

# BECHUANALAND PROTECTORAT

No. 4 of 1923.

[Promulgated 26th January, 1923.]

## PROCLAMATION

BY HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

Entitled the Bechuanaland Protectorate Trade Marks Registration Proclamation, 1923.

Whereas it is expedient to make provision for the registration in the Bechuanaland Protectorate of the proprietors of trade marks within the Union of South Africa and for the conferring on such persons of certain rights in the Bechuanaland Protectorate;

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim, and make known as follows:—

1. The Resident Commissioner shall cause to be kept at Mafeking or such other place as may be designated by him by notice in the *Gazette* a register of trade marks wherein shall be entered—

- (a) the names and addresses of persons entitled to certificates under this Proclamation;
- (b) notifications of assignments and transmissions of rights granted under this Proclamation; and
- (c) particulars of such other matters as may be required.

2. Any person being registered in the Register of Trade Marks of the Union of South Africa under the Patents, Designs, Trade Marks, and Copyright Act 1916 or any amendment thereof as the proprietor of a trade mark may on production of the certificate of registration of such trade mark accompanied by such number of representations thereof as the Resident Commissioner may require and on payment of the fee prescribed be registered in the Register of Trade Marks to be kept under section *one* of this Proclamation, and a certificate of such registration shall thereupon be issued to him by the Resident Commissioner.

3. Any person registered under section *two* shall so long as the registration of the trade mark in respect of which he is registered remains in force in the Union of South Africa and so long as he is the proprietor thereof have and enjoy in the Bechuanaland Protectorate the same rights and privileges and be subject to the same duties, obligations and conditions as have been conferred or imposed upon him by the registration of the said trade mark within the Union of South Africa.

4. The name of any person registered under this Proclamation as proprietor of a trade mark may be removed from the Register by written order of the Resident Commissioner—

- (a) if the registration of the trade mark in respect of which he was so registered has been revoked or if the period of such registration has expired by effluxion of time or if the trade mark has been assigned or transmitted; and
- (b) if any fees which may be prescribed for the renewal of registration are not duly paid;

Provided that before the name of any person is so removed written notice shall be served on him at his registered address if it is within the Bechuanaland Protectorate or sent to such address by registered post if it be outside the Bechuanaland Protectorate, calling upon him to show cause within a time to be specified therein why his name should not be removed.

5. Notice shall be given to the Resident Commissioner of any assignment of a trade mark in respect of which any person is registered as proprietor under this Proclamation and of any amendment or extension of the period of registration of such trade mark, and the Resident Commissioner on being satisfied that such assignment, amendment or extension has been duly registered in the Trade Marks' Register of the Union of South Africa and on payment of the prescribed fee shall cause an entry to be made accordingly in the Trade Marks' Register kept under this Proclamation and in the case of assignment shall issue to the assignee a certificate of registration as proprietor.

6. In any action which may be brought for infringement of the rights granted under this Proclamation any ground upon which the name of the person by whom or in whose right the action is brought could be removed from the register may be applied by way of defence.

7. The fees set forth in the Schedule to this Proclamation shall be due and payable for the several acts therein specified, and such fees shall be collected by means of revenue stamps to be affixed to the document in respect of which any such act may be done.

8. The Trade Marks Registration Act 1877 of the Cape of Good Hope shall be and is hereby repealed as regards its application to the Bechuanaland Protectorate, so far as it is in force therein, but without prejudice to any rights lawfully acquired thereunder.

9. This Proclamation may be cited as the Bechuanaland Protectorate Trade Marks Registration Proclamation, 1923 and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twentieth day of January One thousand Nine hundred and Twenty-three.

ARTHUR FREDERICK,  
High Commissioner.

By Command of His Royal Highness  
the High Commissioner.

H. J. STANLEY,  
Imperial Secretary.

SCHEDULE.

1. On filing application for registration of trade mark ...	£0 10 0
2. On registration of trade mark ...	1 0 0

RENEWAL FEES.

3. As and when and so often as renewal of registration is necessary in the Union of South Africa ...	1 0 0
4. On registration of any assignment, amendment, addition, or alteration ...	0 10 0