

Leaflet Trademarks in the Republic of South Africa

Duration

The duration of the trademark is 10 years from the filing date and indefinitely renewable for further periods of 10 years each.

Compulsory use

In South Africa, a registered trademark should be used within 5 years from registration and use thereof shall not be discontinued for a period of 5 years or longer. Normal sales or promotion of goods featuring the trademark by the owner or an authorized licensee will be sufficient to comply with the requirement of use. Registered trademarks which are open to attack on the grounds of non-use will only become liable to cancellation on this ground if a cancellation appellation is brought by an interested third party.

Marking

Marking of goods is not compulsory in South Africa. However, marking may for instance read 'Registered Trade Mark', or ®. Falsely representing that a mark is registered in South Africa is an offence.