant or a person making a request or giving a notice and the Registrar; or
- (c) other communication between the registered proprietor or a registered user of a trade mark and the Registrar or any other person;

may be signed, made or given by or through an agent if the Registrar is satisfied that the agent has been duly authorized so to act on behalf of such an applicant, person or proprietor.

(2) A person who wishes to appoint an agent shall do so by signing and sending to the Registrar an authority to that effect in form T. M. 43, or in such other written form as the Registrar may deem sufficient.

(3) Where an agent has been duly appointed in terms of subsection (2)—

- (a) any application, request, notice, endorsement or other communication which is signed by that agent as agent shall be deemed to have been signed by the person who has appointed him or her; and

- (b) service upon that agent of any document relating to any proceedings or matter before or affecting the Registrar shall be deemed to be service upon the person who has appointed him or her; and
- (c) all communications directed to be made to that person in respect of the proceedings or matter may be addressed to the agent; and
- (d) all attendances before the Registrar relating to the proceedings or matter may be made by or through the agent:

Provided that, in any particular case, the Registrar may require the personal signature or presence of an applicant, opponent, proprietor or other person, notwithstanding that that person has appointed an agent.

Days and hours of business

94. Except on Saturdays and public holidays, the Trade Marks Office shall be open to the public and the documents and other public records kept under the Act by the Registrar shall be open to inspection every week-day between the hours of 08:30 hours and 13:00 and the hours of 14:00 and 16:00.

Excluded days

95. Whenever the last day fixed by or in terms of these regulations for doing any act or thing at the Trade Marks Office falls on a day when the Trade Marks Office is not open, the period so fixed within which that act or thing may be done shall extend to the first following day on which the Trade Marks Office is open.

Copy of application to Tribunal to be served on Registrar

96. A copy of every application made to the Tribunal under the Act shall be served on the Registrar.

Order of High Court or Tribunal

97. Where an order relating to a trade mark has been made by the High Court or the Tribunal—

- (a) the person in whose favour such order has been made shall forthwith file at the Trade Marks Office a certified copy of such order, together with an application in form T. M. 45; and
- (b) the specimen or representation of the trade mark 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.

Repealed regulations

98. The regulations specified in the Fourth Schedule are repealed.

FIRST SCHEDULE (*Section 77*)

FEES

<i>Matter or proceeding</i>	<i>Fee</i>	
	Z\$	US\$
1. On application to register—		
(a) a trade mark or defensive mark	1 000 000	200
(b) a series of trade marks or a certification mark—		
(i) for the first mark of the series or the first class of the certification mark	1 000 000	200
(ii) for every other mark of the series or every other class of the certification mark	200 000	40
2. On request for a statement of grounds of decision in terms of section 21(4) of the Act as read with section 21 of these regulations	900 000	160
3. General form of advertisement in terms of section 22, 40 or 46 of the Act, as read with section 23 of these regulations per word	5 000	—
4. On request for preliminary advice in terms of section 51 of the Act, as read with section 10 of these regulations, or for search in terms of section 90 of these regulations—		
(a) for a search only, in respect of each class	60 000	—
(b) for a search together with the preliminary advice	60 000	120
5. For renewal of registration—		
(a) of a trade mark or defensive mark at the expiration of the last registration	1 000 000	200
(b) of a series of trade marks or a certification mark at the expiration of the last registration—		
(i) for the first mark of the series or the first class of the certification mark	1 000 000	200
(ii) for every other mark of the series or every other class of the certification mark	200 000	40
(iii) search fee, per trade mark	10 000	—

Trade Marks Regulations, 2005

6. On application for the registration of a registered user in terms of section 33 of the Act, as read with section 56 of these regulations, in respect of—

<i>Matter or proceeding</i>	<i>Fee</i>	
	Z\$	US\$
(a) one to five trade marks	1 000 000	200
(b) six to 10 trade marks	1 500 000	280
(c) 11 to 20 trade marks	2 200 000	400
(d) 21 or more trade marks (for each mark or class)	—	—
7. On application to register a subsequent proprietor in terms of section 29 of the Act, as read with section 48 of these regulations, in respect of—		
(a) one to five trade marks	1 000 000	200
(b) six to 10 trade marks	1 500 00	280
(c) 11 to 20 trade marks	2 200 00	—
(d) 21 or more trade marks (for each mark or class)	200 000	40
8. Additional fee in terms of section 45(2) of these regulations	200 000	40
9. On restoration of a trade mark, a series of trade marks, certification mark or defensive mark removed from the register for non-payment of renewal fee	1 000 000	200
10. For any certificate, other than a certificate of registration in terms of section 23(4) of the Act	400 000	80
11. On application by registered proprietor to vary the entry in the Register of a single registered user of one or more trade marks in terms of section 33(8) of the Act—		
(a) for the first entry	400 000	80
(b) for every other entry included in the application	200 000	40
12. On application to cancel the entry of a registered user in terms of section 33(8)(a) of the Act, as read with section 59 of these regulations—		
(a) for the first entry	400 000	80
(b) for every other entry in the name of the same proprietor and registered user included in the application	200 000	40

<i>Matter or proceeding</i>	<i>Fee</i>	
	Z\$	US\$
13. On application for rectification of register or the removal of a trade mark from the register in terms of section 31, 32, 37 or 38 of the Act as read with section 61(1) of these regulations	400 000	80
14. On application for an amendment before registration in terms of section 21(7) of the Act—		
(a) of a trade mark	400 000	80
(b) of a document	200 000	40
15. On application for an extension of time in terms of section 32 or 85 of the regulations up to a maximum of 12 months	700 000	100
16. On application for the correction of a clerical error in the Register in terms of section 39(1) of the Act as read with section 65(1) of these regulations, per mark or class	200 000	40
17. On request for the registration of a trade mark or certification mark in terms of section 23, 26 or 50 of the Act as read with section 38 or 72 of these regulations	400 000	80
18. For each entry in the Register of a note that the mark is associated with a newly registered mark	100 000	20
19. On application to dissolve the association between trade marks in terms of section 30 of the Act as read with section 39 of these regulations	400 000	80
20. On application for the substitution of an applicant in terms of section 27(7) as read with section 54 of these regulations in respect of each such application	400 000	80
21. On request by the registered proprietor of a trade mark to strike out goods or services from those in respect of which the trade mark is registered in terms of section 39(1)(d) of the Act as read with section 65(1) of these regulations or to cancel an entry in terms of those sections	200 000	40
22. On request by the registered proprietor of a certification mark to permit alteration of the deposited rules thereof in terms of section 46(3) of the Act as read with section 74(1) of these regulations	200 000	40

Trade Marks Regulations, 2005

<i>Matter or proceeding</i>	<i>Fee</i>	
	Z\$	US\$
23. On application for an order expunging or varying an entry in the register relating to a certification mark or varying the deposited rules in terms of section 47 of the Act as read with section 75 of these regulations	400 000	80
24. On filing a notice of opposition in terms of section 22(2) of the Act	400 000	80
25. On a counter-statement in terms of section 22(3) of the Act	400 000	80
26. Security for cost in terms of 78 of the Act	1 000 000	200
27. On every appeal to the Tribunal from a decision or order of the Registrar	100 000	20
28. On an application or matter made direct to the Tribunal	1 000 000	200
29. For certifying any document other than a certificate of registration	270 000	50
30. Rental fees for a lodging box, per year	600 000	—

SECOND SCHEDULE (Section 78)

FORMS

Form T.M. 1

ZIMBABWE

Section 41 of the Act
Section 4 of the regulations
Fee: Item 1

TRADE MARKS ACT, [CHAPTER 26:04]

Application for Revision of Classification of Goods

In the matter of the trade mark No., registered in Class of the Third Schedule.

I/We, of * being the proprietor(s) of the above-numbered trade mark, hereby apply for the revision of the class or classes of goods in which the trade mark is registered so as to bring it into accord with the provisions of Part I of the Third Schedule of the Trade Marks Regulations, 2004.

The specification(s) entered in the Register is/are

Application is made that the Registrar should propose the following specification(s) in accordance with the Fourth Schedule upon revision:

Class

Class

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....
.....
The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert full name and address of applicant(s)*

Form T.M. 2

ZIMBABWE

Sections 22(2) 40(3), 41, 45 and 46 of the Act
Sections 5(1), 25(1) and 69(4) of the regulations
Fee: Item 2

TRADE MARKS ACT, [CHAPTER 26:04]

Notice of Opposition

I/We, of
.....* hereby give
notice of opposition under section† of the Trade Marks Act, [Chapter
26:04]/Trade Marks Regulations, 2004, in respect of registered trade mark/
application for trade mark No..... in the name of
.....,‡ relating to
....., § advertised for
opposition in the Patent and Trade Marks Journal, Volume No.,
of the day of, 19.....

.....
Opponent(s)/Agents for opponent(s)

My/Our address for service is:

.....
.....
The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

Trade Marks Regulations, 2005

* *Insert full name and address of opponent(s).*

† *State section of Act or regulations.*

‡ *Insert name of proprietor or applicant.*

§ *State nature of matter advertised for opposition.*

Note.—Every opposition notice must be supported by a statement, in duplicate, setting out fully the case of the opponent in accordance with the Act and the regulations made thereunder. Where the registration of a trade mark is opposed on the ground that the trade mark resembles a trade mark already on the Register, the number of the registered trade mark must be set out. (This form may also be used in connection with a certification mark.)

Form T.M. 3

ZIMBABWE

Sections 22(3), 31, 32, 37, 38, 40,
41, 45, and 46 of the Act

Sections 5(2), 25, and 61(1) of the regulations

Fee: Item 3

TRADE MARKS ACT [CHAPTER 26:04]

Form of counter-statement

(To be lodged in duplicate)

In the matter of
under section of the Trade Marks Act [Chapter 26:04]/Trade Marks
Regulations, 2004,

I/We, of
.....* being
the.....

.....†
hereby give notice that the following are the grounds on which I/We rely as
supporting our application:

.....
.....

I/We admit the following allegations in the notice of opposition:

.....
.....

*(The statement may be continued on separate sheets of paper of inter-
national standard paper-size A4, and on one side thereof only.)*

Dated this.....day of.....,19.....

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert full name and address of applicants.*

† *State interest in these proceedings.*

Note—This form may also be used in connection with a certification mark.

Form T.M. 4

ZIMBABWE

Section 51 Of the Act
Sections 10(1) and 89(1) of the regulations
Fee: Item 4

TRADE MARKS ACT [CHAPTER 26:04]

Request for Search and/or Preliminary Advice

A. REQUEST FOR SEARCH

I/We,,*

of
hereby request the Registrar to advise me/us whether any trade marks are on record which resemble the trade mark†† sent herewith in respect of the following description of goods/services:

Dated this day of, 19.....

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....
.....

AND/OR

B. REQUEST FOR REGISTRAR'S PRELIMINARY ADVICE

I/We,,*

of
hereby request the Registrar to advise me/us whether the trade mark† referred to above/sent herewith appears to him or her *prima facie* to be inherently apt to distinguish or capable of distinguishing my/our goods so as to comply with section 12 or 13, respectively, of the Act for registrability in either Part A or Part B of the Register, or whether it is prohibited from registration in terms of section 14 of the Act.

Trade Marks Regulations, 2005

The goods/services in respect of which I/we propose to apply for registration of the said trade mark are as above stated/as follows:

.....

in Class ‡‡

Dated thisday of,19.....

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....

The Registrar of Trade Marks,
The Trade Marks Office,
Zimbabwe.

* *Insert full name and address of applicants.*

† *Representation of trade mark must be mounted on international standard paper size A4 and sent in duplicate.*

‡‡ *State class-number, if known.*

Form T.M. 5

ZIMBABWE

Section 21 or 26 of the Act
Sections 11 (1) and 13 (1) of the regulations
Fee: Item 5

TRADE MARKS ACT [CHAPTER 26:04]

Application for Registration of Trade Mark in Part* of the Register

One representation to be fixed within
this space and ten others to be sent
herewith.

Application is hereby made for registration in Part* of the Register of the accompanying trade mark/series of trade marks in Class in respect of.....

.....,†
in the name of‡
whose full trade or business address is

trading as§
by whom it is proposed to be/being used and who claim(s) to be the proprietor(s) thereof.¶

.....¶

Dated this day of, 20.....

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service:
.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

- * Write distinctly "A" or "B" according to the registration desired.
- † Specify the goods or services.
- ‡ Insert full name, description and nationality of the applicant(s).
- § Insert the trading style, if any.
- || Delete whichever is inappropriate.
- ¶ For additional matter if required; otherwise to be left blank.

Form T.M.6

ZIMBABWE

Section 22 of the Act
Section 31 (4) of the regulations
Fee: Item 6

TRADE MARKS ACT [CHAPTER 26:04]

Request for Statement of Grounds Decision

In the matter of trade mark application No.

The Registrar is hereby requested to state in writing the grounds of his or her decision, dated the day of, 20....., after the hearing on the Day of, 20....., and the materials used by him or her in arriving at the decision.

Dated this day of, 20.....

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service: .
.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

Note.—If the Registrar has made any requirement to which the applicant does not object, the applicant shall comply therewith before the Registrar issues the grounds of his or her decision.

Trade Marks Regulations, 2005

Form T.M. 7

ZIMBABWE

Section 22, 40 and 46 of the Act
Section 22 (1) of the regulations
Fee: Item 7

TRADE MARKS ACT [CHAPTER 26:04]

General Form of Advertisement

NOTICE is hereby given that, in terms of

Dated this day of, 20.....

Form T.M. 8

ZIMBABWE

Sections 31 (2) of the regulations
Fee: Item 8

TRADE MARKS ACT [CHAPTER 26:04]

Notice to the Registrar of Attendance at Hearing

I/We,

of,*

being the,†

hereby gives notice that the hearing of the arguments in the case of

.....proceedings relating to.....

.....,‡ which, by the

Registrar's notice to me/us dated the..... day of, 20....., is fixed

fora.m./p.m. at theon the

..... day of, 20....., will

be attended by me/us or by some person on my/our behalf, namely

.....§

Signature

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* Insert full name and address.

† State whether representing applicant or opponent

‡ Insert particulars of application/trade mark/certification mark and its number.

§ Insert name of person appearing on behalf of signatory.

Form T.M. 9

ZIMBABWE

Sections 32 (2) and 86 of the regulations

Fee: Item 9

TRADE MARKS ACT [CHAPTER 26:04]

Application for Extension of Time
(not being an extension of time expressly provided in the Act or
prescribed by section of the regulations)

In the mater of

I/We,
of*
being the
in the above matter, hereby apply for an extension of time of†
for‡
on the following grounds:

.....
.....
.....
.....
.....

Dated this Day of, 20.....

Applicant(s)/Agent for Applicant(s)

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

I/We,
on behalf of
consent to the above extension.§

Signature

* Insert full name and address.
† Insert period of extension required.
‡ State purpose for which extension of time is required.
§ To be completed only in cases involving opposition or third party objections.

Trade Marks Regulations, 2005

Form T.M.10

ZIMBABWE

Section 15 (3) of the Act
Section 35 of the regulations
Fee: Item 10

TRADE MARKS ACT [CHAPTER 26:04]

Application for Determination of Rights of Parties

*(To be lodged in duplicate and accompanied by a statement of case in duplicate)**

In the matter of an application No., by

AND

In the matter of an application No., by

I/We,
of, †
in response to the Registrar's notification concerning my/our pending application No.,
dated, which the Registrar considers to be in conflict with
another pending application, No., dated,
in the same matter to be determined by the Tribunal in terms of subsection (3) of
section 15 of the Act.

The grounds of my/our application are as follows:

.....
.....

Dated this day of, 20.....

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *If more than two parties are involved, additional copies must be supplied.*

† *Insert full name and address of applicant(s).*

Form T.M. 11

ZIMBABWE

Section 23 (3) of the Act
Section 36 of the regulations

TRADE MARKS ACT [CHAPTER 26:04]
Notice of Non-completion of Registration

No. Z\$ US\$

The Registrar, as required by subsection (3) of section 23 of the Trade Marks Act [Chapter 26:04], and section 36 of the Trade Marks Regulations 1974, has to point out that the registration of the trade mark, in respect of which your application numbered as above was made on the day of, 20....., has not been completed by reason of your default. Unless it is completed within fourteen days from this date, the application will be treated as abandoned.

Dated this day of, 20.....

To
.....
.....

The Trade Marks Office,
Harare.

Form T.M. 12

ZIMBABWE

Section 23, 26 and 50 of the Act
Sections 37 and 70 of the regulations
Fee: Item 11

TRADE MARKS ACT [CHAPTER 26:04]
Request for Registration of a Trade Mark/Certification
Mark and Payment of Association Fees

I/We,.....,
of,*
request the certificate(s) of registration be issued in respect of the following trade mark(s)/certification mark(s):

No.	Class
.....
.....
.....

Trade Marks Regulations, 2005

The prescribed association fees, amounting to \$
are hereby transmitted in respect of trade mark(s) No.

Dated this day of, 20.....

.....
Applicant(s)/Agent for applicant(s)

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

**Insert full name and address of applicant(s).*

Form T.M. 13

ZIMBABWE

Section 30 (5) of the Act
Section 38 of the regulations
Fee: Item 12

TRADE MARKS ACT [CHAPTER 26:04]

Application to Dissolve the Association between Trade Marks
(To be accompanied by a state of case)

In the matter of trade mark No., registered in Class

I/We,.....
of
being the registered proprietor(s) of the above-numbered trade mark, hereby apply for the
association of this trade mark with the following trade mark(s) registered in my/our name—

- No....., registered in Class.....;
- 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.

.....
Applicant(s)/Agent for applicant(s)

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

Form T.M. 14

ZIMBABWE

Section 23 (2) of the Act
Section 40 of the regulations
Fee: Item

TRADE MARKS ACT [CHAPTER 26:04]
Certificate of Registration

Registered No.

The trade mark shown above has been registered in Part
of the Register, in the name of

.....
.....
.....

in Class, under No. as of the
....., 20, in respect of

Sealed at my direction this day of, 20.....

Registrar

The Trade Marks Office,
Harare.
Zimbabwe

Registration is for ten years from the date first above mentioned, and may
then be renewed, and also at the expiration of each period of ten years thereafter.

Note.—Upon any change of ownership of this trade mark, or change in the name
and address, application should AT ONCE be made to the Registrar to register
the change.

Form T.M.15

ZIMBABWE

Section 24 and 50 of the Act
Sections 41 and 70 of the regulations
Fee: Item 13, 14 or 15

TRADE MARKS ACT [CHAPTER 26:04]
Renewal of Registration of Trade Mark/Certification Mark

I/We,
of,*

Trade Marks Regulations, 2005

hereby transmit the prescribed fee of \$..... for the renewal of the registration of the trade/certification mark No., in Class † (together with the additional prescribed fee of \$ due in terms of section 44 of the Trade Marks Regulations, 1974), and request that notice of renewal of the registration may be sent to me/us at the following address:

.....
.....

Dated this day of, 20

.....
Proprietor(s)/Agent for proprietor(s)

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

** Insert full name and address.*

† Delete if inapplicable.

Note.—This form will be returned if it is lodged more than one year before the expiration of the last registration period.

Form T.M. 16

ZIMBABWE

Sections 24 (5) of the Act
Sections 45 and 70 of the regulations
Fee: Item 16

TRADE MARKS ACT [CHAPTER 26:04]
Restoration of Trade mark/Certification Mark Removed from
Register for Non-payment of Fee
(To accompany form T.M. 15)

I/We,
of*,
hereby transmit the additional fee of \$..... (together with form T.M. 15) for
the restoration to the Register of trade mark/certification mark No., in
Class

Dated this day of, 20.....

.....
Proprietor(s)/Agent for proprietor

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

**Insert full name and address of applicant(s).*

Note.—This form must be signed by the person(s) signing the form T.M.15 which accompanies it.

Form T.M. 17

ZIMBABWE

Section 29 of the Act
Section 47 of the regulations
Fee: Item 17

TRADE MARKS ACT [CHAPTER 26:04]

Application to Register a Subsequent Proprietor of Trade Marks
upon the Same Devolution of Title

Full name(s) of applicant(s), being—

(i) register proprietor or assignor and full business address.....
.....
.....*

and/or

(ii) assignee and full business address, nationality and occupation.....
.....
.....
also trading under the style of

I/We hereby apply for the entry in the Register of the above-named assigned as proprietor of trade mark No., † in Class in respect of
(continue registered goods or services overleaf if necessary), as from the
....., being the date of acquisition of proprietorship.

I am/We are entitled to the trade mark(s) by virtue of
..... ‡

The trade mark(s) was/were—

I. assigned in gross and used/not used in a business in the goods in question at the time of assignment; §
(Assigned in gross means assigned together with the goodwill, if any, connected only with the trade mark, and not being the whole of the good will of a business in the registered goods.)

OR

II. Assigned together with the whole of the goodwill of a business concerned in the registered goods. §

Dated this day of, 20.....

.....
Assignor(s)/Agent for Assignor(s)

.....
Assignee(s)/Agent for Assignee(s)

Trade Marks Regulations, 2005

Form T.M. 17—Continued

The assignee's address for service now and after registration is:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office
Harare.

* Ignore (i) if only the assignee is making the application.

† If more than one trade mark is involved, a signed schedule should be prepared overleaf.

‡ Insert full particulars of the instrument or transmission, if any, or statement of case. The instrument should, preferably, accompany this form.

§ Delete whichever is inappropriate.

Form T.M. 18

ZIMBABWE

Section 29 of the Act
Section 47 (4) of the regulations

TRADE MARKS ACT [CHAPTER 26:04]

Affidavit in Support of Statement of Case Accompanying Form T.M.17

I,,
of,
make oath and say 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 subsequent 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.

.....
Justice of the Peace/Commissioner of Oaths

The Registrar of Trade Marks,
The Trade Marks Office
Harare.

Form T.M. 19

ZIMBABWE

Section 27 (5) of the Act
Section 52 of the regulations
Fee: Item 18

TRADE MARKS ACT [CHAPTER 26:04]

Application for the Certificate of the Registrar 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

.....
.....
.....
of, *
being the registered proprietor(s) of the above-numbered trade mark(s), for the Registrar's
certificate under section 27(5) of the Act with reference to a proposed assignment
of the registered trade mark(s) No(s).

..... to.....
.....
of

..... †
in circumstances which are stated fully in the accompanying statement of case.
Dated this Day of, 20.....

.....
Applicant(s) Agent for applicant(s)

My/Our address for service is:

.....
.....
The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert the name and trade or business address of the registered proprietor(s).*
† *Insert the name and trade or business address of the proposed assignee(s).*

Trade Marks Regulations, 2005

Form T.M. 20

ZIMBABWE

Section 27 (6) of the Act
Section 52 of the regulations
Fee: Item 19

TRADE MARKS ACT [CHAPTER 26:04]

Application for the Approval by the Registrar of a Proposed Assignment,
or of a Transmission of a Trade Mark Resulting in Exclusive Rights in
Different Persons for Different Parts of Rhodesia

*(To be accompanied by a statement of case, in duplicate, and a copy of the
instrument proposed for the assignment or effecting the transmission)*

In the matter of trade mark(s) registered under No(s),*
in Class(es),* the property of
.....

A. Application is hereby made by
.....,†
of
the proprietor of the trade mark(s) shown in the accompanying statement of case
(registered in his or her name)‡ in respect of the following goods/services
.....

for the approval by the Registrar of a proposed assignment of the trade mark(s) to
.....,
.....§
in respect of the following goods/services
to be sold or otherwise traded in in||
[and to§
of
in respect of the following goods/services||]
in circumstances which are stated fully in the accompanying statement of case.

B.,
of,**
case was/were, in respect of the following goods/services, namely,
.....,
and, on theday of, 20.....,††
transmitted to him or her [to of
.....,
(who was his or her predecessor in title)his or her predecessor in title)††)¶ by or
from.....§§
of

by whom the trade mark was then used in respect of the following goods/services namely.....

all in circumstances which are stated fully in the accompanying statement of case, for the approval by the Registrar of the afore-said transmission.

Dated this day of, 20.....

Applicant(s)/Agent for applicant(s)

The assignee's address for service:

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

- * *To be struck out in the case of unregistered marks.*
- † *Insert the name and trade or business of the proprietor.*
- ‡ *Delete whichever is inappropriate.*
- § *Insert the name and trade or business of the proposed assignee(s).*
- || *State the name of the place in Zimbabwe.*
- ¶ *Strike out the bracketed passage if not required.*
- ** *Insert the name and trade or business address of the person who claims a transmission to him or her.*
- † *State the date of transmission.*
- ‡‡ *Insert the name and trade or business address of the predecessor in title, if any.*
- §§ *Insert the name and trade or business address of the person who transmitted.*

Note.—Complete only paragraph A or B, as the case may be.

Form T.M. 21

ZIMBABWE

Section 27 (7) of the Act
Section 53 of the regulations
Fee: Item 20

TRADE MARKS ACT [CHAPTER 26:04]

Application for Substitution of Applicant

I/We,.....
of.....,*
request that trade mark application No.....,† dated.....,

Trade Marks Regulations, 2005

made by....., ‡
of.....,
may proceed in the name of.....
.....,
§
who claims to be entitled to proceed as applicant(s) for the trade mark by virtue of
.....
.....
And in proof whereof I/We transmit the accompanying
.....
Dated this..... day of, 20.....

.....
Claimant(s)/Agent for claimant(s)

My/Our address for service is:.....
.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

- * *Insert full name and address of claimant(s).*
- † *Insert number and date of the application for trade mark.*
- ‡ *Insert name of applicant(s) for trade mark.*
- § *Insert name, address and nationality of person to be substituted for the applicant(s).*
- || *Give reasons for application for substitution of applicant(s).*
- ¶ *Give particulars of document in support of the claim, which should be annexed hereto.*

Form T.M. 22

ZIMBABWE

Section 34 (3) of the Act
Section 54 (2) of the regulations
Fee: Item 21

TRADE MARKS ACT [CHAPTER 26:04]

Application for Extension Time for the Registration of a Body
Corporate as Subsequent Proprietor of a Trade Mark

I/We,
of.....*

request an extension of time by†
months of the period of six months allowed by subsection (3) of section 34 of
the Trade Marks Act [*Chapter 26:04*], and section 54 of the Trade Marks Regu-
lations, 2004, for registering by virtue of one assignment the name of
.....†

as proprietor of the following trade mark(s) registered upon application(s)
conforming to paragraph (a) of subsection (1) of section 34 of the Act:

<i>Registration number</i> §	<i>Class</i>
.....
.....
.....

Dated this..... day of, 20.....

.....
Applicant(s)/Agent for applicant(s)

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

- * *Insert full name and address of applicant(s).*
- † *Insert "two" or "four" or six".*
- ‡ *Insert name of body corporate*
- § *Additional numbers may be given in a signed schedule on the back of the form*

Form T.M. 23

ZIMBABWE

Section 33 (5) of the Act
Section 55 of the regulations
Fee: Item 22

TRADE MARKS ACT [*CHAPTER 26:04*]

Application for Registration of Registered User)

(To be accompanied by an affidavit made in terms of section 55 of the regulations by the proprietor, or by some person authorized to act on his or her behalf and approved by the Registrar)

Application is hereby made by
.....
.....*
who is/are the registered proprietor(s) of trade mark(s) No(s).

Trade Marks Regulations, 2005

.....,† registered in Class(es), that
.....
.....,†
of
.....,§
trading as
.....,||
who hereby joins in the application, may be registered as a registered user of the
above-numbered registered trade mark(s) in respect of
.....
subject to the following conditions of restrictions:
.....
.....

The proposed permitted use is to end on the day of, 20...../
The proposed permitted use is without limit of period.††
The proposed registered user will/will not be the sole user.
Dated this day of, 20.....

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:
.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert full name, trade or business address and description of the registered proprietor(s).*

† *Additional numbers may be given in a signed schedule on the back of the form.*

‡ *Insert 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 the case of a body corporate, brief particulars of the kind and country of incorporation must be stated.*

§ *State the full or business address of the proposed registered user.*

|| *State the trading style, if any.*

¶ *Insert designation of goods/services which must be comprised within the specification.*

Form T.M. 24

ZIMBABWE

Section 33 (8) of the Act
Section 57 of the regulations
Fee: Item 23

TRADE MARKS ACT [CHAPTER 26:04]

Application by the Registered Proprietor of a Trade Mark for Variation of the
Registration of a Registered User thereof with Regard to the Goods/Services
or the Conditions or Restrictions

*(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
.....
of ,*
the proprietor of trade mark(s) No(s) , † registered
in Class , in respect of
..... ‡
that the registration of
..... §
as a registered user of the above-numbered trade mark(s), in respect of
.....
..... , ||

may be varied in the following manner:
..... ¶

Dated this day of , 20

Applicant(s)/Agent for applicant(s)

My/Our address for service is:
.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

- * *Insert full name, description and trade or business address of the registered proprietor.*
- † *Additional numbers may be given in a signed schedule on the back of the form.*
- ‡ *Insert specification in the Register.*
- § *Insert full name, description and trade or business address of the registered user.(s).*
- || *State the goods/services in respect of which the user is registered.*
- ¶ *State the manner in which it is requested that the entry should be varied.*

Trade Marks Regulations, 2005

Form T.M. 25

ZIMBABWE

Section 33 (8) (c) of the Act
Section 58 of the regulations

TRADE MARKS ACT [CHAPTER 26:04]

Application by the Registered Proprietor of a Trade Mark or by any of
the Registered users of the Trade Mark for the Cancellation of Entry of a
Registered User thereof

(To be accompanied by a statement of the grounds for the application)

Application is hereby made by
.....
of ,*
being the registered proprietor/registered user(s)† of trade mark(s) No(s).
..... ,‡ registered in Class ,
in respect of
..... ,§
for cancellation of the entry under the above-mentioned registration(s) of
.....
..... ||
as a registered user of the trade mark(s) in respect of
.....
..... ¶

The grounds for this application are set forth in the accompanying state-
ment of case.

Dated this day of , 20

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

- * *Insert full name, description and trade or business address of the applicant(s).*
- † *Delete whichever is inappropriate.*
- ‡ *Additional numbers may be given in a signed schedule on the back of the form.*
- § *Insert specification in the Register.*
- || *Insert full name, description and trade or business address of the registered user whose entry is sought to be cancelled.*
- ¶ *State goods/services in respect of which that registered user is entered.*

Form T.M. 26

ZIMBABWE

Section 33 (8) (d) of the Act
Section 58 of the regulations
Fee: Item 24

TRADE MARKS ACT [CHAPTER 26:04]

Application for Cancellation of Entry of a Registered User of a Trade Mark
(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

..... †

Application is hereby made by

..... ,
of *

for the cancellation of the entry under the above-mentioned registration(s) of

..... §

as the registered user thereof in respect of

..... ||

The grounds of this application, particulars of which are given in detail
in the accompanying statement of case, are

..... ¶

Dated this day of, 20

Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* Additional number may be given in a signed schedule on the back of the form

† Insert the name, trade or business address and description of the registered proprietor as entered in the Register.

‡ Insert the name and address of the applicant for cancellation.

§ Insert the name, trade or business address and description of the registered user as entered in the Register.

|| State the goods/services in respect of which the registered user is entered.

¶ Insert one or more of the subparagraphs (i), (ii) and (iii) of section 33 (8) (d) of the Act.

Trade Marks Regulations, 2005

Form T.M. 27

ZIMBABWE

Section 33 (9) of the Act
Section 59 (2) of the regulations
Fee: Item 25

TRADE MARKS ACT [CHAPTER 26:04]

Notice to the Registrar of Intention to Intervene in Proceedings for the
Variation or Cancellation of an entry of a Registered user of a Trade Mark

(To be accompanied by a statement of the grounds for intervention)

In the matter of trade mark No., registered in Class
.....
.....,*

AND

In the matter of a registration of
.....,
of
..... †
thereunder as a registered user of the mark.

In reply to the Registrar's notification, dated the
day of , 20, notice is hereby given of my/our
intention to intervene in the proceedings in the above matter.

Dated this day of , 20

Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert name of registered proprietor(s).*

† *Insert name and trade or business address of registered user.*

S.I. 170 of 2005

Form T.M. 28

ZIMBABWE

Section 31, 32, 37 and 38 of the Act
Section 60 (1) of the regulations
Fee: Item 26

TRADE MARKS ACT [CHAPTER 26:04]

Application for the Rectification of the Register or the Removal of a
Trade Mark from the Register

*(To be lodged in duplicate and accompanied by a statement of case in
duplicate)*

In the matter of trade mark No. , registered in the name of
.....
in Class

I/We, ,
of ,*
hereby apply that the entry in the Register in respect of the above-mentioned trade
mark may be removed/rectified in the following manner:

.....
.....
.....

The grounds of my/our application are as follows:

.....
.....
.....

No action concerning the trade mark in question is pending in the Tribunal or
the High Court.

Dated this day of ,20

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert full name and address of applicant(s).*

Trade Marks Regulations, 2005

Form T.M. 29

ZIMBABWE

Section 31, 32, 37 and 38 of the Act
Section 62 of the regulations
Fee: Item 27

TRADE MARKS ACT [CHAPTER 26:04]

Application for Leave to Intervene in Proceedings Relating to the
Rectification of the Register or the Removal of a Trade Mark from the
Register

In the matter of trade mark No. , registered in the name of
.....
in Class
I/We, ,
of ,*
hereby apply for leave to intervene in the proceedings relating to the rectifica-
tion or removal of the entry in the Register in respect of the above-mentioned
trade mark.

My/Our interest in the trade mark is
.....
.....
.....
.....

Dated this day of, 20

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:
.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

*Insert full name and address of applicant(s).

Form T.M. 30

ZIMBABWE

Section 39 of the Act
Section 63 of the regulations
Fee: Item 28

TRADE MARKS ACT [CHAPTER 26:04]

Request for Alteration of Address or Address for Service in Register

In the matter of trade mark(s) No(s) ,*
registered in Class

I/We, ,
being the registered proprietor(s)/registered user(s) of the trade mark(s) referred
to hereon, request that my/our address/address for service in the Register be
altered to

.....
This change of address was ordered by

..... †
on the day of , 20
Dated this day of , 20

.....
Signature‡

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* Additional numbers may be given in a signed schedule on the back of the form.

† To be completed only when the address has been altered by a public authority without change of premises.

‡ To be signed either by the registered proprietor(s)/user(s) or his or her/their agent.

Trade Marks Regulations, 2005

Form T.M. 31

ZIMBABWE

Section 21 (7) and 39 (1) (a) of the Act
Section 64 (1) of the regulations
Fee: Items 29 and 30

TRADE MARKS ACT [CHAPTER 26:04]

Request for Correction of Clerical Error in Document or Register, or for
Permission to Amend Application

In the matter of trade mark No. /trade mark
application No.

I/We,,
of,
hereby request that the following correction of clerical error or amendment of
application be allowed:

.....
.....
.....
.....
.....*

Dated this day of, 20

.....
Applicant(s)/Agent for applicant(s)

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

**State reasons, if any, for the application.*

Form T.M. 32

ZIMBABWE

Section 39 of the Act
Section 64 (1) of the regulations
Fee: Item 31

TRADE MARKS ACT [CHAPTER 26:04]

Request to Enter Change of name or Description of Registered
Proprietor (or Registered User) in Register

I/We,, of
.....,*
whose business description is
.....,
being the registered proprietor/registered user(s)† of trade mark(s)
.....
No.,‡ registered in Class ,
hereby request my/our present name(s)/description† as above-stated be entered
in the Register in substitution for the following entry:
.....
.....

There has been no change in the actual proprietorship/identity† of the reg-
istered user(s) of the said trade mark(s), but
..... §
and there is sent herewith proof of change of name in the form of ||

Dated this day of, 20
.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:
.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* Insert full name and address of applicant(s).
† Delete whichever is inappropriate.
‡ Additional numbers may be given in a signed schedule on the back of
the form.
§ State reasons for the change.
|| Suitable documentary proof must be furnished.
¶ Give particulars of document in support of the claim, which should be
annexed hereto.

Trade Marks Regulations, 2005

Form T.M. 33

ZIMBABWE

Section 39 (1) of the Act
Section 64 (1) of the regulations
Fee: Item 32

TRADE MARKS ACT [CHAPTER 26:04]

Request by Registered Proprietor of Trade Mark to Cancel Entry in Register or to Strike Out Goods or Services

In the matter of trade mark No., registered in Class, in the name of I/We, of*, hereby request—

that the entry in the Register of trade mark No., in Class, may be cancelled;†

OR

that you will strike out
.....
.....

from the goods/services for which trade mark No. is registered in Class, so that the specification of goods/services, when so amended, shall read †

Dated this day of, 20

.....
Applicant(s)/Agent for applicant(s)

In any case where the application form is signed by a person other than the registered proprietor, an authorization of agent MUST be furnished.

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert full name and address of applicant(s)*

† *Delete whichever is inappropriate.*

Form T.M. 34

ZIMBABWE

Section 39 (1) of the Act
Sections 64 (1) and 66 (1) of the regulations
Fee: Item 33

TRADE MARKS ACT [CHAPTER 26:04]

Request to Enter in Register Disclaimer or Memorandum Relating to a Trade Mark

I/We, ,
of ,*
hereby request that you will enter in the Register in connection with trade mark
No. , in Class , the
following ,namely,
.....
.....
.....
.....

Dated this day of , 20

Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert full name and address of applicant(s).*

Trade Marks Regulations, 2005

Form T.M. 35

ZIMBABWE

Section 40 of the Act
Section 68 of the regulations
Fee: Item 34

TRADE MARKS ACT [CHAPTER 26:04]

Application for Alteration of Registered Trade Mark

In the matter of the trade mark No. in Class

I/We,
of,*

being the registered proprietor(s) of the registered trade mark number as above,
hereby make application that the Registrar shall add to it or alter it in the follow-
ing particulars, that is to say:

.....
.....

Ten copies of the mark as it will appear when so altered are filed
herewith.

Dated this day of, 20

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert full name and address of applicant(s).*

Form T.M. 36

ZIMBABWE

Section 71 of the Act
Section 67 of the regulations
Fee: Item 35

TRADE MARKS ACT [CHAPTER 26:04]

Request to the Registrar for Entry in the Register and Advertisement of a Note
of a Certificate of Validity by the High Court or Tribunal

(To be accompanied by the certificate of validity, duly certified)

In the matter of trade mark(s) No(s), registered in
Class, in the name of

I/We,,
of, *

hereby request the Registrar to add to the above-numbered entry/entries of a
trade mark(s) in the Register, and to approve in an advertisement for publication
in the Journal, a note that, in

..... †
the High Court/Tribunal certified that the validity of the said registration(s) came
into question and was decided in favour of the proprietor(s) of the trade mark(s)
in the terms of the accompanying certificate of validity.

Dated this day of, 20

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service is:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert full name and address of applicant(s).*

† *State the nature of the proceedings, with the names of the parties to
them, in which the certificate was given.*

Trade Marks Regulations, 2005

Form T.M. 37

ZIMBABWE

Section 32 of the Act
Section 69 of the regulations
Fee: Item 36

TRADE MARKS ACT [CHAPTER 26:04]

Application for Registration of Defensive Trade Mark

One representation to be fixed within
this space and ten others to be sent
herewith.

Application is hereby made for registration in Part D of the Register of the
above mark as a defensive trade mark in Class ,
in respect of
..... ,*
in the name of ,
..... ,†
whose full trade or business address is
..... ,‡
trading as ,‡
who is/are the proprietor(s) of the same trade mark registered in Class
..... ,§ in respect of ,
under No.

The particulars of the facts on which I/We rely in support of this
application are set forth in the accompanying statement of case.¶

Dated this day of ,20

Applicant(s)/Agent for applicant(s)

My/Our address for service:
.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

- * Specify the goods or services.
- † Insert full name, description and nationality of the applicant(s).
- ‡ Insert the trading style, if any.
- § Insert particulars of the applicant's(s') registration of the trade mark.
- ¶ To be furnished in duplicate.

Form T.M. 38

ZIMBABWE

Section 44 of the Act
Section 71 of the regulations
Fee: Item 37

TRADE MARKS ACT [CHAPTER 26:04]

Application for Registration of Certification Trade Mark

One representation to be fixed within
this space and ten others to be
sent herewith.

Application is hereby made for registration in Part C of the Register of the
accompanying certification trade mark in Class ,
in respect of ,*

.....
in the name of ,†
whose full trade or business address is

Dated this day of ,20

Applicant(s)/Agent for applicant(s)

My/Our address for service:

.....
.....
The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* Specify the goods or services

† Insert full name, description and nationality of the applicant(s).

Form T.M. 39

ZIMBABWE

Section 46 (3) of the Act
Section 73 (1) of the regulations
Fee: Item 38

TRADE MARKS ACT [CHAPTER 26:04]

Application to the Registrar to Alter the Deposited Rules for use of a
Certification Trade Mark

I/We,

of

.....*

the proprietor(s) of the certification trade mark(s) No(s).,†

registered in Class, † in respect of,§

hereby make application that the deposited rules‡ for governing the use of the

mark may be altered in the manner shown in red in the accompanying copies|| of

the rules as proposed to be altered, and for the approval of the Registrar to such

alteration.

Dated this day of, 20

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service:

.....

.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert name and address of applicant(s).*

† *Additional numbers and particulars of specifications may be given in a signed schedule on the back of the form.*

‡ *If the same rules apply to more than one registration, the numbers of all the registrations must be stated.*

§ *State the specifications of the respective registrations.*

|| *Two copies must be furnished.*

§ *State the specifications of the respective registrations.*

|| *Two copies must be furnished.*

Form T.M. 40

ZIMBABWE

Section 47 of the Act
Section 74 of the regulations
Fee: Item 39

TRADE MARKS ACT [CHAPTER 26:04]

Application for an Order Expunging or Varying an Entry in the Register
Relating to a Certification Mark, or Varying the Deposited Rules

(To be lodged in duplicate, together with a statement of case in duplicate)

In the name of certification mark No. ,* registered
in the name of
in Class *
I/We, ,
of ,†

being (an) aggrieved person(s), hereby apply for an order of the Registrar—
that the entry in the Register in respect of the above-mentioned certification
mark may be expunged/varied in the following manner:

.....
.....
.....

OR

that the deposited rules governing the use of the above-mentioned certifica-
tion mark may be varied in the following manner:

.....
.....

Dated this day of , 20

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Additional numbers may be given in a signed schedule on the back of
the form.*

† *Insert name and address of the applicant(s).*

‡ *Delete whichever is inappropriate.*

Form T.M. 41

ZIMBABWE

Section 85(2) of the regulations

TRADE MARKS ACT [CHAPTER 26:04]

Certificate of Service

I/We, ,
of ,*
hereby certify that, at
.....
on the day of , 20
at o'clock in the noon,
I/we served the following documents upon
.....
by
..... , ‡
Dated this day of , 20
Signature§

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert full name and address.*

† *State precisely where service was effected.*

‡ *Describe the method of service.*

§ *To be signed by the person effecting service.*

Form T.M. 42

ZIMBABWE

Section 53 of the Act
Section 90 (1) of the regulations
Fee: Item 40

TRADE MARKS ACT [CHAPTER 26:04]

Request for General Certificate

I/We, ,
of ,*
hereby apply for a certificate in respect of trade mark† No. ,
in Class , and request that the following
special particulars be included in the said certificate:

.....
..... ‡

The certificate is required for use in—

- (a) legal proceedings;
- (b) obtaining registration in a foreign country;
- (c)

Dated this day of , 20

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* *Insert name and address of applicant(s).*
† *If the trade mark is other than a work mark represented in plain letters,
a presentation of the mark must accompany the application.*
‡ *In normal circumstances, a certificate usually reflects the present
proprietorship of the mark but does not state matters relating to dis-
claimers or associations.*

Trade Marks Regulations, 2005

Form T.M. 43

ZIMBABWE

Section 93 of the Act

TRADE MARKS ACT [CHAPTER 26:04]

Form of Authorization of Agent

I/We, ,
of ,*
whose full business address is
..... ,
have appointed ,
of ,†
to act as my/our agent in Zimbabwe for
..... ,‡

and request that all notices, requisitions and communications relating thereto may be sent to such agent, at the above address; and I/we hereby authorize the said agent to accept service on my/our behalf of any documents relating to any registration obtained under this authorization.

I/We hereby revoke all previous authorizations, if any, in respect of the same matter or proceeding.

I/We hereby declare that I am/we are a §

Dated this day of , 20

Signature||
Status of signatory

My/Our address for service:
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

- * *The full names of all the partners in a firm must be inserted*
- † *Here state name and address of agent.*
- ‡ *Here state the particular matter or proceeding for which the agent is appointed, giving the registration/application number, if known.*
- § *Here state nationality and kind of corporation.*
- || *In the case of partnerships, all partners to sign, or one of them for and on behalf of all partners.*

Form T.M. 44

ZIMBABWE

Section 64 of the Act
Section 31 (5) of the regulations
Fee: Item

TRADE MARKS ACT [CHAPTER 26:04]

Notice to Registrar that Notice of Appeal has been Filed with Tribunal

I/We,,
of,*
hereby give you notice that I/We have this day filed with the registrar of the
Tribunal a notice of appeal, a copy of which is attached hereto, together with a
copy of my/our grounds of appeal.

Dated this day of, 20

.....
Applicant(s)/Agent for applicant(s)

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

** Insert full name and address of the applicant(s).*

Trade Marks Regulations, 2005

Form T.M. 45

ZIMBABWE

Section 97 of the Act

TRADE MARKS ACT [CHAPTER 26:04]

Notice of Order of High Court or Tribunal for Alteration or Rectification of Register

In the matter of trade mark No.
registered in Class, in the name of

Notice is hereby given to the Registrar that, by an order of the High Court/
Tribunal made on the
day of, 20, it was directed that
.....
.....
.....

A certified copy of the order of the High Court/Tribunal is enclosed
herewith.

Dated this day of, 20

Signature*

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

* To be signed by a person interested, or his or her agent.

Form T.M. 46

ZIMBABWE

Section 100A of the Act
Section 76 of the regulations
Fee: Item

TRADE MARKS ACT [CHAPTER 26:04]
Application for Registration of Collective Mark

One representation to be fixed within
this space

Application is hereby made for the registration of the accompanying
collective trade mark in Class in respect of

.....
in the name of

whose full trade or business address is

Dated this day of, 20

.....
Applicant(s)/Agent for applicant(s)

My/Our address for service:

.....
.....

The Registrar of Trade Marks,
The Trade Marks Office,
Harare.

Trade Marks Regulations, 2005

THIRD SCHEDULE (Section 3)

CLASSIFICATION OF GOODS AND SERVICES

PART I

GOODS

[Parts of an article or apparatus are, in general, classified with the actual article or apparatus, except where such parts constitute articles included in other classes.]

Class 1

Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Class 2

Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Class 3

Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair-lotions; dentifrices.

Class 4

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirits) and illuminants; candles and wicks for lighting.

Class 5

Pharmaceutical, and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; materials for stopping teeth, dental wax, disinfectants; preparations for destroying vermin; fungicides, herbicides.

Class 6

Common metals and their alloys; metal building materials, transportable building of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

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Class 7

Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

Class 8

Hand tools and implements (hand-operated); cutlery; side arms; razors.

Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms of coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers, fire-extinguishing apparatus.

Class 10

Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth orthopedic articles; suture materials.

Class 11

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Class 12

Vehicles; apparatus for locomotion by land, air or water.

Class 13

Firearms; ammunition and projectiles; explosives; fireworks.

Class 14

Precious metals and their alloys and goods in precious metals or coated therewith not included in other classes; jewellery, precious stones, horological and chronometric instruments.

Class 15

Musical instruments.

Class 16

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists'

Trade Marks Regulations, 2005

materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching materials (except apparatus); plastic materials for packing (not included in other classes); printers' type; printing blocks.

Class 17

Rubber, gutta percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

Class 18

Leather and imitations of leather, and goods made from these materials and not included in other classes; animal skins, hides; trunks and travelling-bags; umbrellas; parasols and walking-sticks; whips, harness and saddlery.

Class 19

Building materials, (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

Class 20

Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother or pearl, meerschaum and substitutes for all these materials, or of plastics.

Class 21

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Class 22

Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks, and bags; (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

Class 23

Yarns and threads, for textile use.

Class 24

Textiles and textile goods, not included in other classes, bed and table covers.

Class 25

Clothing, footwear, headgear.

Class 26

Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Class 27

Carpets, rugs, mats and matting; linoleum and other materials for covering existing floors; wall-hangings (non-textile).

Class 28

Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

Class 29

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; compotes; eggs, milk and milk products; edible oils and fats.

Class 30

Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals; bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard, vinegar, sauces, (condiments); spices; ice.

Class 31

Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds; natural plants and flowers; foodstuffs for animals; malt.

Class 32

Beers, mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

Class 33

Alcoholic beverages (except beers).

Class 34

Tobacco, smokers' articles; matches.

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PART II SERVICES

Class 35

Advertising; business management; business administration; office functions.

Class 36

Insurance; financial affairs; monetary affairs; real estate affairs.

Class 37

Building construction; repair; installation services.

Class 38

Telecommunications.

Class 39

Transportation; packaging and storage of goods; travel arrangement.

Class 40

Treatment of materials.

Class 41

Education; providing of training; entertainment; sporting and cultural activities.

Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.

Class 43

Services for providing food and drink; temporary accommodation.

Class 44

Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

Class 45

Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

FOURTH SCHEDULE (*Section 98*)

REPEALS

<i>Title</i>	<i>S.I.</i>
Trade Marks Regulations, 1974	1118/1974 ✓
Trade Marks (Amendment) Regulations, 1975 (No. 1)	413/1975 ✓
Trade Marks (Amendment) Regulations, 1975 (No. 2)	1116/1975 ✓
As corrected by	1133/1975 ✓
Trade Marks (Amendment) Regulations, 1978 (No. 3)	306/1978 ✓
Trade Marks (Amendment) Regulations, 1992 (No. 6)	470/1992 ✓
Trade Marks (Amendment) Regulations, 1996 (No. 7)	130/1996 ✓
Trade Marks (Amendment) Regulations, 2002 (No. 11)	164/2002 ✓
Trade Marks (Amendment) Regulations, 2002 (No. 12)	183/2002 ✓
Trade Marks (Amendment) Regulations, 2003 (No. 13)	80/2003 ✓
Trade Marks (Amendment) Regulations, 2004 (No. 14)	72/2004 ✓

