

Leaflet Designs in South Africa

Duration

The duration of the registration of an functional design is 10 years from the filing date (or from the priority date if a priority was claimed), subject to the payment of annual renewal fees. The duration of the registration of an aesthetic design is 15 years.

Renewal fees must be paid as from the end of the third year from the filing date or, where claimed, priority date. All or any of the renewal fees may be paid in advance. It is recommended to pay the fees in advance so that any future fee increase is omitted.

Compulsory use

Articles embodying a registered design should be available to the public in South Africa on a commercial scale or to an adequate extent, and the demand for articles embodying a registered design in South Africa should be met to an adequate extent on reasonable terms, as otherwise the design will become subject to the grant of compulsory licenses.

Marking

Marking is not compulsory, but recommended. Marking could read 'South Africa' or 'RSA' accompanied by the word 'registered' or 'regd.' and the number of the registration. A person who represents that a design is registered without mentioning the registration number, and from whom that number has been requested by registered letter by another person who is not aware of that number, may not obtain an injunction against that other person or recover damages from him in respect of infringement of the design by that other person committed between the representation and the expiration of 2 months from the date that the other person was notified in writing of the registration number.