

SWAZILAND.

No. 38 of 1947.

(Promulgated 27th June, 1947.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Swaziland Registration of South African
Trade Marks Proclamation, 1947.

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

Now therefore under and by virtue of the powers, authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council, 1903, as amended by the Swaziland Order in Council, 1906, and the Swaziland Order in Council, 1909, I do hereby declare, proclaim and make known as follows:—

1. The Resident Commissioner shall cause ^{Register of} to be kept at Mbabane or such other place as ^{trade} may be designated by him by notice in the ^{marks.} *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 ^{Application} Register of Trade Marks of the Union of ^{for} South Africa under the Patents, Designs, ^{registra-} Trade Marks and Copyright Act, 1916, or any ^{tion.} 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 prescribed fee 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.

Rights and
privileges
of
registered
persons.

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 Swaziland 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.

Removal
from
Register of
registered
persons.

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 transferred; 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 Swaziland, or sent to such address by registered post if it be outside Swaziland, calling upon him to show cause within a time to be specified therein why his name should not be removed.

Assignment
of trade
marks.

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.

Actions for
infringe-
ment of
trade
marks.

6. In any action which may be brought for infringement of 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 Proclamation, 1902 (No. 23 of 1902), of the Transvaal, as amended by the Trade Marks Registration Amendment Ordinance, 1904 (No. 3 of 1904), of the Transvaal, and in force in Swaziland, and Government Notice No. 180 of 1902 of the Transvaal as in force in Swaziland are hereby repealed as regards their application to Swaziland, but without prejudice to any rights lawfully acquired thereunder.

9. This Proclamation may be cited as the Swaziland Registration of South African Trade Marks Proclamation, 1947.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-first day of June, One thousand Nine hundred and Forty-seven.

E. BARING,
High Commissioner.

By Command of His Excellency
the High Commissioner.

A. G. T. CHAPLIN,
Acting Administrative Secretary.

SCHEDULE.

	£	s.	d.
1. On filling an application for registration of a trade mark	0	10	0
2. On registration of a trade mark	1	0	0
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, extension or licence, or cancellation of any such registration	0	10	0
5. On issue of a certificate of registration to be used in legal proceedings or other specified purpose	0	10	0
6. On inspecting the Register: for every quarter of an hour	0	2	6
7. For copies of extracts: for every hundred words or part thereof	0	2	6
8. For certifying copies of extracts	0	5	0