

LAWS OF MALAWI

Trade marks
Appointment Notice/Trade Marks Regulations

Cap. 49:01
(Subsidiary)

G.N. 237/1965

SUBSIDIARY LEGISLATION

APPOINTMENT NOTICE

Under s. 5

The Minister has appointed:-

- (i) The Registrar General to be Registrar of Trade Marks;
- (ii) The Assistant Registrar General to be Deputy Registrar of Trade Marks.

TRADE MARKS REGULATIONS

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G.N. 260/1957(F)
11/1961(F)
194/1962(F)
267/1962(F)
5/1964(M)
236/1965
166/1967
76/1980

Under ss. 41 and 81

An Act to make provision relating to the registration of Trade Marks for other purposes incidental thereto

1. These Regulations may be cited as the Trade Marks Regulations.

Citation.

2. In these Regulations, unless inconsistent with the context:-

Interpretation.

“agent” means an agent duly authorized to the satisfaction of the Registrar;

“office” means the Trade Marks Office;

“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.

3. The fees which shall be payable in respect of any application registration and other matters under the Act and these Regulations shall be the fees prescribed in the First Schedule.

Fees.

4. The forms herein referred to are those contained in the Second Schedule and such forms shall be used in all cases to which they are applicable, and may be modified as directed by the Registrar to meet other cases.

Forms.

5. (1) For the purpose of:-

Classification of goods.

(a) trade marks registrations dated in:-

(i) Zimbabwe (then Southern Rhodesia) before 1st January 1951;

(ii) Zambia (then Northern Rhodesia) before the 27th July 1938

(b) registration of registered users in respect of any of the trade marks mentioned in paragraph (a),

goods are classified in the manner appearing in the Third Schedule unless any specification has been converted to the Fourth Schedule.

(2) For purposes of:-

(a) trade marks registrations dated in:-

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- (i) Southern Rhodesia on or after the 1st January 1951;
 - (ii) Zambia (then Northern Rhodesia) or after the 27th July 1938;
 - (iii) Malawi (then Nyasaland) on or after the 1st June 1952;
- (b) registrations of registered users in respect of any of the trade marks mentioned in paragraph (a);
 - (c) any trade marks registrations dated before the date of commencement of the Act whereof the specifications have been converted to the Fourth Schedule; and
 - (d) trade marks registered on or after the date of commencement of the Act or registrations of registered users thereunder;

goods are classified in the manner appearing in the Fourth Schedule.

- 6.** Where the specification of a registered trade mark is founded on the Third Schedule the registered proprietor may apply to the Registrar on form No. 45 for the conversion of that specification so that it may be founded on the Fourth Schedule, whether with or without the striking out of goods therefrom, but so that the registration retains its original date, and shall include in the application a request for the like conversion of the specification of the goods of any registered users under that registration, thereupon the Registrar in accordance with section 41(3) shall notify in writing to the registered proprietor a proposal showing the form which, in the Registrar's view, the amendment of the register should take. Two or more registrations of a trade mark in respect of goods falling within the same class of the Fourth Schedule, having the same date of registration, may be amalgamated upon convention in accordance with this regulation.

Application by registered proprietors for conversion of specification.

- 7.** The advertisement of a proposal for amendment under section 41(3) of the Act shall be made in the *Gazette* and a notice of any opposition shall be given on form T.M. No. 46 within two months from the date of the advertisement, and shall be accompanied by a duplicate of the notice and by a statement in duplicate showing how the proposed conversion would be contrary to section 41(2) of the Act. The Registrar shall forthwith send the duplicate copies of the registered proprietor who may, within two months from the receipt of such duplicates, send to the Registrar a counter-statement on form T.M. No. 7 setting out fully the grounds on which the opposition is contested and if he does so he shall deliver to the opponent a copy thereof. The Registrar may thereupon require or admit evidence directed to the questions in issue and, if so desired by either party he shall, before deciding the matter, give the parties an opportunity of being heard thereon.

Advertisement of proposal. Opposition.

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- 8.** When a proposal for the conversion of a specification in accordance with regulation 6 has been advertised and has not been opposed and the time for notice of opposition has expired, or having been opposed the opposition has been determined 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 Gazette, and shall enter in the register the date when such entries were made. The expression “the expiration of the last registration” shall have regard to the same date in the case of all the resulting entries for the purpose of determining the next renewal thereof in accordance with section 25 of the Act as it had with regard to the registration before conversion.
- 9.** Subject to any other directions that may be given by the Registrar, all applications, notices, statements, papers having representations affixed, or other documents authorized or required by the Act or these Regulations to be made, left or sent, at or to the Office, shall unless the Registrar otherwise directs, be written, typewritten, lithographed or printed in the English language upon strong paper, in dark, indelible ink, on one side only, of a size approximately 13 inches by 8 inches, and shall have on the left hand part thereof a margin of not less than 1½ inches.
- 10.** A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any qualified partner stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorized to sign the document. A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorized to sign the document. A document purporting to be signed for or on behalf of an association of persons may be signed by any person who appears to the Registrar to be duly qualified.
- 11.** All applications, notices, statements, papers having representations affixed, or other documents authorized or required by the Act or these Regulations to be made, left or sent, at or to the Office or with or to any other person may be sent through the post by a prepaid letter; any application or any document so sent shall be deemed to have been made, left or sent at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.
- 12.** (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.
- Conversion specifications; resulting registrations.** of
- Size etc., of documents.** of
- Signature documents partnerships, companies and associations.** of by and
- Service documents.** of
- Address.**

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

13.

(1) The Registrar may require an applicant, opponent or agent, or a registered proprietor or registered user of a trade mark, who does not reside or carry on business within Malawi, to give an address for service within Malawi and such address may be treated as the actual address of that person for all purposes connected with the matter in question.

Address for service

(2) Any registered proprietor or registered user of a trade mark, or any person about to be registered as such, may, if he 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 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 treated by the Registrar, as his address for service shall be deemed to be properly addressed.

(5) The Registrar, at any time that a doubt arises as to the continued availability of an address for service entered in the register, may request the person for whom it is entered, by letter addressed to his 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 may strike it off the register.

14.

(1) Except as otherwise required by these Regulations, any application, request or notice which is required or permitted by the Act or these Regulations to be made or given to the Registrar, and all other communications between an applicant or a person making such a request or giving such a notice and the Registrar, and 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.

Agency.

(2) Any such applicant, person making request or giving notice, proprietor or registered user may appoint an agent to act for him in any proceeding or matter before or affecting the Registrar under the Act and these Regulations by signing and sending to the Registrar an authority to that effect in the form TM. No. 1, or in such other written form as the Registrar may deem sufficient. In case of such appointment, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so appointing him, all communications directed to be made to such

person in respect of the proceeding or matter may be addressed to
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such agent, and all attendances upon the Registrar relating thereto may be made by or through such agent. In any particular case the Registrar may require the personal signature or presence of an applicant, opponent, proprietor, registered user or other person.

- (3) The Registrar shall not be bound to recognize as such agent any person:-
- (a) Who has been proved to him to have been guilty of conduct discreditable to a trade mark agent; or
 - (b) Who has been convicted of a criminal offence and sentenced to imprisonment without the option of a fine; or
 - (c) Who has been suspended from practice as a legal practitioner or whose name has been struck off the roll of legal practitioners whether in Malawi or elsewhere;
 - (d) Who has been adjudged guilty of conduct discreditable to a patent agent; or
 - (e) Who has been suspended from practice as a patent agent, or whose name has been erased from the register of patent agents kept under the Patents Act and not subsequently restored.

15. (1) The Registrar may refuse to accept any application for the registration of a mark upon which any of the following appear:-

Registrable trade marks.

- (a) the words “Patent”, “Patented”, “Registered”, “Registered Design”, “Copyright”, “Entered as Stationers’ Hall”, “To counterfeit this is a forgery”, or words to like effect;
 - (b) representations of the President or any colourable imitations thereof;
 - (c) The words “Red Cross” or “Geneva Cross”, and representations of the Geneva and other crosses in red, or of the Swiss Federal cross in white or a red ground or silver on a red ground, or such representations in a similar colour or colours.
- (2) Where there appears in a trade mark the registration of which is applied for a representation of a cross in any colour, not being one of those mentioned in sub-regulation (1)(c) the Registrar may require the applicant as a condition of acceptance to undertake not to use the cross device in red, or in which on a red ground or silver on a red ground, or in any similar colour or colours.

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- 16.** The word “Anzac” may not appear on trade mark for whose registration an application is made. **Prohibited word in marks.**
- 17.** Where a representation of the armorial bearings, insignia, orders of chivalry, decorations or flags of any state, city, borough, town, place, society, body corporate, institution or person appears on a mark, the Registrar, before proceeding to register the mark, shall, if he so requires, be 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, and in default of such consent he may refuse to register the mark. **Arms of city, etc.**
- 18.** Where the name or representation of any person appears on a trade mark, the Registrar shall, if he so requires, before proceeding to register the mark be furnished with consent from him, or, in the case of a person recently dead, from his legal representative, and in default of such consent he may refuse to register the mark. **Consent of person to use of name or representation.**
- 19.** (1) Where the name or description of any goods appears on a trade mark the Registrar may refuse to register such mark in respect of any goods other than the goods so named or described. **Name or description of goods on a trade mark.**
- (2) Where the name or description of any goods appear on a trade mark, which name or description in use varies, the Registrar may permit the registration of the mark for those and other goods, and in that case the applicant shall state in his application that the name or description will be varied when the mark is used upon goods covered by the specification other than the named or described goods.
- 20.** (1) Any person who proposes to apply for the registration of a trade mark in Part A or Part B of the register in respect of any goods may apply to the Registrar on form TM. No. 30, or on form MT No. 29 in a case where he is also making an application under regulation 113, for advice as to whether the trade mark, of which duplicate representations shall accompany the form, appears to the Registrar *prima facie* to be inherently adapted to distinguish within the meaning of section 14 or 15 of the Act, as the case may be, in relation to goods comprised within different classes of goods in the Fourth Schedule. **Preliminary advice by Registrar as to distinctiveness.**
- (2) A notice of withdrawal of an application for the registration of a trade mark given under section 43(3) of the Act for the purpose of obtaining repayment of any fee paid on the filing of the application shall be given in writing two months from the date of the notice of the Registrar’s objection.

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- 21.** (1) An application to the Registrar for the registration of a trade mark shall be signed by the applicant or his agent. For a trade mark other than a certification or defensive trade mark the application shall be made on form MT. No. 2. For a certification or defensive trade mark the application shall be made on form MT. No. 5 or MT. No. 33 respectively. Each application shall be for registration in respect of goods in one class of the Fourth Schedule only.
- (2) Every application claiming priority under section 73 of the Act by reason of an application to register the trade mark made or deemed to have been made in a convention country, which shall be named in the application, shall state the date of that application, and the applicant shall furnish a certificate by the registrar or other registering authority of that country, or shall otherwise verify the application made or deemed to have been made therein to the satisfaction of the Registrar.
- (3) In the case of an application for registration in respect of all the goods included in a class, or of a large variety of goods, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if and when it is registered.
- (4) For the purposes of section 22(2) of the Act an application shall be made on form MT. No. 2 subject to such modifications as the Registrar may approve.
- 22.** An application for the registration of a trade mark shall be addressed and sent to the Registrar at the Office.
- 23.** (1) Every application for the registration of a trade mark shall contain a representation of the mark in the space provided on the application form for that purpose.
- (2) Where the representation exceeds such space in size the representation shall be mounted upon linen, tracing cloth or such other material as the Registrar may consider suitable. Part of the mounting shall be affixed in the space aforesaid and the rest may be folded.
- (3) In the case of word marks represented in plain letters, the word shall be printed or stenciled in letters of not less than $\frac{3}{8}$ inch in size.

Form
application.
Specification.

Address
application.

Representation
of
mark.

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- 24.** There shall be sent with every application for registration of a trade mark (other than a certification trade mark) six additional representations of the mark on form TM. No. 3. The representation of the mark on the application and its duplicate (if any) and the additional representations shall correspond exactly. The additional representations shall in cases be noted with all such particulars as may from time to time be required by the Registrar. Such particulars shall, if required, be signed by the applicant or his agent.
- 25.** All representations of marks must be of a durable nature, but the applicant may in case of need supply, in place of representations on form TM. No. 3, such representations on sheets of strong paper as may be approved by the Registrar.
- 26.** Applications for the registration of the same mark in different classes shall be treated as separate and distinct applications, and in all cases where a trade mark is registered under the same official number for goods in more than one class, whether on conversion of the specification under regulation 6 or otherwise, the registration in respect of the goods included in each separate class shall be deemed to be a separate registration for all the purposes of the Act.
- 27.** The Registrar, if dissatisfied with any representation of a mark, may at any time require another representation satisfactory to him to be substituted before proceeding with the application.
- 28.** (1) Where a drawing or other representation or specimen cannot be given in the manner aforesaid, 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 may think most convenient.
- (2) The Registrar may also, in exceptional cases, deposit in the Office a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he may think fit.
- 29.** Where application is made for the registration of a series of trade marks under section 26(2) of the Act, a representation of each trade mark of the series shall be included, all as aforesaid, in the application form, in the duplicate thereof (if any), and six representations of each trade mark of the series shall be pinned on the accompanying form TM. No. 3.
- 30.** (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, and on the accompanying form TM. No. 3, a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such endorsement shall state the language to which the word belongs and shall be signed by the applicant or his agent.
- (2) Where a trade mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof together with the name of the language, and such translation and

Additional forms and representations.

Representations to be durable.

Separate applications.

Representations to be satisfactory.

Specimens of trade marks in exceptional cases.

Series of trade marks.

Transliteration and translation.

name, if he so requires, shall be endorsed and signed as aforesaid.

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- 31.** Upon receipt of an application for the registration of a trade mark in respect of any goods the Registrar shall cause a search to be made amongst the registered marks and pending applications, for the purpose of ascertaining whether there are on record in respect of the same goods or description of goods any marks identical with the mark applied for, or so nearly resembling it as to render the mark applied for likely to deceive or cause confusion, and the Registrar may cause the search to be renewed at any time before the acceptance of the application, but shall not be bound to do so.
- 32.** After such search, and consideration of the application, and of any evidence of use or of distinctiveness or of any other matter which the applicant may furnish or may be required to furnish, the Registrar may accept the application absolutely, or he may object to it, or he may express his willingness to accept it subject to such conditions, amendments, disclaimer, modifications or limitations as he may think right to impose.
- 33.** If the Registrar object to the application, he shall inform the applicant of his objections in writing, and unless within two months the applicant applies for a hearing or makes a considered reply in writing to those objections he shall be deemed to have withdrawn his application.
- 34.** If the Registrar is willing to accept the application subject to any conditions, amendments, disclaimer, modifications or limitations, he shall communicate such willingness to the applicant in writing, and if the applicant objects to such conditions, amendments, disclaimer, modifications or limitations, he shall within two months from the date of the communication apply for a hearing or communicate his considered objections in writing, and if he does not do so he shall be deemed to have withdrawn his application. If the applicant does not object to such conditions, amendments, disclaimer, modifications or limitations, he shall forthwith notify the Registrar in writing and alter his application accordingly.
- 35.** (1) The decision of the Registrar, at a hearing in accordance with regulation 33 or 34, or without a hearing if the applicant has duly communicated his considered objections or considered reply, in writing, and has stated that he does not desire to be heard, shall be communicated to the applicant in writing, and if the applicant objects to such decision he may within two months by applying upon form TM. No. 4 require the Registrar to state in writing the grounds of, and the materials used by him in arriving at, his decision.
- (2) In a case where the Registrar makes any requirements to which the applicant does not object, the applicant shall comply therewith before the Registrar issues such statement in writing. The date when such statement is sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of appeal.
- 36.** The Registrar may call on an applicant to insert in his application such disclaimer as the Registrar may think fit, in order that the public generally may understand what the applicant's rights, if his mark is registered, will be.

Search

Acceptance
absolute
conditional;
objection.

or

Registrar's
objections.
Hearing

Registrar's
conditions, etc.

Hearing

Decision
Registrar.

of

Disclaimer.

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- 37.** An application for the registration of a defensive trade mark under section 32 of the Act shall be made, addressed and sent to the Registrar on form MT. No. 33, and shall be accompanied by a statement of case setting forth the full particulars of the facts on which the applicant relies in support of his application, verified by an affidavit or solemn declaration made by the applicant or some other person approved for the purpose by the Registrar. The applicant may send with this declaration, or subsequently, such other evidence as he may desire to furnish, whether after request made by the Registrar or otherwise, and the Registrar shall consider the whole of the evidence before deciding on the application. In all other respects and where they are appropriate and it is not otherwise stated, these Regulations shall apply to such applications as they apply to applications for the registration of ordinary trade marks.
- 38.** An application for the registration of a certification trade mark under section 42 of the Act shall be made to the Registrar on form TM. No. 5 and shall be accompanied by six additional representations of the trade mark on form TM. No. 3.
- 39.** (1) These Regulations shall apply to such applications as they apply to applications for the registration of ordinary trade marks, except that for references therein to acceptance of an application there shall be substituted references to authorization to proceed with the application, and that the applicant shall not be deemed to have abandoned his application if in the circumstances of regulation 33 or 34 he does not apply for a hearing or reply in writing.
- (2) The address of an applicant to register a certification trade mark shall be deemed to be a trade or business address for all the purposes for which such an address is required by these regulations.
- 40.** The applicant shall send to the Registrar with his application or when required by the Registrar a case setting out the grounds on which he relies in support of his application together with draft regulations for governing the use of the mark and form MT. No. 34, all being in duplicate. The Registrar may communicate to the applicant any observations he may have to make on the sufficiency of the case or the suitability of the draft regulations and the applicant may modify either of those documents.
- 41.** If the Registrar decides to authorize the application to proceed he may at any time call for such evidence, if any, as he thinks fit, and shall if required hear the applicant before giving directions as provided in paragraph 1(5) of the First Schedule to the Act. When such directions have been given and the application has been accepted, the regulations for governing the use of the mark approved by the Registrar, as well as the form of application, shall be open to public inspection.

Application under section 32.

Application under section 42.

Authorization to proceed.

Case; draft regulations.

Directions by the Registrar.

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- 42.** (1) An application for the registration of a trade mark required or permitted to be advertised by section 23(1) of the Act or paragraph 2 of the First Schedule to the Act, shall be advertised in form TM. No. 44 in the Gazette. In the case of an application with which the Registrar proceeds only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant, the words "By Consent" shall appear in the advertisement.
- (2) If no representation of the trade mark be included in the advertisement of the application, the applicant shall refer in such advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.
- 43.** For the purposes of such advertisement the applicant may, at the appropriate time, supply or be required to supply a printing block (or more than one, if necessary) of the trade mark satisfactory to the Registrar, of such dimensions as may from time to time be approved or directed by the Registrar, or shall supply such information or other means of advertising the trade mark as may be required by the Registrar; and the Registrar, if dissatisfied with the printing block supplied by the applicant or his agent, may require a fresh block before approving of the advertisement.
- 44.** When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section 26(2) of the Act, the applicant may be required to supply a printing block (or more than one, if necessary) satisfactory to the Registrar of any or of each of the trade marks constituting the series; or the Registrar may, if he thinks fit, direct that there shall be inserted with the advertisement of the application a statement of the manner in which the several trade marks differ from one another.
- 45.** Advertisements under section 23(10) and 40(2) and 4 of the Act shall *mutatis mutandis* be made in the same manner as advertisements relating to an application for registration.
- 46.** Any person may within two months from the date of any advertisement in the *Gazette* of an application for registration of a trade mark give notice on form TM. No. 6 to the Registrar of opposition to the registration.
- 47.** The notice shall include a statement of the ground upon which the opponent objects to the registration. If registration is opposed on the ground that the mark resembles marks already on the register, the numbers of such trade marks and the dates of the *Gazettes* in which they have been advertised shall be set out. The note shall be accompanied by a duplicate which the Registrar with forthwith send to the applicant.
- 48.** Within two months from the receipt of such duplicate the applicant shall send to the Registrar a counter-statement on form TM. No. 7 setting out the grounds on which he relies as supporting his application. The applicant shall also set out what facts, if any, alleged in the notice of opposition he admits. The
- Advertisement of application.**
- Wood block or electro-type printing.**
- Advertisement of series.**
- Advertisement under sections 23 and 40.**
- Opposition.**
- Notice of opposition.**
- Counter-statement.**

counter-statement shall be in duplicate.

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- 49.** Upon receipt if the counter-statement and duplicate the Registrar shall forthwith send the duplicate to the opponent and within two months from the receipt of the duplicate the opponent shall leave with the Registrar such evidence by way of affidavit or solemn declaration as he may desire to adduce in support of his opposition and shall deliver to the applicant a copy of such evidence. **Evidence support opposition. in of**
- 50.** (1) If an opponent leaves no evidence he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition but, if he does leave evidence, then, within two months from the receipt of the copies of such evidence, the applicant shall leave with the Registrar such evidence by way of affidavit or solemn declaration as he desires to adduce in support of his application and shall deliver to the opponent a copy thereof. **Evidence support application. in of**
- (2) An applicant shall, unless the Registrar otherwise directs, be deemed to have withdrawn his application if, within the period of two months referred to in sub-regulation (1), he:-
- (a) fails to leave with the Registrar such evidence as he desires to adduce in support of his application; or
- (b) fails to notify the Registrar in the event of his not desiring to adduce evidence in support of his application.
- 51.** Within two months from the receipt by the opponent of the copy of the applicant's affidavit or solemn declaration the opponent may leave with the Registrar evidence by affidavit or solemn declaration in reply, and shall deliver to the applicant a copy of such evidence. This evidence shall be confined to matters strictly in reply. **Evidence in reply by opponent.**
- 52.** No further evidence shall be left on either side but, in any proceedings before the Registrar, he may at any time if he thinks fit give leave to either the applicant or the opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit. **Further evidence.**
- 53.** Where there are exhibits to affidavits or solemn declarations filed in an opposition, a copy or impression of each exhibit shall be sent to the other party on his request and at his expense, or, if such copies or impressions cannot conveniently be furnished, the originals shall be left with the Registrar in order that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Registrar otherwise directs. **Exhibits.**
- 54.** Upon completion of the evidence the Registrar shall give notice to the parties of a date when he will hear the arguments in the case. Such appointment shall be for a date at least fourteen days after the date of the notice, unless the parties consent to a shorter notice. Within seven days from the receipt of the notice any party who intends to appear shall so notify the Registrar on form TM. No. 8. A party who receives notice as aforesaid and who does not, within seven days from the receipt thereof, so notify the Registrar on form TM. No. 8 may **Hearing**

be treated as not desiring to be heard and the Registrar may act accordingly.

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- 55.** Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, if he thinks fit, without giving the said party a hearing, grant any reasonable extension of time to any other party in which to take any subsequent step. **Extension of time.**
- 56.** Where a party giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such a notice neither resides nor carries on business in Malawi, the Registrar may require him to give security, in such form as the Registrar may deem sufficient, for the costs of the proceedings before the Registrar, for such amount as to the Registrar may seem fit, and at any stage in the opposition proceedings may require further security to be given at any time before giving his decision in the case. **Security for costs.**
- 57.** In the event of an opposition being uncontested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent 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. **Costs in uncontested case.**
- 58.** Within two months from the date of any advertisement in the *Gazette* of an application for the registration of a certification trade mark, any person may give notice to the Registrar on form TM. No. 37 of opposition under paragraph 2 of the First Schedule to the Act, and regulations 47 to 57 inclusive shall apply *mutatis mutandis* to the proceedings thereon, with substitution of form TM. No. 38 for form TM. No. 7, and of form TM. No. 39 for form TM. No. 8. In any case of doubt any party may apply to the Registrar for directions. **Opposition to application.**
- 59.** Where registration of a trade mark is not completed within twelve months from the date of application by reason of default on the part of the applicant, the Registrar shall on form TM. No. 9 give notice in writing to the applicant at his trade or business address of the non-completion, but if the applicant has authorized an agent for the purpose of the application he shall instead send the notice to the agent and shall send a duplicate thereof to the applicant. If after fourteen days from the date when the notice was sent, or such further time as the Registrar may allow, the registration is not completed, the application shall be deemed to be abandoned. **Non-completion within twelve months.**
- 60.** (1) As soon as may be after the expiration of two months from the date of the advertisement in the *Gazette* of any application for the registration of a trade mark, the Registrar shall, subject to any opposition and the determination thereof, and subject to section 24(1) of the Act, and upon payment of the prescribed fee on form TM. No. 10, enter the trade mark in the register. In those cases where the applicant has supplied a printing block in accordance with regulation 43, he shall send with his fee a representation then appearing on the form of application, to be affixed by the Registrar to the certificate of registration as required by regulation 63. The entry of a trade mark in the register shall give the date of the registration, the goods in respect of which it is registered, and all particulars named in section 6(1) of the Act, including both the trade or business address and the address for service (if any), particulars of **Entry in register.**

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the trade, business, profession, occupation or other description of the proprietor, particulars of any undertakings by the proprietor entered on the form of application, particulars affecting the scope of the registration or the rights conferred by the registration and such other particulars as are prescribed.

- (2) In the case of an application as aforesaid which the Registrar accepts only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant for registration, the aforesaid entry in the register shall state that it is "By Consent" and shall give the number of the previous registration or the application for registration.

Associated marks.

- 61.** (1) Where a mark is registered as associated with any other mark or marks the Registrar shall note in the register in connection with the first-mentioned mark the numbers of the marks with which it is associated and shall also note in the register in connection with each of the associated marks the number of the first-mentioned mark as being a mark associated therewith.

- (2) An application by a registered proprietor under section 28(5) of the Act to the Registrar to dissolve the association between two or more associated trade marks shall be made on form TM. No. 20, and shall include a statement of the grounds of the application.

Death of applicant before registration.

- 62.** In case of the death of any applicant for the registration of a trade mark after the date of his application, and before the trade mark applied for has been entered in the register, the Registrar, after the expiration of the prescribed period of advertisement and the determination of any opposition to the application, may, on being satisfied of the applicant's death, 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.

- 63.** Upon the registration of a trade mark the Registrar shall issue to the applicant a certificate in form TM. No. 11, and shall affix thereto a copy of the mark, which may be a representation thereof supplied by the applicant under regulation 60.

Renewal of registration.

- 64.** At any time not more than six months before the expiration of the last registration of a trade mark any person may leave at the Office a fee for the renewal of the registration of the mark with form TM. No. 12, and, if he is not the registered proprietor, shall sign a statement on the form that he is directed by the registered proprietor to pay the fee (if such be the case) and shall give his address. Before taking any further step the Registrar may either:-

- (a) Require the person leaving the fee to furnish within fourteen days an authority to pay the fee signed by the registered proprietor, and if he does not furnish such authority may

return the fee and treat it as not received; or

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- (b) Communicate with the registered proprietor stating that the fee has been received and that the registration will in due course be renewed.

- 65.** At a date not less than three months and not more than six months before the expiration of the last registration of a mark, if no fee with form TM. No. 12 has been received, the Registrar shall notify the registered proprietor in writing of the approaching expiration.

Notice before removal of trade mark form register.

- 66.** At a time not less than fourteen days and not more than one month before the expiration of the last registration of a mark the Registrar may, if no fee as aforesaid has been received, send a notice in writing to the registered proprietor at his trade or business address as well as at his address for service, if any.

Second notice.

- 67.** If at the date of the expiration of the last registration of a mark the renewal fee has not been paid, the Registrar shall advertise the fact forthwith in the *Gazette* if the Registrar receives the renewal fee with form TM. No. 12, together with an additional fee accompanying for TM. No. 13, at any time during the period between such date of expiration and one month after such advertisement, he may renew the registration without removing the mark from the register.

- 68.** Where, at the expiration of one month from the advertisement mentioned in regulation 67, the fees therein mentioned have not been paid, the Registrar may remove the mark from the register as of the date of the expiration of the last registration, but may, upon payment of the renewal fee with form TM. No. 12 together with a restoration fee accompanying form TM. No. 14, restore the mark to the register if satisfied that it is just so to do and upon such conditions as he may think fit to impose.

Removal of trade mark from register.

- 69.** Where a trade mark has been removed from the register, the Registrar shall cause to be entered in the register a record of the removal and of the cause thereof.

Record of removal of mark.

- 70.** Upon the renewal of restoration and renewal of a registration a notice to that effect shall be sent to the registered proprietor and the renewal or restoration and renewal shall be advertised in the *Gazette*.

Notice and advertisement of renewal and restoration.

- 71.** Where a person becomes entitled by assignment or transmission to a registered trade mark he may, co-jointly with the registered proprietor, make application to the Registrar on form TM. No. 16 to register his title.

Joint application for entry of assignment or transmission.

- 72.** Where a person becomes entitled to a registered trade mark in the manner to in regulation 71, and no conjoint application as therein mentioned is made, he shall make application to the Registrar on form TM. No. 17 to register his title.

Application for entry of assignment or transmission by subsequent proprietor.

- 73.** An application under regulation 71 or 72 shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims, and such

Particulars to be stated in application.

instrument shall be produced for inspection by the Registrar, preferably at the
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time of application. The full names of all the partners in a partnership shall be given in the body of the application. The Registrar may in any case require and retain an attested copy of any instrument produced for inspection in proof of title, but such copy shall not be open to public inspection.

- 74.** Where in the case of an application on form TM. No. 16 or No. 17 the person applying for registration of his title does not claim under any document or instrument which is capable in itself of furnishing proof of his title, he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be proprietor of the trade mark is based, and showing that the trade mark has been assigned or transmitted to him. If the Registrar so requires, the case shall be verified by affidavit or solemn declaration on form TM. No. 18.

**Case
accompanying
application.**

- 75.** 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 may require for his satisfaction.

Proof of title.

- 76.** (1) An application under regulation 71 or 72 relating to an assignment on or after the commencement of the Act of a trade mark in respect of any goods shall state:-

**Application for
entry of
assignment without
goodwill.**

- (a) whether the trade mark was, at the time of the assignment used in a business in any of those goods; and
- (b) whether the assignment was made otherwise than in connection with the goodwill of that business.

And, if both those circumstances subsisted, then the applicant shall leave with the Registrar a copy of the Registrar's directions to advertise the assignment, obtained upon application under section 27(7) of the Act and regulation 80, and such proof, including copies of advertisements or otherwise, as the Registrar may require that his directions have been fulfilled; and if the Registrar is not satisfied that the directions have been fulfilled he shall not proceed with the application.

- (2) For the purposes of section 34(3) of the Act, the period within which a corporation may be registered as the subsequent proprietor of a registered trade mark, upon application made under regulation 71 or 72, shall be six months from the date of advertisement in the Gazette of the registration of the trade mark or such further period not exceeding six months as the Registrar may allow, on application being made to him on form TM. No. 15 by the applicant for registration of title or the registered proprietor, as the case may be, at any time before or during the period for which the extension can be allowed.

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- 77.** When the Registrar is satisfied as to the title of the person claiming to be registered he shall cause him to be registered as proprietor of the trade mark in respect of the relevant goods, and shall enter in the register his name, trade or business address and description and particulars of the assignment or transmission.
- 78.** Where pursuant to an application under regulation 71 or 72, and as the result of a division and separation of the goods 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.
- 79.** Any person who desires to obtain the Registrar's certificate under section 27(5) of the Act, or his notification of approval under section 27(6) of the Act, shall send to the Registrar, with his application on form TM. No. 40 or No. 41, as the case may be, a statement of case in duplicate setting out the circumstances, and a copy of any instrument or proposed instrument effecting the assignment or transmission. The Registrar may call for any evidence or further information that he may consider necessary, and the statement of case shall be amended if required to include all the relevant circumstances and shall if required be verified by affidavit or solemn declaration. The Registrar, after hearing if so required the applicant and any other person whom the Registrar may consider to be interested in the transfer, shall consider the matter and issue a certificate thereon or a notification in writing of approval or disapproval thereof, as the case may be. Where a statement of case is amended, two fair copies thereof in its final form shall be left with the Registrar. The Registrar shall seal a copy of the statement of case in its final form to the certificate or notification.
- 80.** (1) An application to the Registrar under section 27(7) of the Act shall be made by the assignee on form TM. No. 42 and shall state the date on which the assignment was made. The application shall give particulars of the registration in the case of a registered trade mark, and, in the case of an unregistered trade mark, shall show the mark and give particulars of the registered trade mark that has been assigned therewith in accordance with section 27(3) of the Act. The Registrar may call for any evidence or further information, and if he is satisfied with regard to the various matters he shall issue directions in writing with respect to the advertisement of the assignment.
- (2) The Registrar may refuse to consider such an application in a case to which section 27(6) of the Act applies unless his approval has been obtained under the said subsection and a reference identifying the Registrar's notification of approval is included in the application.
- (3) A request to the Registrar for an extension of the period within which the application may be made, which shall be on form TM. No. 43, may be made at any time before or during the period for which extension can be allowed. The extension of the period which the

Entry in register.

Separate registrations.

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

Registrar's directions for advertisement of assignment without goodwill of trade mark in use.

Registrar may allow shall not exceed three months.

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- 81.** (1) 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 on form TM. No. 19 to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.
- (2) A registered proprietor or registered user of a trade mark whose registered trade or business address or address for service is altered by a public authority, so that the changed address designates the same premises as before, may make the aforesaid request to the Registrar on form TM. No. 19, and if he does so he shall leave therewith a certificate of the alteration given by the said authority. If the Registrar is satisfied as to the facts of the case, he shall alter the register accordingly, but shall not require the payment of the prescribed fee.
- (3) In case of the alteration of the address of a person entered in the register as the address for service of more than one registered proprietor or registered user of trade marks, the Registrar may, on proof that the said address is the address of the applicant and if satisfied that it is just so to do, accept an application from that person on form TM. No. 19 amended so as to suit the case for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given in the form, and may alter the entries accordingly.
- (4) All applications under this regulation on form TM. No. 19 shall be signed by the registered proprietor or the registered user, as the case may be, or by an agent expressly authorized by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.
- 82.** An application to the Registrar under any of the sections 31, 32, 37 or 38 of the Act for the making, expunging or varying of any entry in the register shall be made on form TM. No. 27, and shall be accompanied by a statement setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief he seeks. Where the application is made by a person who is not the registered proprietor of the trade mark in question it shall be accompanied by a company of the application and a copy of the statement, and these copies shall be transmitted forthwith by the Registrar to the registered proprietor.
- 83.** Upon such application being made, and copy thereof transmitted to the registered proprietor, if necessary, regulations 48 to 57 inclusive shall apply *mutatis mutandis* to the further proceedings thereon; but the Registrar shall not rectify the register or remove the mark from the register merely because the registered proprietor has not filed a counter-statement. In any case of doubt

Alteration of address in register.

Application to rectify, or remove a trade mark from, the register.

Further procedure.

any party may apply to the Registrar for directions.

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- 84.** Any person other than the registered proprietor alleging interest in a registered trade mark in respect of which an application is made on form TM. No. 27 may apply to the Registrar on form TM. No. 28 for leave to intervene, stating thereon the nature of his interest, and the Registrar may refuse or grant such leave, after hearing (if so required) the parties concerned, upon such conditions and terms as he may deem fit. Before dealing in any way with the application for leave to intervene the Registrar may require the applicant to give an undertaking to pay such costs as in the circumstances he may award to any party.
- Intervention by third parties.**
- 85.** An application to the Registrar under section 39(1) of the Act for the alteration of the register by correction, change, cancellation or striking out goods, or for the entry of a disclaimer or memorandum, may be made by the registered proprietor of the trade mark or by such person as may satisfy the Registrar that he is entitled to act in the name of the registered proprietor. Such applications shall be made on form TM. No. 19, No. 21, No. 22, No. 23, No. 24 or No. 25, as may be appropriate.
- Application under section 39(1).**
- 86.** In the case of an application as in regulation 85, the Registrar may require such evidence by affidavit, solemn declaration or otherwise as he may think fit as to the circumstances in which the application is made.
- Evidence.**
- 87.** Where application is made on form TM. No. 25 to enter a disclaimer or memorandum relating to a trade mark, the Registrar, before deciding upon such application, shall direct the applicant to advertise the application in the Gazette in order to enable any person desiring so to do to state, within two months of the advertisement, any reasons in writing against the making of the entry of the disclaimer or memorandum.
- Advertisement of certain applications.**
- 88.** Where the High Court or the Tribunal has certified as provided in section 58 of the Act with regard to the validity of a registered trade mark, the registered proprietor thereof may request the Registrar on form TM. No. 49 to add to the entry in the register a note that the certificate of validity has been granted in the course of the proceedings, which shall be named in the form. A certified copy of the certificate shall be sent with the request, and the Registrar shall so note the register and direct the proprietor to publish the note in the *Gazette*.
- Certificates of validity to be noted.**
- 89.** Where a person desires to apply under section 40 of the Act that his registered trade mark may be added to or altered, he shall make his application on form TM. No. 26 and shall furnish the Registrar with six copies of the trade mark as it will appear when so added to or altered.
- Alteration of registered mark.**
- 90.** The Registrar shall consider the application and shall, if it appears to him expedient, direct the registered proprietor to advertise the application in the *Gazette* before deciding it. Within two months from the date of such advertisement any person may give notice of opposition to the application on form TM. No. 47 accompanied by a duplicate of the notice, and may also send
- Advertisement before decision.**

therewith a further statement of his objections in duplicate. The Registrar shall

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send the duplicate notice, and the duplicate of any further statement of objections to the applicant and regulations 48 to 57 inclusive shall apply *mutatis mutandis* to the further proceedings thereon. In any case of doubt any party may apply to the Registrar for directions.

91. If the Registrar decides to allow the application he shall add to or alter the mark in the register and, if the mark so added to or altered has not been advertised under regulation 90, he shall direct the registered proprietor to advertise it in the *Gazette*.

Advertisement after decision.

92. In connection with an application to alter a registered trade mark the Registrar may at any time call on the applicant to supply a printing block satisfactory to the Registrar and suitable for advertising the mark with the addition or alteration as aforesaid, if in the opinion of the Registrar an advertisement describing the addition or alteration in words would not be likely to be understood by persons interested in the matter.

Supply of printing block.

93. An application on any of the grounds mentioned in paragraph 4 of the First Schedule to the Act, made by an aggrieved person to the Registrar for an order expunging or varying an entry in the register of or relating to a certification trade mark, or varying the relevant deposited regulations, shall be made on form TM. No. 36 and shall include full particulars of the grounds on which the application is made.

Orders for rectification of certification trade mark entries and regulations.

94. An application by the registered proprietor of a certification trade mark for an alteration of the deposited regulations and the consent of the Registrar thereto shall be made on form TM. No. 35. Where the Registrar causes such an application to be advertised the time within which any person may give notice to the Registrar of opposition to the application shall be two months from the date of the advertisement.

Alteration of certification trade mark regulations.

95. Where any document is by these Regulations directed to be served upon the Registrar it shall be served in duplicate.

Service of documents.

96. An application to the Registrar for the registration under section 33 of the Act of a person as a registered user of a registered trade mark shall be made by that person and the registered proprietor on form TM No. 50.

Application for entry of registered user.

97. The date of an entry of a registered user in the register shall be the date upon which the application for registration as a registered user was made. In addition to the trade or business address of the registered user it may include an address for service, if such has been approved. A notification in writing of the registration of a registered user shall be sent to the registered proprietor of the trade mark, to the registered user and to every other registered user whose name is entered in relation to the same registration of a trade mark, and shall be inserted by the registered proprietor in the *Gazette*.

Entry and notification.

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- 98.** An application by the registered proprietor of a trade mark for the variation of the registration of a registered user of that trade mark under section 33(8)(a) of the Act shall be made on form TM. No. 51, and shall be accompanied by a statement of the grounds on which it is made, where the registered user in question consents, by the written consent of that registered user.
- 99.** An application by the registered proprietor or any registered user of a trade mark for the cancellation of the registration of a registered user of that trade mark under section 33(8)(b) of the Act shall be made on form TM. No. 52, and shall be accompanied by a statement of the grounds on which it is made.
- 100.** An application by any person for the cancellation of the registration of a registered user under section 33(8)(c) of the Act shall be made on form TM. No. 53, and shall be accompanied by a statement of the grounds on which it is made.
- 101.** The Registrar shall notify in writing applications under regulations 98, 99 and 100 to the registered proprietor and each registered user (not being the applicant) under the registration of the trade mark. Any person so notified who intends to intervene in the proceedings shall within two months of the receipt of such notification give notice to the Registrar on form TM. No. 54 to that effect and shall send therewith a statement of the grounds of his intervention. The Registrar shall thereupon send copies of such notice and statement to the other parties, so that the intervention may be known to the applicant, the registered proprietor, the registered user whose registration is in suit, and any other registered user who intervenes. Any such party may, within such time or times as the Registrar may appoint, leave evidence in support of his 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 may think right to impose.
- 102.** (1) Applications under section 39(2) of the Act shall be made on form TM. No. 19, or No. 22, as may be appropriate, by a registered user of a trade mark, or by such person as may satisfy the Registrar that he is entitled to act in the name of a registered user; and the Registrar may require such evidence by affidavit or solemn declaration or otherwise as he may think fit as to the circumstances in which application is made.
- (2) In case of the registration of a registered user of a period, in accordance with section 33(4)(d) of the Act the Registrar shall cancel the entry of the registered user at the end of the period. Where some or all of the goods are struck out from those in respect of which a trade mark is registered, the Registrar shall at the same time strike them out from those specifications of registered users of the trade mark in which they are comprised. The Registrar shall notify every cancellation or striking out under this sub-regulation to the registered users whose permitted use is affected thereby and the registered

Registered proprietor's application to vary entry.

Application by registered proprietor or user to cancel entry.

Application under section 33(8)(c.) to cancel entry.

Notification of hearing.

Registered user's application under section 39(2).

proprietor of the trade mark.

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- 103.** If in any particular case 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 a time expressly provided in the Act or prescribed by regulation 76 or 80, he may extend the time upon such notice to other parties, and proceedings thereon, and upon such terms as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceeding.
- 104.** Whenever the last day fixed by these Regulations for doing any act or thing at the Office shall fall on a day when the Office is not open which day shall be an excluded day for the purpose of these Regulations, it shall be lawful to do the act of thing on the first day following such excluded day which is not an excluded day.
- 105.** Before exercising adversely to any person any discretionary power given to the Registrar by the Act, or by these Regulations, the Registrar shall, if so required, hear such person thereon.
- 106.** An application for a hearing shall be made within one month from the date of notification by the Registrar of any objection to an application or the date of any other indication that he proposes to exercise a discretionary power.
- 107.** (1) Upon receiving such application the Registrar shall give the person applying fourteen days' notice of a time when he may be heard.
- (2) Within seven days from the date when such notice would be delivered in the ordinary course of post the person applying shall notify the Registrar whether or not he intends to be heard on the matter.
- 108.** The decision of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified to the person affected.
- 109.** Where under these Regulations any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the 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 produced or left as aforesaid, it shall be lawful for the Registrar, upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, signature, declaration, document or evidence.
- 110.** Any document or drawing or other representation of a trade mark be amended, and any irregularity in procedure which in the opinion of the Registrar may be excused without detriment to the interests of any person may be corrected, if

Extension of time.

Excluded days.

Hearing.

Application for hearing.

Notice of hearing.

Notification of decision.

Dispensing with evidence.

Amendment of documents.

the Registrar thinks fit, and on such terms as he may direct.

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

- 111.** The Registrar may give a certificate, other than a certificate under section 24(2) of the Act, as to any entry, matter or thing which he is authorized or required by the Act or these Regulations to make or do, upon receipt of a request therefore on form TM. No. 32 from any person who, if the Registrar thinks fit so to require, can show an interest in the entry, matter or thing to his satisfaction. The Registrar shall not be obliged to include in the certificate a copy of any mark, unless he is furnished by the applicant with a copy thereof suitable for the purpose.
- 112.** The affidavits and solemn declarations required by the Act and regulations, or used in any proceedings thereunder, shall be accepted if made and subscribed before any judge, magistrate, notary public under his signature and seal of office, or by the Registrar of a Court of Justice or by a commissioner of oaths.
- 113.** Any person may request the Registrar on form TM. No. 29 to cause a search to be made in respect of specified goods classified in any one class of the Third Schedule or the Fourth Schedule to ascertain whether any mark is on record at the date of the search which resembles a trade mark of which duplicate representations accompany the form. The Registrar shall cause such search to be made and the person making the request to be informed of the result thereof.
- 114.** The office shall be open to the public and the register shall be open to inspection on payment of the fee specified in the First Schedule every weekday, except Saturday, between the hours of nine and twelve, and half-past three, and on Saturdays between the hours of nine and twelve; except on public holidays.
- 115.** (1) Any person who wishes to appeal against a decision of the Registrar shall:-
- (a) submit his case in writing to the Registrar who shall furnish that person with his written decision and his grounds therefore;
 - (b) within three months from the date of the decision of the Registrar:-
 - (i) leave at the Office a notice in form TM. No. 31;
 - (ii) file with the Registrar of the Tribunal a notice of appeal in accordance with the Trade Marks (Tribunal) Rules.
- (2) Sub-regulation (1) shall not apply in the case of an application within regulations 31 to 35 inclusive.
- 116.** (A copy of every application made to the Tribunal under the Act shall be served on the Registrar.
- Certificates by Registrar.**
- Manner in which and person before whom affidavit or solemn declaration is to be taken.**
- Searches.**
- Days and hours of business.**
- Procedure on appeal from decision of Registrar.**
- Below p. 149**
- Copy of application to be served on Registrar**

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

- 117.** Where an order has been made by the High Court or the Tribunal in any case under the Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the Office a certified copy of such order, together with form TM. No. 48 if required. The register may, if necessary, thereupon be rectified or altered by the Registrar.
- 118.** Whenever an order is made by the High Court or the Tribunal under the Act the Registrar may, if he thinks fit that the order should be made public, require the applicant or the appellant, as the case may be, to publish it in the *Gazette*.

**Order of High
Court or Tribunal.**

**Publication of
order of High
Court or Tribunal.**

LAWS OF MALAWI

Trade marks	Cap. 49:01
Trade Marks Regulations	(Subsidiary)

Reg. 3
76/1980

**FIRST SCHEDULE
TARIFF OF FEES**

<u>Item</u>	<u>Matter or Proceeding</u>	<u>Amount</u> K t	<u>Corresponding</u> <u>Form</u>
1(a)	On application not otherwise charged to register trade mark for a specification of goods included in one class	12.00	TM. No. 2
1(b)	On application to register a series of trade marks under section 26(2) of the Act for a specification of goods included in one class.	12.00	TM. No. 2
1(c)	On application to register a defensive trade mark for a specification of goods included in on class.	15.00	TM. No. 33
1(d)	On application under section 42 of the Act to register a certification trade mark for a specification of goods included in one class.	15.00	TM. No. 5
1(e)	On application made at the same time under section 42 of the Act to register one certification trade mark for specifications of goods not all included in one class: In respect of every class Total fee on case to exceed K60.00 for any Number of classes.	6.00	TM. No. 5
2.	On a request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used.	10.00	TM. No. 4
2(a)	On notice of opposition before the Registrar under section 23 of the Act, each application opposed, by opponent.	15.00	TM. No. 6
2(b)	On lodging a counter-statement in answer to a notice of opposition under section 23 of the Act, for each application opposed, by the applicant; or in answer to an application under any of the sections 31, 32, 37 and 38 of the Act, by the proprietor in respect of each trade mark; or in answer to a notice of opposition under section 40 or 41 of the Act, for each application or conversion opposed, by the proprietor.	5.00	TM. No. 7

LAWS OF MALAWI

Trade marks	Cap. 49:01
Trade Marks Regulations	(Subsidiary)

<u>Item</u>	<u>Matter or Proceeding</u>	<u>Amount</u> K t	<u>Corresponding</u> <u>Form</u>
2(c)	On hearing of each opposition under section 23 of the act, by applicant and by opponent respectively; or on the hearing of an application under any of the sections 31, 32, 37 and 38 of the Act, by applicant and by proprietor, respectively; or on the hearing of an opposition under section 40 or 41 of the Act, by proprietor and by opponent, respectively.	12.00	TM. No. 8
2(d)	On notice of opposition before the Registrar under paragraph 2 of the First Schedule to the Act, for each application opposed by the opponent	15.00	TM. No. 37
2(e)	On lodging a counter-statement in answer to a notice of opposition before the Registrar under paragraph 2 of the First Schedule to the Act, for each application opposed, by the applicant.	6.00	TM. No. 38
2(f)	On the hearing of each opposition before the Registrar under paragraph 2 of the First Schedule to the Act, by applicant and by opponent, respectively.	12.00	TM. No. 39
4(a)	For one registration of a trade mark not otherwise charged for a specification of goods included in one class.	4.00	TM. No. 10
4(b)	For one registration of a series of trade marks under section 26(2) of the Act for a specification of goods included in one class: For the first mark And for every other mark of the series	4.00 1.00	TM. No. 10
4(c)	For registration under section 42 of the Act of a certification trade mark for a specification of goods included in one class.	4.00	TM. No. 10
4(d)	For registration upon applications made at the same time of one certification trade mark under section 42 of the Act, for specifications of goods not all included in one class: In respect of every class Total fee in no case to exceed K160.00 for any number of classes.	4.00	TM. No. 10
4(e)	For one registration of a defensive trade mark for		

a specification of goods included in one class. 15.00 TM. No. 10

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

<u>Item</u>	<u>Matter or Proceeding</u>	<u>Amount</u> K t	<u>Corresponding</u> <u>Form</u>
5(a)	Upon each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark.	0.60	TM. No. 10
5(b)	On an application to dissolve the association between registered trade marks.	6.00	TM. No. 20
6(a)	On application to register a registered user of a registered trade mark in respect of goods within the specification thereof.	12.00	TM. No. 50
6(b)	On application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case: For the first mark And for every other mark of the proprietor included in the application and statement of case.	12.00 1.00	TM. No. 50
6(c)	On application by the proprietor of a single trade mark, under section 33(8)(a) of the Act, to vary the entry of a registered user thereof.	6.00	TM. No. 51
6(d)	On application by the proprietor of more than one trade mark, under section 33(8)(a) of the Act, to vary the entries of a registered user thereof And for every other mark of the proprietor for which the same user is registered, included in the application.	6.00 0.60	TM. No. 51
6(e)	On application by the proprietor or registered user of a single trade mark; under section 33(8)(b) of the Act, for cancellation of the entry of a registered user thereof	6.00	TM. No. 52
6(f)	On application by the proprietor or registered user of more than one trade mark, under section 33(8)(b) of the Act, for cancellation of the entries of a registered user thereof. And for every other mark of the proprietor for which the same user is registered, included in the application.	6.00 0.60	TM. No. 52

LAWS OF MALAWI

Trade marks	Cap. 49:01
Trade Marks Regulations	(Subsidiary)

<u>Item</u>	<u>Matter or Proceeding</u>	<u>Amount</u> K t	<u>Corresponding</u> <u>Form</u>
6(g)	On application, under section 33(8)© of the Act, to cancel the entry of a registered user of a single trade mark.	6.00	TM. No. 53
6(h)	On application, under section 33(8)© of the Act, to cancel the entries of a registered user of more than one trade mark: And for every other mark of the same proprietor for which the same user is registered, included in the application.	6.00 0.60	TM. No. 53
6(i)	On notice, under section 33(9) of the Act and regulation 101, of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks..	4.00	TM. No. 54
7(a)	On request to enter in the register and advertise a certificate of validity, under section 58 of the Act and regulation 88: For the first registration certificate And for every other registration certified in the same certificate.	6.00 1.00	TM. No. 49
7(b)	On application, under section 34(3) of the Act and regulation 76, for extension of time registering a corporation as subsequent proprietor of trade marks on one assignment: not exceeding two months not exceeding four months not exceeding six months	4.00 6.00 10.00	TM. No. 15 TM. No. 15 TM. No. 15
8(a)	On application for certificate of the Registrar, under section 27(5) of the Act and regulation 79: For the first mark proposed to be assigned And for every other mark of the same proprietor included in that assignment.	6.00 0.60	TM. No. 40
8(b)	On application for approval of the Registrar, under section 27(6) of the Act and regulation 79: For the first mark And for every other mark of the same proprietor included in the same transfer.	6.00 0.60	TM. No. 41
8(c)	On application for directions by the Registrar for advertisement of assignment of trade marks in use, without goodwill: For the one mark assigned And for every other mark assigned with the same	4.00	TM. No. 42

devolution of title.

0.60

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

<u>Item</u>	<u>Matter or Proceeding</u>	<u>Amount</u> K t	<u>Corresponding</u> <u>Form</u>
8(d)	On application for extension of time for applying for directions for advertisement of assignment of trade marks in use, without goodwill, in respect of one devolution of title:		
	not exceeding one month	4.00	TM. No. 43
	not exceeding two month	6.00	TM. No. 43
	not exceeding three month	10.00	TM. No. 43
9(a)	On application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark:		
	If made within six months from the date of acquisition of proprietorship.	6.00	TM. No. 16 or No. 17
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship.	8.00	TM. No. 16 or No. 17
	If made after the expiration of twelve months from the date of acquisition of proprietorship.	10.00	TM. No. 16 or No. 17
9(b)	On application to register a subsequent proprietor of more than one trade mark standing in the same name, the devolution of title being the same in each case: If made within six months from the date of acquisition of proprietorship: for the first mark	6.00	TM. No. 16 or No. 17
	And for every other mark	0.75	
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship: For the first mark	8.00	TM. No. 16 or No. 17
	And for every other mark	0.75	
	If made after expiration of twelve months from the date of acquisition of proprietorship: For the first mark.	10.00	TM. No. 16 or No. 17
	And for every other mark	0.75	

LAWS OF MALAWI

Trade marks	Cap. 49:01
Trade Marks Regulations	(Subsidiary)

<u>Item</u>	<u>Matter or Proceeding</u>	<u>Amount</u> K t	<u>Corresponding</u> <u>Form</u>
10(a)	On application to change the name or description of a proprietor or a registered user of a single trade mark where there has been no change in the proprietorship or in the identity of the user.	4.00	TM. No. 22
10(b)	On application to change the name or description of a proprietor or a registered user of more than one trade mark standing in the same name, where there has been no change in the proprietorship or in the identity of the user, the change being the same in each case For the first mark And for every other mark.	4.00 1.00	TM. No. 22
11(a)	For renewal of registration of a trade mark at expiration of last registration.	10.00	TM. No. 12
11(b)	For renewal of registration of a series of trade marks under section 26(2) of the Act at expiration of last registration: For the first mark of the series And for every other mark of the series.	10.00 1.00	TM. No. 12
11(c)	For renewal of registrations of the same certification trade mark with the same date for goods in more than one class: In respect of every class Total fee in case no case to exceed K120.00 for any number of classes.	10.00	TM. No. 12
11(d)	Additional fee under regulation 67	4.00	TM. No. 13
11(e)	Restoration fee under regulation 68	10.00	TM. No. 14
12(a)	On an application to the Registrar for leave to add to or alter a single registered mark.	6.00	TM. No. 26
12(b)	On an application to the Registrar for leave to add to or alter more than one registered trade mark of the same proprietor, being identical marks, the addition or alteration to be made, in each case being the same: For the first mark And for every other mark	6.00 2.30	TM. No. 26
12(c)	On notice of opposition for leave to add to or alter registered trade marks, for each application		

opposed.

15.00

TM. No. 47

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

<u>Item</u>	<u>Matter or Proceeding</u>	<u>Amount</u> K t	<u>Corresponding</u> <u>Form</u>
13	For altering one or more entries of the trade or business address or address for service of a registered proprietor or a registered user of a trade mark where the address in each case is the same and is altered in the same way (unless exempted from fee under regulation 81): For the first entry And for every other entry	2.00 1.00	TM. No. 19
14.	For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged.	2.00	TM. No. 48
15.	For canceling the entry or part of the entry of a trade mark upon the register on the application of the registered proprietor of the trade mark..	2.00	TM. No. 23 or No. 24
16(a)	On application, under any of the sections 31, 32 37 and 38 of the Act, for rectification of the register or removal of trade mark from the register..	10.00	TM. No. 27
16(b)	On application for leave to intervene in proceedings under any of the sections 31, 32, 37 and 38 of the Act, for rectification of the register or removal of trade mark from the register.	210.00	TM. No. 28
17(a)	On application for correction of one clerical error or effecting one amendment in one document before registration of any matter.	0.75	TM. No. 21
17(b)	On application for correction of clerical errors after registration of any matter, in respect of each trade mark.	2.00	TM. No. 21
17(c)	On application for amendment of trade mark before advertisement, in respect of each application.	2.00	TM. No. 21
18.	On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register.	2:00	TM. No. 25

LAWS OF MALAWI

Trade marks	Cap. 49:01
Trade Marks Regulations	(Subsidiary)

<u>Item</u>	<u>Matter or Proceeding</u>	<u>Amount</u> K t	<u>Corresponding</u> <u>Form</u>
19(a)	On application to the Registrar under regulation 93 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of a certification trade mark or certification trade mark of the same registered proprietor where the regulations are substantially the same.	10:00	TM. No. 36
19(b)	On request to the Registrar by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof: For the regulation of one such registration For the same or substantially the same regulations of each other registration proposed to be altered in the same way and included in the same request.	4:00 0.60	TM. No. 36
20(a)	On application by registered proprietor under regulation 6, for conversion of specification	1:00	TM. No. 45
20(b)	On notice of opposition to a conversion of the specification or specifications of a registered trade mark or registered trade marks: For one mark For every other mark of the same proprietor having the same specification	15:00 1:00	TM. No. 46
21.	Notice to Registrar that notice of appeal has been filed with the Registrar of the Tribunal	0:50	TM. No. 31
22	For a search under regulation 113 in respect of one class: Without application for the Registrar's advice under regulation 20. With application for the Registrar's advice under regulation 20.	4:00 5:00	TM. No. 29 TM. No. 29
23	On request for the Registrar's preliminary advice under regulation 20, for each trade mark submitted in respect of one class.	1:50	TM. No. 30
24.	For certificate of the Registrar (other than certificate under section 24(2) of the Act) relating to the registration of a trade mark.	2:00	TM. No. 32

LAWS OF MALAWI

Trade marks	Cap. 49:01
Trade Marks Regulations	(Subsidiary)

<u>Item</u>	<u>Matter or Proceeding</u>	<u>Amount</u> K t	<u>Corresponding</u> <u>Form</u>
25.	For certificate of the Registrar (other than certificate under section 24(2) of the Act) relating to the registration of a series of trade marks under section 26(2) of the Act.	4:00	TM. No. 32
26(a)	For permission to search in files in files and documents: For each file searched	0.50	
26(b)	For permission to search indices including terminal index	0.50	
26(c)	For permission to search register: Per volume	0.50	
27.	For permission to search among the classified representations or scrap books of trade marks: Per volume.	0.30	
28.	For typewritten copy of any document, for every 100 words	0.50	
29.	For photographic copy of documents or drawings. Per sheet.	0.50	
30.	For certifying office copies, MSS, or photographic or printed matter:		
	Under seal	2.00	
	Other	1.00	
31.	On every authorization of an agent.	0.50	

For the purpose of these fees (except as specially provided above) every mark of a series under section 26 of the Act, or any preceding similar enactment, shall be deemed to be a mark separately registered.

LAWS OF MALAWI

Trade marks

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Trade Marks Regulations

(Subsidiary)

**SECOND SCHEDULE
FORMS**

<u>Form</u>	<u>Matter or Proceeding</u>	<u>Corresponding Fee No.</u>	Reg. 4.
TM. No. 1.	Authorization	31	
TM. No. 2.	Application for registration of trade mark.	1 or 1(b)	
TM. No. 3.	Additional representation of trade mark	-	
TM. No. 4.	Request for statement of grounds of decision.	2	
TM. No. 5.	Application for registration of trade mark under section 42 of the Act.	1(d), 1(e)	
TM. No. 6.	Opposition before Registrar to application for registration of trade mark.	3	
TM. No. 7.	Counter-statement to opposition before Registrar to application for registration of trade mark, or in certain other proceedings.	3(a)	
TM. No. 8.	Application for hearing in opposition matter, or in rectification, removal or certain other proceedings.	3(b)	
TM. No. 9.	Notice of non-completion of registration of trade mark.	-	
TM. No. 10.	For registration of a trade mark.	4, 4(a), 4(b), 4(c), 4(d) and 5	
TM. No. 11.	Certificate of registration of trade mark under section 24(2) of the Act	-	
TM. No. 12.	Renewal of registration of trade mark	11, 11(a) 11(b)	
TM. No. 13.	Additional fee to accompany renewal fee within one month after advertisement of non-payment of renewal fee.	11(c)	
TM. No. 14.	Restoration of trade mark where removed for non-payment of fee.	11(d)	

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

<u>Form</u>	<u>Matter or Proceeding</u>	<u>Corresponding Fee No.</u>
TM. No. 15.	Application under section 34(3) of the Act and regulation 76 for extension of time to request entry of corporation-assignee as subsequent proprietor.	7(a)
TM. No. 16.	Request by registered proprietor and transferee to register transferee as subsequent proprietor.	9, 9(a)
TM. No. 17.	Request to enter name of subsequent proprietor.	9, 9(a)
TM. No. 18.	Declaration in support of request to enter name of subsequent proprietor.	-
TM. No. 19.	Application for alteration of trade or business address or address for service on register.	13, or nil
TM. No. 20.	Application to Registrar to dissolve association between registered trade marks.	5(a)
TM. No. 21.	Correction of clerical error in the registered or amendment of application.	17
TM. No. 22.	Request to enter change of name or description or registered proprietor or user.	10, 10(a)
TM. No. 23.	Application by registered proprietor for cancellation of entry of trade mark in register.	15
TM. No. 24.	Request by registered proprietor to strike out goods from those for which a trade mark is registered.	15
TM. No. 25.	Request by registered proprietor to enter disclaimer or memorandum in register.	18
TM. No. 26.	Application to add to or alter a registered trade mark.	12, 12(a)

LAWS OF MALAWI

Trade marks	Cap. 49:01
Trade Marks Regulations	(Subsidiary)

<u>Form</u>	<u>Matter or Proceeding</u>	<u>Corresponding Fee No.</u>
TM. No. 27.	Application for rectification of register or removal of trade mark from register.	16
TM. No. 28.	Application for leave to intervene in proceedings for rectification of register, or removal of trade mark from register.	16(a)
TM. No. 29.	Request for search	22
TM. No. 30.	Request for Registrar's advice on registrability.	23
TM. No. 31.	Notice to Registrar that notice of appeal has been filed with the Registrar of the Tribunal.	-
TM. No. 32.	Request for general certificate	24, 25
TM. No. 33.	Application for registration of defensive trade mark.	1(c)
TM. No. 34.	Regulations governing the use of certification trade mark (title page).	-
TM. No. 35.	Request for alteration of certification trade mark regulations and consent of Registrar.	19(a)
TM. No. 36.	Application to the Registrar under regulation 93, respecting a certification trade mark.	19
TM. No. 37.	Opposition before the Registrar concerning certification trade mark.	3(c)
TM. No. 38.	Counter-statement to opposition before Registrar concerning certification trade mark.	3(d)
TM. No. 39.	Application for hearing in opposition before Registrar concerning certification trade mark.	3(e)
TM. No. 40.	Application for certificate of Registrar upon proposed assignment of registered trade mark.	8

LAWS OF MALAWI

Trade marks	Cap. 49:01
Trade Marks Regulations	(Subsidiary)

<u>Form</u>	<u>Matter or Proceeding</u>	<u>Corresponding Fee No.</u>
TM. No. 41.	Application for approval by Registrar of transfer of trade mark (section 27(6) of the Act)	8(a)
TM. No. 42.	Application for directions for advertisement of assignment of trade mark in use, without goodwill.	8(b)
TM. No. 43.	Application for extension of time for applying for directions for advertisement of assignment of trade mark in use, without goodwill.	8(c)
TM. No. 44.	General form of advertisement.	-
TM. No. 45.	Application by registered proprietor for convention of specification of a registration.	20
TM. No. 46.	Opposition to Registrar's proposal for conversion.	20(a)
TM. No. 47.	Opposition to application to add to or alter a trade mark.	12(b)
TM. No. 48.	Notice of order of a High Court or Tribunal for alteration of register.	14
TM. No. 49.	Request for entry and advertisement of certificate of validity.	7
TM. No. 50.	Application for registration of registered user.	6, 6(a)
TM. No. 51.	Application by registered proprietor for variation of entry of registered user.	6(b), 6(c)
TM. No. 52.	Application by registered proprietor or user for cancellation of entry of registered user.	6(d), 6(e)
TM. No. 53.	Application under section 33(8)(c) of the Act for cancellation of entry of registered user.	6(f), 6(g)
TM. No. 54.	Notice of intention to intervene in	

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 1.

Regulation 14.

**TRADE MARKS ACT
(CAP. 49:01)**

Fee :1s.

Form of Authorization of Agent

I/We (1)
.....
.....
have appointed (2)Of
..... to
act as my/our agent for (3)No.

(1) The full names of all the partners in a firm must be inserted, and the kind and country of incorporation of bodies corporate stated.

.....
and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.

(2) Here insert name and address of agent.

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

(3) Here state the particular matter or proceeding for which the agent is appointed, giving the reference number, if known.

I/We hereby declare that I am/we are a (4)

(4) Here state nationality.

Dated this Day of 200...

(5)
Address (6).....

(5) To be signed by person appointing the agent.

(To be struck out if the person appointing the agent desires his own address to be treated as the address for service after registration).

(6) Here insert the full trade or business address of the person appointing the agent.

I/We also authorize the said (2)
to complete the entry of an address for service as part of any registration obtained under the above authorization.

Dated this Day of 200...

(5)
Address (6).....

The Registrar
The Trade Marks Office,
P.O. Box 100

MALAWI

Form TM. No. 2.

Section 22 or 26
Regulation 21.

TRADE MARKS ACT
(CAP. 49:01)

Fee :1 or 1(b).

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

*Write distinctly here "A" or "B" according to the registration desired.

(1) Here specify the goods. Only goods included in one and the same class should be specified. A separate application form is required for each class.

(2) Here insert legibly the full name, description and nationality of the individual, firm, or body corporate making the application. The names of all partners in a firm must be given in full. If the applicant is a body corporate, the kind and country of incorporation should be stated.

(3) Here insert the full trade or business address of the applicant.

(4) Here insert the trading style (if any).

(5) If the mark is already in use, strike out the words: "proposed to be" and insert "being".

(6) For additional matter if required; otherwise to be left blank.

(7) Signature.

One representation to be fixed within this space and six others to be pinned on to and sent with Form TM. No. 3.

Application is hereby made for registration in Part* of the register of the accompanying trade mark in Class
In respect of (1)
.....
in the name of (2)
.....
whose trade or business address is (3)
.....
trading as (4)
By whom it is (5) proposed to be used and who claim(s) to be the proprietor(s) thereof.
(6)

Dated this Day of 200...

(7)

My/Our address for service in Malawi:-

.....
.....

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

MALAWI

Form TM. No. 3.

Section 22 or 26(2)
Regulations 24, 29, 30 and 38.

TRADE MARKS ACT
(CAP. 49:01)

*Additional Representation of Trade Mark to Accompany
Application for Registration*

Six representations of the trade mark must be pinned within this space. They must correspond *exactly* in a “respects with the representations affixed to the application form.

LAWS OF MALAWI

MALAWI

Form TM. No. 4.

Section 22(4)
Regulation 35.

TRADE MARKS ACT
(CAP. 49:01)

Fee £1.

Request for Statement of Grounds of Decision

IN THE MATTER OF (1) the Registrar is hereby requested to state in writing the grounds of his decision, dated the day of, 200..... after the hearing on theday of 200..... and the materials used by him in arriving at the decision.

Dated this day of, 200.....

(1) Insert words and number identifying the matter or proceeding.

(2) Signature.

(2)

My/Our address for service in Malawi:-

.....
.....

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 decision.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 5.

Section 42
Regulations 21 and 38.

TRADE MARKS ACT
(CAP. 49:01)

Fee :1(d) or 1(e).

Application for Registration of Certification Trade Mark

On representation to be fixed within this space, and six others to be pinned on to and sent with form TM. No. 3

Application is hereby made for registration in Part C of the register of the accompanying certification trade mark in Class
in respect of (1)
of (2)
whose address is (3)

(1) Here specify the goods. Only goods in one and the same class should be specified. A separate application form is required for each

.....
Dated this Day of 200...

class.

(2) State the full name, description and nationality of the applicant. If the applicant is a body corporate, the kind and country of incorporation should be stated.

(4)
.....
My/Our address for service in Malawi:-
.....
.....

(3) Here insert the full address of address of the applicant.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

(4) Signature.

LAWS OF MALAWI

Trade marks
Trade Marks Regulations

Cap. 49:01
(Subsidiary)

MALAWI

Form TM. No. 6.

Section 23
Regulation 46.

TRADE MARKS ACT
(CAP. 49:01)

Fee £2.

Notice of Application for Registration of a Trade Mark

(To be lodged in duplicate)

IN THE MATTER OF an application No. by
..... of
I/We (1)
hereby give notice of my/our intention to oppose the registration the trade mark
advertised under the above number for Class In the
Gazette of the day of 200.....
No., page

(1) State full name and address.

(2) If registration is opposed on the ground that the mark resembles marks already on the register, the numbers of those marks and of the Gazettes in which they have been advertised are to

The grounds of opposition are as follows:
.....
.....

(2)

Dated this day of, 200.....

be set out.

(3) Signature.

(3)

My/Our address for service in Malawi:-

.....
.....

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 7.

**Sections 23, 31, 32, 37, 38, 40 or 41
Regulation 7, 48, 83 or 90.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee £1.

Form of Counter-statement

(To be lodged in duplicate)

IN THE MATTER OF an opposition No., to
Application No.

I/We,
applicant(s) for registration of the above trade mark, hereby give notice that the
following are the grounds on which I/We rely as supporting my/our application:-

.....
.....

I/We admit the following allegation in the notice of opposition:-

.....
.....

Dated this day of, 200.....

(1) Signature.

(1)

My/Our address for service in Malawi:-

.....
.....

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No.8.

**Sections 23, 31, 32, 37, 38, 40 or 41
Regulation 7, 54, 83 or 90.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee £2.

Notice to the Registrar of Attendance at Hearing

(1) State full name and address.

I/We, (1) of
..... hereby
give notice that the hearing of the arguments in the case of:

(2) Strike out words here that are not applicable, so as to state one of the cases (a) to (e) only.

(2) (a) opposition No. to application for registration of a trade mark No.;

(b) application that the entry in the register in respect of trade mark No. may be removed;

(e) may be amended by alteration of or addition to the trade mark;

(d) may be amended by a conversion of the

specification of goods;

(c) may be amended otherwise than by any change in the mark or of the specification on conversion.;

which, by the Registrar's Notice to me/us dated the day of 200....., is fixed fora.m. or p.m. at the Trade Marks Office on the day of 200....., will be attended by me/us or by some person on my/our behalf.

Dated this day of , 200.....

(3) Signature

(3)

(4) Address

.....

(4)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 9.

**Section 24(3)
Regulation 59.**

**TRADE MARKS ACT
(CAP. 49:01)**

Notice of Non-completion of Regulation

No.

The Registrar, as required by section 24(3) of the Trade Marks Act, and regulation 59 of the Trade Marks Regulations, has to appoint out that the registration of the trade mark, in respect of which your application numbered as above was made on the day of 200....., 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 , 200.....

To:
.....

.....
The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 10.

**Section 24, 26 or 42.
Regulation 60.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: 4, 4(a), 4(b), 4(c), or 4(d) and 5.

Fee for Registration of a Trade Mark

(If the Applicant has furnished a printing block for advertisement, this form must be accompanied by one unmounted representation of the mark, exactly as shown on the form of application.)

The prescribed fee for the registration of the trade mark No in class is hereby transmitted.

Dated this day of, 200.....

Signature.

(1).....

The Registrar

The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks
Trade Marks Regulations

Cap. 49:01
(Subsidiary)

MALAWI

Form TM. No. 11.

TRADE MARKS ACT
(CAP. 49:01)

Certificate of Registration

The Trade Mark shown above has been registered in Part
..... of the Register in the name of
.....
.....
.....

in Class under No.
As of the, 200....., in respect of
.....

Sealed at my direction, this day of
200.....

.....
REGISTRAR

The Trade Marks Office,
P.O. Box 100
BLANTYRE

Registration is for 7 years from the date first above-mentioned, and may then be renewed, and also at the expiration of each period of 14 years thereafter.

NOTE: Upon any change of ownership of this trade mark, or change in address, application should AT ONCE be made to the Registrar to register the change.

LAWS OF MALAWI

Trade marks **Cap. 49:01**

Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 12.

Section 25
Regulation 64.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 11, 11(a) or 11(b).

**Renewal of Registration of Trade Mark*

I/We(1)
of
hereby leave the prescribed fee of for renewal of
registration of the trade mark No. In class*,
which I am/we are directed by the proprietor of the trade mark, that is to say by (2)
..... to pay.

(1) State the name
and address of the
person leaving the
fee.

*If the fee is left by
the proprietor
himself, this
passage should be
struck out.

Dated this day of, 200.....

(2)If the fee is not
left by the
proprietor himself,
insert his name
and address here.

(3)
.....

.....
The statement on the back of this form must be filled in and signed.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

*This form will be returned if it is filed more than six months before the expiration of the last registration.

(To appear on the back of the form)

The Registrar is requested to send notice of renewal of the registration to (4) the registered proprietor at the following address:-

.....
.....
(5).....

Dated this day of, 200.....

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 13. **Section 25.**
Regulation 67.

TRADE MARKS ACT
(CAP. 49:01)

Fee: £1.

Additional fee of £1 to accompany Renewal Fee (form TM. No. 12) within one month after advertisement of Non-payment of Renewal Fee.

(To accompany form TM. No. 12)

In pursuance of the notices issued by the Registrar, I/We hereby transmit the additional fee of £1 (along with form TM. No. 12) for the renewal of the registration of the trade mark No. in Class

Dated this day of, 200.....

(1).....
.....

(3) Signature and address of the person leaving the fee.

(4) If the request is signed by the registered proprietor strike out here the words "the registered proprietor" and substitute the word "me".

(5) Signature.

Signature.

Address.

(2).....

NOTE: This form must be signed by the person(s) signing the form TM. No. 12 which accompanies it.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks	Cap. 49:01
Trade Marks Regulations	(Subsidiary)

MALAWI

Form TM. No. 14.

**Section 25.
Regulation 68.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: £2.

Restoration of Trade Mark removed from Register for Non-payment of Fee.

(To accompany form TM. No. 12)

In pursuance of the notices issued by the Registrar, I/We hereby transmit the additional fee of £2 (along with form TM. No. 12) for the restoration to the register of the trade mark No. in Class

Dated this day of, 200.....

Signature.

(1).....

Address.

(2).....

NOTE: This form must be signed by the person(s) signing the form TM. No. 12 which accompanies it.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 15. **Section 34(3).**
Regulation 76.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 7(a).

Application for extension of time, in accordance with section 34(3), for the registration of the name of a Corporation as Subsequent Proprietor of a Trade Mark in the Register

Application is hereby made by (1)
.....
of
for an extension of time by (2) months of the period of six months allowed by section 34(3) regulation 76 for registering its name, by force of one assignment, as proprietor of the following trade mark(s) registered upon application(s) confirming to section 34(1)(a):-

(1) Here state the name and address of the applicant

(2) Here insert "two" of "four" of "six".

(3) Additional numbers may be given in a signed schedule on the

Registration Number

Class

..... back of the form
.....
.....

Dated this day of, 200..... (4) Signature.

(4)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 16

**Section 27.
Regulation 71.**

(1) State name and address of registered proprietor, or other assignor or transmitter.

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: 9 or 9(a).

(2) State full name, trade address and nationality of transferee.

Joint Request to the Registrar by Registered Proprietor and Transferee to register the Transferee as Subsequent Proprietor of Trade Marks upon the same devolution of title.

(3) name of transferee.

(4) Description of transferee.

We (1)
and (2)
hereby request, under regulation 71, that the name of (3)
.....
carrying on business as (4)
at (5)
may be entered in the register of trade marks as proprietor of the trade mark(s) No.
..... * in class
as from the (6)
(7)

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

(5) Trade or business address of transferee.

(6) Date of acquisition of

.....
(8) The trade mark at the time of the assignment was (8) (not) used in a business in the goods in question, and the assignment(8) took/ did not take place on or after the commencement of the Act otherwise than in connection with the goodwill of a business in the goods, (8) and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith, and a statement of the dates of issue of any publication containing them.

proprietorship.

(7) Full particulars of the instrument of assignment or transmission, if any, or statement of case.

Dated this day of, 200.....

(8) Strike out any words not applicable (see regulation 76).

(9)

(9) Signature of assignor or transmitter.

(10)

(10) Signature of transferee.

My/Our address for service in Malawi:-

.....
.....

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 17

**Section 27.
Regulation 72.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: 9 or 9(a).

Request to the Registrar to register a Subsequent Proprietor of a Trade Mark or Trade Marks upon the same devolution of title.

(1) Here state full name, trade or business address, nationality and description.

I/We, (1).....

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

hereby request that my/our names
may be entered in the register of trade marks as proprietor(s) of trade mark(s) No. * in Class
as from the (2)

(2) Date of acquisition of proprietorship.

I am/We are entitled to the trade mark(s) by virtue of (3)
.....
.....

(4) The trade mark at the time of the assignment was (4) not/used in a business in the goods in question, and the assignment (4) took/ did not take place on or after the commencement of the Act otherwise than in connection with the goodwill of a business in the goods, (4) and there is sent herewith a copy of the Registrar's direction to advertise the assignment.

(3) Here insert full particulars of the instrument of assignment or transmission, if any, or statement of case.

Dated this day of, 200.....

(4) Strike out any words not applicable (See regulations 76).

(5)

(5) Signature.

My/Our address for service in Malawi:-

.....
.....

NOTE: The instrument under which the transferee claims should preferably accompany this form.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 18

**Section 27.
Regulation 74.**

**TRADE MARKS ACT
(CAP. 49:01)**

Affidavit/Solemn Declaration (only to be furnished when requested by Registrar) in support of Statement of Case accompanying form TM. No. 16 or No. 17.

I, of do hereby make *oath and say/solemnly and sincerely declare 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.

And I make this affidavit/solemn declaration conscientiously believing the same to be true.

(1) To be signed here by the person making the

(1)

affidavit/ solemn declaration.

Declared at this day of , 200.....

(2) Signature and title of authority before whom the affidavit/solemn declaration is made.

Before me (2).....
.....

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 19

Section 39.
Regulations 81, 85 and 102.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 13 or nil.

Request for Alteration of Trade or Business Address or Address for Service in Register of Trade Marks.

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

IN THE MATTER OF the trade mark(s) No.
*registered in Class

I/We, of
being the registered (1) proprietor(s)/user(s) of the trade mark(s) numbered as above,
request that my/our trade address in the register of trade marks be altered to
.....
.....

(1) Strike out one of these words.

Dated this day of 200.....

Signature.

(2)

NOTE: A registered proprietor or registered user whose address has been altered by a public authority, so that the changed address designates the same premises as before, may make also the statement below in order to avoid payment of the fee.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

(for use only in case of an address changed by a public authority, without change of premises)

Here insert the name of the public authority ordering the change, and the date thereof.

The change of address, for the entry of which application is made above, was ordered by
(3)
on the day of 200...

Signature of the registered proprietor or user, as the case may be.

(4)

NOTE: If the above statement be made, and a certificate of the alteration given by the named authority be supplied, the Registrar, if satisfied as to the facts of the case, will required the payment of a fee with Form TM. No. 19 (See regulation 81).

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 20 **Section 28(5).
Regulation 61.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: £2.

Application to the Registrar under section 28(5) to dissolve the Association between a registered Trade Mark and (an)other registered Trade Mark(s)

(To be accompanied by a Statement of Case)

IN THE MATTER OF the trade mark No.
registered in Class

I/We, of
.....
being the registered proprietor(s)/ of the above-numbered trade mark, hereby apply that 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**

May be dissolved and the register amended accordingly.

The grounds for this application are set forth in the accompanying statement of case.

Dated this day of 200.....

Signature.

(1)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 21

Section 39
Regulation 102.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 10s.

Request for Correction of Clerical Error; or for Permission to amend Application

IN THE MATTER OF (1)
I/We, being the
hereby request that
.....
.....
.....

(1) Here insert words and reference number identifying the entry or application.

Dated this day of 200.....

(2)

(2) Signature

The Registrar

The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks
Trade Marks Regulations

Cap. 49:01
(Subsidiary)

MALAWI

Form TM. No. 22

Section 39
Regulation 102.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 10 and 10(a).

Request to enter Change of Name or Description of Registered Proprietor (or Registered User) of Trade Mark upon the Register.

I/We (1)
.....
.....
.....

hereby request that my/our name(s) and description(s) may be entered in the register of trade marks as (2) proprietor(s)/registered user(s) of the trade mark(s) No.* registered in Class

I am/We are entitled to (2) the said trade mark/use the said trade mark as registered user(s).

There has been no change in the (2) actual proprietorship/identity of the registered user(s) of the said trade mark, but (3)

(1) Here state present name, address and description of registered proprietor or registered user.

(2) Strike out the words that are not applicable.

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

(3) Here state the

.....
.....

circumstances
under which the
change of name
took place.

The entry at present standing in the register gives my/our name(s) and description(s) as follows:-

Dated this day of 200.....

(4) Signature.

(4)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 23

Section 39(1)
Regulations 85 and 86

TRADE MARKS ACT
(CAP. 49:01)

Fee: 10s.

Application by Registered Proprietor of Trade Mark for the Cancellation of Entry thereof in Register.

IN THE MATTER OF trade mark No.

Name of registered proprietor

Trade or business address

Description

Application is hereby made by

of (1) (or by a

member of the firm of

of (1)

on behalf of my said firm

that the entry in the register of trade marks of the trade mark No in

Class May be cancelled.

(1) Here insert the
trade or business
address and
description of the
applicant(s) or
his/their firm.

Dated this day of 200.....

(2) Signature.

(2)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 24

**Section 39(1)
Regulations 85 and 86.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: 10s.

Application by Registered Proprietor of Trade Mark to the Registrar to strike out Goods from those for which the Trade Mark is Registered.

IN THE MATTER OF trade mark No. Registered in Class.
.....

Name of registered proprietor

Trade or business address

Description

Application is hereby made by

Of (1) (or by a member of the firm of
..... of (1)

(1) Here insert the trade or business address and description of the applicant(s) or his/their firm.

On behalf of my said firm)
.....
for the striking out of (2)
from the goods for which the trade mark No. is
registered in Class

(2) Here designate
the goods to struck
out.

Dated this day of 200.....

(3) Signature.

(3)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 25

**Section 39(1).
Regulations 85, 86 and 87.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: 10s.

Request by Registered Proprietor of a Trade Mark that a Disclaimer or Memorandum relating thereto may be Registered.

(1) Here insert the
name, trade or
business address
and description of
the registered
proprietor.

Request is hereby made by (1) of For the addition to
the entry in the register in connection with trade mark No. in Class.
..... of the following
..... namely:
.....
.....
.....
.....

Dated this day of 200.....

(2) Signature.

(2)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 26

**Section 40.
Regulations 89 to 92.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: 12 or 12(a)

Application by Registered Proprietor under section 40 for an addition to or alteration of a Registered Trade Mark

IN THE MATTER OF the trade mark No.(1)
..... of.....
.....
being the registered proprietor(s) of the registered trade mark numbered as above, that the Registrar shall add to it or alter it in the following particulars, that is to say:- (2)
.....
.....
.....
.....

- (1) Here insert name, trade or business address and description.
- (2) Here fill in full particulars.

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

Dated this day of 200.....

(3) Signature.

(3)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 27

**Sections 31, 32, 37 or 38.
Regulations 82.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: £3.

Application to the Registrar 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 the trade mark No. Registered in the name of
.....
.....in Class.

(1) Here state full name and address.

I/We (1)
hereby apply that the entry in the register in respect of the and above mentioned trade mark may be removed **(2)** rectified in the following manner
.....
.....

(2) Strike out the word(s) that is/are not applicable.

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 200..... (3) Signature.

(3)

My/Our address for service in Malawi:-

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

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 28

**Section 31, 32, 37 or 38.
Regulations 84.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: £2.

Application to the Registrar 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 (1) Here state full name and address.

I/We (1)

hereby apply for leave to intervene in the proceedings relating to the rectification 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 200.....

(2) Signature.

(2)

My/Our address for service in Malawi:-

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

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 29

**Section 43.
Regulations 20 and 113.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: 22.

1. Request for Search

The Registrar is hereby requested under regulation 113 to search in Class *
..... in respect of (1)
.....
to ascertain whether any trade marks are on record which resemble the trade mark sent
herewith in duplicate (each representation being mounted on a half-sheet foolscap).

***The Registrar's
direction should be
obtained if the
class of not known**

Dated this day of 200.....

(2)

(3)

**(1) Here specify the
goods (in the class
stated) which the
search is to be
made.**

(2) Signature.

(3) Address.

***2. Request for Registrar's Preliminary Advice as to Distinctiveness or Capability of
Distinguishing, by a person proposing to apply for the Registration of a Trade Mar.***

**(4) Here state
name and address**

I/We (4) in full.

Hereby request the Registrar to advise me/us whether the trade mark referred to above appears to him prima facie to be inherently adapted to distinguish or inherently capable of distinguishing my/our goods above-mentioned so as to comply with the requirement of section 14 or 15 respectively of the Act for registrability in Par A or Pat B of the register.

Dated this day of 200..... (5) Signature.

(5)

My/Our address for service in Malawi:-

.....
.....

NOTE: Request 1 MUST be completed. The fee on the form is 15s if request 2 is not completed, of £2 is not completed, of £ 2 if both requests are completed.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks Cap. 49:01
Trade Marks Regulations (Subsidiary)

MALAWI

Form TM. No. 30

Regulations 20.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 5s.

Request for Registrar's Preliminary Advice as to Distinctiveness or Capability of Distinguishing, by a person proposing to apply for the Registration of a trade mark.

(1) Here state name and address in full.

I/We (1)

*To be sent in duplicate.

hereby request the Registrar to advise me/us whether the trade mark shown on the accompanying foolscap sheet* appears to him prima facie to be inherently adapted to distinguish or inherently capable of distinguishing my/our goods so as to comply with the requirements of section 14 or 15, respectively of the Act for registrability in Part A or Part B of the register.

(2) Here specify the goods. Only goods included in one and the same class should be specified. A separate form of request is required for each class.

The goods in respect of which I/We propose to apply for registration of the said trade mark are (2)

.....
..... in Class. (3)

Dated this day of 200.....

(3) Here insert the number of the class (if known). In case of doubt, the Registrar's direction may be obtained.

(4)

My/Our address for service in Malawi:-

(4) Signature.

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

NOTE: If and when an application is made to register the trade mark, objection may arise if identical or resembling trade marks are found on the register. A prior notification of any such relevant marks (if any are to be found) can be obtained by a request to the Registrar made on Form TM. No. 29.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 31 **Sections 51.**
Regulations 115.

TRADE MARKS ACT
(CAP. 49:01)

Fee: Nil.

Notice to Registrar that Notice of Appeal has been filed with registrar of Tribunal

(1) Here state full name and address.

I/We (1)

.....
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 200.....

(2) Signature.

(2)

The Registrar
The Trade Marks Office,
P.O. Box 100

BLANTYRE

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 32

Sections 45.
Regulations 111.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 24 or 25..

Request for General Certificate of the Registrar (including Certificate of Registration of a Trade Mark)

* These words may be varied to suit other cases

I/We of
.....
Hereby request the Registrar to furnish me/us with (2) his certificate that (1)
.....
(2) a certificate of registration of the trade mark (2) for use in obtaining registration
abroad.

(1) Here set out the particulars which the Registrar is requested to certify.

(2) Strike out words that are not applicable.

Dated this day of 200.....

(3) Signature.

(3)

The Registrar

The Trade Marks Office,
P.O. Box 100
BLANTYRE

Reg. 5

LAWS OF MALAWI

Trade marks **Cap. 49:01**
Trade Marks Regulations **(Subsidiary)**

MALAWI

Form TM. No. 33

**Sections 32.
Regulations 21 and 37.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee:£3.

Application under section 32 of the Act for Registration of an Invented Word (or Words) in Part D of the Register as Defensive Trade Mark.

(1) Here specify the goods. Only goods included in one and the same class should be specified.

On representation to be fixed within this space, and six others to be pinned on to and sent with form TM. No. 3

(2) Here insert legibly the full name, description and nationality of the individual, firm or body corporate making the application. The names of all partiers in a firm must be given in full. If the applicant is a body corporate, the kind and corporation

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 (1)

.....
in the same of (2)
.....
of (3)
.....
trading as (4)
who is/are the proprietor(s) of the same trade mark registered in Class (5)
....., in respect of
..... under No.

should be stated

(3) Here insert the full trade or business address of the applicant

(4) Here insert the trading style (if any).

(5) Here insert particulars of the applicant's registration of the trade mark.

The particulars of the facts on which I/we rely in support of this application are set forth in the accompanying statement of case (6).

Dated this day of 200.....

(6) To be furnished in duplicate.

(7)

(7) Signature.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks
Trade Marks Regulations

Cap. 49:01
(Subsidiary)

MALAWI

Form TM. No. 34

Sections 42.
Regulations 40.

TRADE MARKS ACT
(CAP. 49:01)

Regulations for governing the use of Certification Trade Mark No.
..... in Class. In respect of (1)
.....

(1) Here specify the goods of the registration.

(For Official Use)

Advertised in Gazette No. at
page on the day of
.....

Date of application and registration 19.....)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 35

Sections 42.
Regulations 94.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 19(a).

Request for the consent of the Registrar to Alteration of the deposited Regulations for Use of a Certification trade mark

Application is hereby made by (1)
.....
who is/are the proprietor(s) of the certification trade mark(s) No.(2)
.....*registered in Class.
.....* in respect of (3)
*that the deposited regulations for governing the use of the mark may be altered in the manner shown in red in the accompanying copies (4) of the regulations as proposed to be altered, and for the consent of the Registrar to such alteration.

Dated this day of 200.....

(5)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

(1) Here state name and address of the proprietor(s) as registered.

(2) If the same regulations apply to more than one registration, the numbers of all the registrations should be stated.

(3) Here state the specifications of the respective registrations.

(4) Three copies should be furnished.

(5) Signature.

Additional numbers and specifications may be given in a signed Schedule on the back of the form.

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 36

Sections 42.
Regulations 93.

L.R.O. 1/1968

TRADE MARKS ACT
(CAP. 49:01)

Fee: £3.

Application to the Registrar for an order Expunging or Varying an entry in the Register relating to a Certification Trade Mark or Varying the deposited Regulations

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

IN THE MATTER OF certification trade mark No.
registered in the name of in Class

I/We (1)
being (an) aggrieved person(s), hereby apply for an order of the Registrar that:

(1) Here state full name and address.

1. (2) The entry in the register in respect of the above-mentioned trade mark may be expunged/varied in the following manner

2. (2) The deposited regulations governing the use of the above-mentioned trade mark may be varied in the following manner.....

(2) Strike out either paragraph that is not applicable.

The grounds of my/our application are as follows:

Dated this day of 200.....

(3)

(3) Signature.

My./Our address for service in Malawi:

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

The Registrar
The Trade Marks Office,
P.O. Box 100

BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 37

Sections 42.
Regulations 58.

TRADE MARKS ACT
(CAP. 49:01)

Fee: £2.

Notice to the Registrar, under Paragraph 2 of the Schedule to the Act, of Opposition to an Application for Registration of a Certification Trade Mark

(To be lodged in duplicate)

IN THE MATTER OF an application No. by
.....
of

I/We (1)
.....
hereby give notice of my/our intention to oppose the registration of the certification trade mark advertised under the above number for Class
in the Gazette of the day of
200....., No. page

(1) Here state full name and address.

The grounds of opposition are as follows (2):
.....
.....

(2) The grounds should be limited to matters referred to in paragraph 1(5) of the Schedule to the Act.

Dated this day of 200.....

(3) Signature.

(3)

My./Our address for service in Malawi:

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

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 38

**Sections 42.
Regulations 58.**

**TRADE MARKS ACT
(CAP. 49:01)**

Fee: £1.

Form of Counter statement in reply to the Notice to the Registrar, under Paragraph 2 of the First Schedule to the Act, of Opposition to an Application for registration of a Certification Trade Mark

(To be lodged in duplicate)

IN THE MATTER OF an opposition No. to application for registration of a certification trade mark No.

I/We the applicant(s) for registration of the above-numbered certification trade mark, hereby give notice that the following are the grounds on which I/we rely as supporting my/our application:

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

Dated this day of 200.....

(1) Signature.

(1)

My./Our address for service in Malawi:

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 39

Sections 42.
Regulations 58.

TRADE MARKS ACT
(CAP. 49:01)

Fee: £2.

L.R.O. 1/1968

Hearing by the Registrar of an Opposition under Paragraph 2 of the First Schedule to the Act, to an Application for Registration of a Certification Trade Mark

Notice of Attendance at Hearing

I/We (1)

(1) Here state name and address.

hereby give notice that the hearing by the Registrar of the arguments in the case of opposition No. to application No. for the registration of a certification trade mark, which, by the Registrar's notice to me/us dated the day of, 200..... is fixed for a.m. or p.m. at the Trade Marks Office on the Day of 200....., will be attended by me/us or by some person on my/our behalf.

Dated this day of 200.....

(2) Signature.

(2)

My./Our address for service in Malawi:

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

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 40

Sections 27(5).
Regulations 79.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 8.

Application for Certificate of the Registrar under section 27(5) of the Act 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 (1)
.....
of
being the registered proprietor(s) of the above-numbered registered 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
(2) of
.....
.....
in circumstances that are stated fully in the accompanying statement of case.

(1) Here insert the
name and trade or
business address of
the registered
proprietor.

(2) Here insert the
name and trade or
business address of
the proposed
assignee.

(3) Signature.

(3)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks
Trade Marks Regulations

Cap. 49:01
(Subsidiary)

*To be struck out in the case of unregistered trade marks.

MALAWI

Form TM. No. 41

Sections 27(6).
Regulations 79.

Struck our either paragraph I or paragraph II.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 8(a).

(1) Insert here the name and trade or business of the proprietor.

(2) Strike out either if not applicable.

(3) Insert here the names and trade or business addresses of the proposed assignee(s).

(4) Insert the name of the place or places in Malawi.

Application for the Approval by the Registrar under section 27(6) of the Act of a proposed assignment, or of a transaction (on or after the commencement of the Act), of a Trade Mark resulting in exclusive rights in different persons for different parts of Malawi

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

*Strike out the bracketed passage if not required.

IN THE MATTER OF (a) trade mark(s) No.(s) * registered No.(s)
in Class(es)*, the
property of

(5) Insert here the name and trade or business address of the person who claims a transmission to him.

I. Application is hereby made by (1)
of
the proprietor of the trade mark(s) shown in the accompanying statement of case (2)
(registered in his name) and (2) (used by him) in respect of the following goods
..... for
the approval by the Registrar of a proposed assignment of the trade mark(s) to (3)
of
in respect of the following goods to be sold or otherwise traded in in (4)
.....* and to (3)
of in
respect of the following goods to
be sold or otherwise traded in in (4)
in circumstances that are stated fully in the accompanying statement of case.

(6) Insert here the date of the transmission' which must not precede the commencement of the Act.

(7) Strike out the words that are not applicable.

II. (5)
of
who claims that the trade mark(s) shown in the accompanying statement of case
was/were, in respect of the following goods, namely
.....
and on the (6) day of,
200..... transmitted to (7) him (to (8)
..... of
..... (who was his predecessor in title)) by or from (9)
..... of
.....

(8) Insert here the name and trade or business address of the predecessor in title, if any.

(9) Insert here the name and trade or business address of the person who transmitted.

(10) Signature.

by whom the trade mark was then used in respect of the following goods, namely
..... all in
circumstances that are stated fully in the accompanying statement of case, for the
approval by the Registrar of the aforesaid transmission.

Dated this day of 200.....

(10)

Assignee's address for service in Malawi is:-

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

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks
Trade Marks Regulations

Cap. 49:01
(Subsidiary)

MALAWI

Form TM. No. 42

Sections 27(7).
Regulations 80.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 8(b).

Application to the Registrar under section 27(7) of the Act for Directions for the Advertisement of an Assignment of Trade Marks otherwise than in connection with the goodwill of the business.

(To be lodged in duplicate)

Application is hereby made by (1)
of
for the Registrar's directions with respect to the advertisement of an assignment to him/them of the following trade marks otherwise than in connection with the goodwill of the business in which they were used at the time of assignment, namely

(1) Here insert the name and trade or business address of the assignee (applicant).

I. Registered Trade Marks:

**Registration Number Class Goods in respect of which the mark has been used and is assigned.*

all of which are or were registered in the name of (2)
of
who is assignor.

(2) Here insert the name and trade or business address of the proprietor (assignor).

II. Unregistered trade mark (3), all being marks used in his business at the time of the assignment in respect of the goods stated below, by (2)
who is the assignor:

(3) Only those unregistered trade marks passing by the one assignment and used in the same business and for the same goods as those for which one or more of the registered marks are registered may be stated here.

**Representation of mark Goods in respect of which the mark has been used and is assigned.*

The date of assignment was the day of , 200.....

The instrument effecting the assignment is sent herewith, together with a copy thereof.

It is suggested that advertisement shall be directed as follows, namely, in

*Additional marks and numbers may be given in a signed schedule on the back of the

form.

Dated this day of 200.....

(4) Signature.

(4)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 43

Sections 27(7).
Regulations 80.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 8(c).

Application for Extension of Time in which to apply for the Registrar's Directions for the advertisement of an Assignment of Trade Marks otherwise than in connection with the goodwill of the business

Application is hereby made by (1)
of
for extension of time (2) Month(s) in which to apply to the
Registrar's directions for the advertisement of an assignment to him/them of the
following trade marks otherwise than in connection with the goodwill of the business in
which they were used at the time of assignment, namely:-

(1) Here insert the
name and trade or
business address of
the assignee
(applicant).

(2) Here insert
"one" or "two" or
"three".

I. Registered Trade Marks:

**Registration Number Class Goods in respect of which the mark has been used and is assigned.*

all of which are or were registered in the name of (3)
.....
of
who is assignor.

(3) Here insert the
name and trade or
business address of
the proprietor
(assignor).

(4) Signature.

II. Unregistered trade mark all being marks used in his business at the time of
assignment and in respect of the goods stated below, by (3) of
.....
who is the assignor:

**Representation of mark Goods in respect of which the mark has been used and is assigned.*

The date of assignment was the day of ,
200.....

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

Dated this day of 200.....

(4)

My/Our address for service in Malawi is:-

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

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 44

**Sections 23 and 40.
Regulations 42 and 45.**

**TRADE MARKS ACT
(CAP. 49:01)**

General Form of Advertisement

Notice is hereby given that in terms of

.....

.....

.....

Dated this day of 200.....

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 45

Section 41.
Regulation 6.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 5s.

RECLASSIFICATION

Application to the Registrar by the Proprietor of a Registered Trade Mark for the Conversion of the Specification from the Third Schedule to the Fourth Schedule of the Trade Marks Regulations

IN THE MATTER OF a trade mark No. registered in the name of In Class of the Third Schedule.

Application is hereby made by (1) the registered proprietor of the above-numbered trade mark, for the conversion of the specification of the above-mentioned registration (2) and the specification(s) of the registered user(s) thereunder from the Third Schedule to the Fourth Schedule of the Trade Marks Regulations.

(1) Here insert the name and trade or business address of the registered proprietor (applicant).

The specification(s) entered in the register in accordance with the Third Schedule is/are:-

(2) Cancel the words underlined if there are no registered users.

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

(3) Signature.

Class
Class

Dated this day of 200.....

(3)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks Cap. 49:01
Trade Marks Regulations (Subsidiary)

MALAWI

Form TM. No. 46

Section 41(3).
Regulation 7.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 20(a).

RECLASSIFICATION

Notice of Opposition to Proposal for Conversion of Specification

(To be lodged in duplicate together with a statement, in duplicate, showing how the proposed conversion would be contrary to section 41(2) of the Act.)

IN THE MATTER OF the *trade mark(s) No.(s)
registered in the name of In Class
..... of the Third Schedule of the Regulations.

I/We (1)
hereby give notice of my/our intention to oppose the proposal for the conversion of the specification(s) of the trade mark(s), advertised in the Gazette of the day of, 200..... No. page

(1) Here state full name and address.

The grounds of opposition are as follows:-
.....
.....

Dated this day of 200.....

(2)

(2) Signature.

My/Our address for service in Malawi is:-
.....
.....
.....

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

*The numbers of more than one trade mark dealt with by the same proposal may be given provided the specifications are the same.

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 47

Section 40.
Regulation 90.

TRADE MARKS ACT
(CAP. 49:01)

Fee: £2.

Notice of Opposition to Application under section 40 of the Act for addition to or alteration of a Registered Trade Mark

(To be lodged in duplicate)

IN THE MATTER OF the trade mark No. registered
in the name of in
Class

I/We (1)
hereby give notice of my/our intention to oppose the addition to or alteration of the
trade mark numbered and registered as above, so that it shall be in the form shown in
the application advertised in the Gazette of the day of
....., 200..... No. page
.....

(1) Here state full
name and address.

The grounds of opposition are as follows:-
.....
.....

Dated this day of 200.....

(2)

(2) Signature.

My/Our address for service in Malawi is:-
.....
.....
.....

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 48

Section 51.
Regulation 117.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 10s.

Notice of Order of High Court or Tribunal for alteration or rectification of Register of Trade Marks.

IN THE MATTER OF the 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, 200..... it was directed that

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

Dated this day of 200.....

(1)

(1) To be signed by the person interested or his agent.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

LAWS OF MALAWI

Trade marks

Cap. 49:01

Trade Marks Regulations

(Subsidiary)

MALAWI

Form TM. No. 49

Section 58.
Regulation 88.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 7.

*Request to the Registrar for entry on the Registrar and advertisement of a note of a
Certificate of Validity by the High Court or Tribunal*

IN THE MATTER OF the trade mark(s) No.(s)
registered in Class in the
name of

I/We (1)
hereby request the Registrar to add to the above-numbered entry/entries of a trade mark
in the Register, and to advertise in the *Gazette* a note that in (2)

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

Dated this day of 200.....

(1) Here state the
name and address
of the registered
proprietor.

(2) Here state the
nature of the
proceedings, with
the names of the
parties to them, in
which the
certificate was
given.

(3) Signature.

(3)

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

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(1) Here insert full name, trade or business address and description of the registered proprietor(s)

MALAWI

Form TM. No. 50

Section 33(4).
Regulation 96.

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

TRADE MARKS ACT
(CAP. 49:01)

Fee: 6 or 6(a).

(2) Here insert the specification in the register.

Application for Registration of Registered User

(To be accompanied by a statement of case giving particulars and stating as required by section 33(4), verified by an affidavit or solemn declaration made by the proprietor, or by some person authorized to act on his behalf and approved by the Registrar.)

(3) Here insert the 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 should be stated.

Application is hereby made by (1)
.....
who is/are the registered proprietor(s) of trade mark(s) No.(s)*
registered in Class in respect of (2)
.....
that (3)
.....
of (4)
trading as (5)

(4) Here insert the full trade or business address of the proposed registered user.

.....
who hereby joins in the application, may be registered as a registered user of the above-numbered registered trade mark(s) in respect of (6)

(5) Here insert trading style (if any).

.....
subject to the following conditions or restrictions:-

(6) Here insert designation of goods (which must be comprised within the specification).

(7).....
.....
(8)The proposed permitted use is to end on the of
....., 200...../The proposed permitted
use is without limit of period.

(7) Write None if there are no conditions or restrictions

Dated this day of 200.....

(8)Strike out the words that are not applicable.

(9)

My/Our address for service in Malawi is:-

(9) Signature.

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

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

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Trade marks
Trade Marks Regulations

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MALAWI

Form TM. No. 51

Section 33(8)(a).
Regulation 98.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 6(b) or 6(c).

Application by the Registered Proprietor of a Trade Mark for variation of the registration of a Registered User thereof with regard to the goods 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 (1)
.....
the proprietor of trade mark(s) No.(s) *
registered in Class In respect of (2)
.....
that the registration of (3)
..... as
a registered user of the above-numbered trade mark(s) in respect of (4)
.....
may be varied in the following manner: (5)
.....

(1) Here insert the 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

(2) Here insert the specification in the register.

(3) Here insert full name, description and trade or business address of the registered user.

(4) Here insert the goods in respect of which the user is registered.

(5) Here state in terms the manner in which it is requested that the entry should be varied.

(6) Signature).

Dated this day of 200.....

(6)

My/Our address for service in Malawi is:-

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

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

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Trade marks
Trade Marks Regulations

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MALAWI

Form TM. No. 52

Section 33(8)(b).
Regulation 99.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 6(d) or 6(e).

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 (1)

(1) Here insert the full name, description and trade or business address of the applicant(s).

being (2) the registered proprietor/registered user of trade mark(s) No.(s)*..... registered in Class in respect of (3)

(2) Strike out words that are not applicable.

for cancellation of the entry under the above-mentioned registration(s) of (4)

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

As a registered user of the trade mark(s) in respect of (5)

(3) Here insert the specification in the register.

The grounds for this application are s set forth in the accompanying statement.

(4) Here insert the full name, description and trade or business address of the registered user whose entry is sought to be cancelled.

Dated this day of 200.....

(6)

(5) Here insert goods in respect of which that registered user is entered.

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

(6) Signature(s).

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Form TM. No. 53

Section 33(8)(c).
Regulation 100.

TRADE MARKS ACT
(CAP. 49:01)

Fee: 6(f) or 6(g).

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 (1)

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

Application is hereby made by (2)
.....
.....
for cancellation of the entry under the above-mentioned registration(s) of (3)
.....
as the registered user thereof in respect of (4)

(1) Here insert the name trade or business address and description of the registered proprietor as entered in the register.

(2) Here insert the name and address of the applicant for cancellation.

The grounds of this application, particulars of which are given in detail in the accompanying statement of case, are (5)

(3) Here insert the name, trade or business address and description of the registered user as entered in the register.

Dated this day of 200.....

(6).....
.....
.....

(4) Here insert the goods in respect of which the registered user is entered.

My/Our address for service in Malawi is:-

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

(5) Here insert one or more of the sub-paragraphs of section 33(8) numbered (i), (ii), (iii).

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

(6) Signature.

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Form TM. No. 54

Section 33(9).
Regulation 101.

TRADE MARKS ACT
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Fee: 10s.

Notice to the Registrar under section 33(9) of the Act 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 a trade mark No. registered in Class
..... In the name of (1)

(1) Insert here the name of the registered proprietor.

and

IN THE MATTER OF a registration of (2)

(2) Insert here the name and trade or business address of the registered user.

Dated this day of 200.....

In reply to the Registrar's notification, dated the day of
....., 200..... Notice is hereby given of my intention to
intervene in the proceedings in the above matter.

Dated this day of, 200.....

(3)

(3) Signature.

My address for service in Malawi is:-

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

The Registrar
The Trade Marks Office,
P.O. Box 100
BLANTYRE

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THIRD SCHEDULE

CLASSIFICATION OF GOODS

Class 1

Chemical substances used in manufactures, photograph, or philosophical research, and ant-corrosives.

Class 2

Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes.

Class 3

Chemical substances prepared for use in medicine and pharmacy.

Class 4

Raw, or partly prepared, vegetable, animal, and mineral substances used in manufactures, not included in other Classes.

Class 5

Unwrought and partly wrought metals used in manufacture.

Class 6

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines and their parts included in Class 7.

Class 7

Agricultural and horticultural machinery, and parts of such machinery.

Class 8

Philosophical instruments, scientific instruments and apparatus for useful purposes; instruments and apparatus for teaching.

Class 9

Musical instruments

Class 10

Horological instruments

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Class 11

Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.

Class 12

Cutlery and edge tools.

Class 13

Metal goods, not included in other Classes.

Class 14

Goods of precious metals and jewellery, and imitations of such goods and jewellery.

Class 15

Glass.

Class 16

Porcelain and earthenware.

Class 17

Manufactures from mineral and other substances for building or decoration.

Class 18

Engineering, architectural, and building contrivances.

Class 19

Arms, ammunition, and stores not included in Class 20.

Class 20

Explosive substances.

Class 21

Naval architectural contrivances and naval equipments not included in other Classes.

Class 22

Carriages.

Class 23

- a. Cotton yarn.
- b. Sewing cotton.

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Class 24

Cotton pies goods.

Class 25

Cotton goods not included in other Classes.

Class 26

Linen and hemp yarn and thread.

Class 27

Linen and hemp piece goods.

Class 28

Linen and hemp goods not included in other Classes.

Class 29

Jute yarns and tissues, and other articles made of jute, not included in other classes.

Class 30

Silk, spun, thrown, or sewing

Class 31

Silk piece goods.

Class 32

Silk goods not included in other Classes.

Class 33

Yarns of wool, worsted, or hair

Class 34

Cloths and stuffs of wool, worsted, or hair.

Class 35

Woollen and worsted and hair goods, not included in other Classes.

Class 36

Carpets, floorcloth and oilcloth.

Class 37

Leather, skins unwrought and wrought, and articles made of leather not included in other Classes.

Class 38

Articles of clothing.

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Class 39

Paper (except paper hangings), stationery and bookbinding.

Class 40

Goods manufactured from India-rubber and gutta-percha not included in other Classes.

Class 41

Furniture and upholstery

Class 42

Substances used as food or as ingredients in food.

Class 43

Fermented liquors and spirits.

Class 44

Mineral and aerated waters, natural and artificial, including ginger beer.

Class 45

Tobacco, whether manufactured or unmanufactured.

Class 46

Seeds for agricultural and horticultural purposes.

Class 47

Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches; and starch, blue and other preparations for laundry purposes.

Class 48

Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).

Class 49

Games of all kinds and sporting articles not included in other Classes.

Class 50

Miscellaneous:-

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- (1) Goods manufactured from ivory, bone or wood, not included in other Classes.
- (2) Goods manufactured from straw or grass, not included in other Classes.
- (3) Goods manufactured from animal and vegetable substances, not included in other Classes.
- (4) Tobacco pipes.
- (5) Umbrellas, walking sticks, brushes and combs for the hair.
- (6) Furniture cream, plate powder.
- (7) Tarpaulins, tents, rick-cloths, rope (jute or hemp), twine.
- (8) Buttons of all kinds other than of precious metal or imitations thereof.
- (9) Packing and hose.
- (10) Other goods not included in the foregoing Classes.

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FOURTH SCHEDULE CLASSIFICATION OF GOODS NAMES OF THE CLASSES

(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.)

1. Chemical products used in industry, science, photography, agriculture, horticulture, forestry: manures (natural and artificial); fire-extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.
2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; resins; metals in foil and powder form for painters and decorators.
3. Bleaching preparations and other substances for laundry use; cleaning, polishing and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
4. Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust-laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night lights and wicks.
5. Pharmaceutical, veterinary and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax; disinfectants; preparations for killing weeds and destroying vermin.
6. Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (non-electric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in non-precious metal not included in other Classes; ores.
7. Machines and machine tools; motors (except for vehicles); machine couplings and belting (except for vehicles); large-size agricultural implements; incubators.
8. Hand tools and instruments; cutlery, forks and spoons; side arms.
9. Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; coin or counter-free apparatus; talking machines; cash registers; calculating machines; fire-extinguishing apparatus.

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10. Surgical, medical, dental and veterinary instruments and apparatus (including artificial limbs, eyes and teeth).
11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
12. Vehicles; apparatus for locomotion by land, air or water.
13. Firearms; ammunition and projectiles; explosive substances; fireworks.
14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewellery, precious stones; horological and other chronometric instruments.
15. Musical instruments (other than talking machines and wireless apparatus).
16. Paper and paper articles, cardboard and cardboard articles; printed matter, newspapers and periodicals, books; bookbinding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes, typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards (printers type and clichés (stereotype).
17. Gutta-percha, India-rubber, balata and substitutes, articles made from these substances and not included in other Classes; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (non-metallic); plastics in the form of sheets, blocks, rods and tubes, being for use in manufactures.
18. Leather and imitations of leather, and articles made form these materials, and not included in other Classes; skins, hides, trunks and traveling bags; umbrellas, parasols and walking-sticks; whips, harness and saddlery.
19. Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; road-making materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.
20. Furniture, mirrors, picture frames; article (not included in other Classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, and substitutes for all these materials.
21. Small domestic utensils and containers (not of precious metal, nor coated therewith); combs and sponges; brushes (other than paint brushes); brush-making materials; instruments and material for cleaning purposes; steel-wool; glassware, porcelain and earthenware not included in other Classes.

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22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks, padding and stuffing materials (hair, capoc, feathers, seaweed, etc);
23. Yarns, threads.
24. Tissues (piece goods); bed and table covers; textile articles not included in other Classes.
25. Clothing, including boots, shoes and slippers.
26. Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.
27. Carpets, rugs, mats and matting linoleums and other materials for covering floors; wall hangings (non-textile).
28. Games and playthings gymnastics and sporting articles (excepting clothing); ornaments and decorations for Christmas trees.
29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and other dairy products, edible oils and fats; preserves, pickles.
30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionery, ices, honey, treacle; yeast, baking-powder; salt, mustard; pepper, vinegar, sauces; spices; ice.
31. Agricultural, horticultural and forestry products and grains not included in other Classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.
32. Beer, ale and porter; mineral and aerated waters and other non-alcoholic drinks; syrups and other preparations for making beverages.
33. Wines, spirits and liqueurs.
34. Tobacco, raw or manufactured; smokers' articles; matches.
