

CHAPTER 244.

TRADE MARKS.

TRADE MARKS (CERTIFICATE OF REGISTRATION) ORDER

O. in C. 1 of 1915.

made by the Governor in Council under section 55.

1. This Order may be cited as the Trade Marks (Certificate of Registration) Order in Council. Citation.

2. The following shall be the prescribed form of certificate of the registration of a trade mark under section 18 of the Trade Marks Ordinance, viz.— Form of certificate of registration.

SIERRA LEONE.

CERTIFICATE OF REGISTRATION OF TRADE MARK UNDER THE TRADE MARKS ORDINANCE.

(A representation of the trade mark to be fixed within this space.)

I hereby certify that (a)has been registered as the proprietor of the above trade mark in class (b).....in respect of (c)as from the.....day of.....19.....

Given under my hand and seal this.....day of.....19.....

Registrar.

NOTE—

- (a) Here insert name, address, and business of the individual or firm.
(b) Here insert class number as set out in Part III of the Rules.
(c) Here insert description of goods.

TRADE MARKS RULES.

1st Schedule P.N. 97 of 1952.

(First Schedule to the Ordinance)

PART I.—RULES.

- 1. (1) These rules may be cited as the Trade Marks Rules. Citation.
(2) In the construction of these rules, any words used herein defined by the Ordinance shall have the meaning thereby assigned to them respectively. Interpretation.
2. The fees to be paid in pursuance of this Ordinance shall be the fees specified in Part II of these rules, and such fees shall be paid in money. Method of paying fees.
3. For the purposes of trade mark registration and of these rules, goods are classified in the manner appearing in Part III of these rules. Classification of goods.

Doubt to be settled by Registrar.

4. If any doubt arises as to what class any particular description of goods belongs to, the doubt shall be determined by the Registrar.

Size of paper, etc.

5. Subject to any directions which may be given by the Registrar, all applications, notices, counter-statements representations of marks, papers having representations affixed, or other documents required to be left with, or sent to, the Registrar, shall be upon foolscap paper of a size of approximately thirteen inches by eight inches, and shall have on the left hand part thereof a margin of approximately two inches.

Application by firm and by body corporate.

6. An application for registration of a trade mark, if made by any firm or partnership, may be signed by some one or more members of such firm or partnership, as the case may be. If the application be made by a body corporate, it may be signed by the secretary or other principal officer of such body corporate.

Agency.

7. An application for registration, and all other communications between the applicant and the Registrar, may be made by or through an agent duly authorised to the satisfaction of the Registrar.

Advertisement of application.

8. Every application shall be advertised by the Registrar in the *Gazette* during such times and in such manner as the Registrar may direct, unless he refuse to entertain the application. The Registrar shall in such advertisement name a place where a specimen or representation of the trade mark is exhibited.

Application to contain representation of mark.

9. Every application for registration of a trade mark shall contain a representation of the trade mark, affixed to it in the space which the prescribed form contains for that purpose. The form is set forth in Part IV of these rules.

Where the representation exceeds such space in size, the representation shall be mounted on linen, tracing cloth, or other material that the Registrar may consider suitable. Part of the mounting shall be affixed in the space aforesaid, and the rest may be folded over.

Additional representations to be furnished.

10. Subject to any directions given by the Registrar, there shall be sent with the application three representations of each mark, in addition to that affixed to the application. If the mark is to be registered in more than one class, then two additional representations for each class after the first shall be supplied.

Translation.

11. Where a trade mark contains a word or words in other than Roman characters, there shall be endorsed on the application, and on each representation other than the representation affixed to the application, a translation of such word or words signed by the applicant or his agent. Where a trade mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof and, if he so requires, such translation shall be endorsed and signed as aforesaid.

Notice of opposition.

12. A notice of opposition to the registration of a trade mark shall state the ground or grounds upon which the opponent intends to oppose the registration.

Procedure on death of applicant.

13. In case of the death of any applicant for a trade mark after the date of his application, and before the trade mark applied for has been entered on the register, the Registrar may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the goodwill of the business, if such ownership be proved to the satisfaction of the Registrar.

14. If the registered proprietor of a trade mark sends the Registrar notice of an alteration in his address, the Registrar shall alter the register accordingly.

Alteration of address in register.

15. Where a person becomes entitled to a trade mark, or to any share or interest therein by assignment or by transmission or other operation of law, a request for the entry of his name on the register as such complete or partial proprietor of the trade mark, or of such share or interest therein, shall be addressed to the Registrar and left at the Registrar's Office.

Request for registration of subsequent proprietorship.

Every such request shall state the name, address, and description of the person claiming to be entitled to the trade mark, or a share or interest therein, and the particulars of assignment, transmission, or other operation of law, by virtue of which he requires to be entered on the register as complete or partial proprietor, so as to show the manner in which, and the person to whom, the trade mark has been assigned or transmitted, and so as to show further that it has been so assigned or transmitted in connection with the goodwill of the business concerned in the particular class or classes of goods for which the trade mark has been registered.

Particulars to be stated.

16. Such request shall, in the case of an individual, be made and signed by the person requiring to be registered as proprietor, or by his agent duly authorised to the satisfaction of the Registrar, and in the case of a body corporate, by their agent authorised in like manner.

Signature of request.

17. The claimant shall furnish to the Registrar such other proof of title, and of the existence and ownership of such goodwill as aforesaid as he may require for his satisfaction.

Further proof of title if required.

18. A body corporate may be registered as proprietor by its corporate name.

Body corporate.

19. Four clear days' notice of every application to the Court, under section thirty-eight of the Ordinance for rectification of the register shall be given to the Registrar.

Notice to Registrar of application to rectify register.

20. Whenever an order is made by the Court for making, expunging, or varying an entry from or in the register, the Registrar shall, if he thinks fit that such rectification or variation should be made public, and at the expense of the person applying for the same, publish, by advertisement, or otherwise, and in such manner as he thinks just, the circumstances attending the rectification or variation in the register.

Publication of rectification, etc.

21. Before exercising any discretionary power given to the Registrar by the Ordinance adversely to the applicant for registration of a trade mark, the Registrar shall give ten days' notice, or such longer notice as he may think fit, to the applicant of the time when he may be heard personally or by his agent.

Exercise of discretionary power by Registrar.

22. Within five days from the date when such notice would be received in the ordinary course of post, or such longer time as the Registrar may appoint in such notice, the applicant shall notify, in writing, to the Registrar, whether or not he intends to be heard upon the matter.

Notice by applicant.

23. The decision of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified to the applicant.

Notification of decision.

24. The register, and all documents in connection with registration of trade marks, shall be open for the inspection of the public, and copies of, or extracts from, such registers or documents obtained on every business day during the hours that the Registrar's Office opens for business,

Time for inspection of register, etc.

Certificate for purposes of legal proceedings.

25. A certificate of registration of a trade mark to be used in legal proceedings, or for any other specified purpose, shall be issued upon application, but such certificate shall have specified on the face thereof the purpose for which it is issued.

Conduct of business with Registrar.

26. Business at the Registrar's Office shall be conducted in person or through an agent, and not by correspondence.

PART II.—FEES.

	£	s.	d.
1. On application to register a trade mark for one or more articles included in one class	0	10	0
2. For registration of a trade mark for one or more articles included in one class	1	0	0
3. For registering a series of trade marks, for every additional representation after the first in each class ...	0	5	0
4. On notice of opposition, for each application opposed by opponent	1	0	0
5. On application to register a subsequent proprietor in cases of assignment or transmission, the first mark ...	1	0	0
6. For every additional mark assigned or transmitted at the same time	0	5	0
7. For continuance of mark at the expiration of 14 years ...	1	0	0
8. Additional fee where fee is paid within three months after expiration of 14 years	0	10	0
9. Additional fee for re-registration of trade mark where removed for non-payment of fee	1	0	0
10. For altering address on the register, for every mark ...	0	5	0
11. For every entry in the register of a rectification thereof, or and alteration therein, not otherwise charged ...	0	10	0
12. For cancelling the entry, or part of the entry, or a trade mark upon the register, on the application of the owner of such trade mark	0	5	0
13. On request to Registrar to correct a clerical error or permit amendment of application under section 34	0	5	0
14. For certificate of refusal to register a trade mark	1	0	0
15. For certificate of refusal at the same time for more than one trade mark, for each additional trade mark, after the first	0	10	0
16. For certificate of registration to be used in legal proceedings	1	0	0
17. For certificate of Registrar under rule 25, other than certificate of registration to be used in legal proceedings	0	5	0
18. For inspecting register, for every half-hour	0	2	6
19. For inspecting documents lodged in connection with the registration of a trade mark	0	2	0
20. For copies or extracts, for every 72 words or part thereof	0	1	0
21. For certifying copies or extracts	0	5	0

PART III.—CLASSIFICATION OF GOODS.

1. Chemical substances used in manufactures, photography or philosophical research and anti-corrosives.

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

3. Chemical substances prepared for use in medicine and pharmacy.
4. Raw, or partly prepared, vegetable, animal and mineral substances used in manufactures not included in other classes.
5. Unwrought and partly-wrought metals used in manufacture.
6. Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines, included in class 7.
7. Agricultural and horticultural machinery, and parts of such machinery.
8. Philosophical instruments, scientific instruments and apparatus for useful purposes. Instruments and apparatus for teaching.
9. Musical instruments.
10. Horological instruments.
11. Instruments, apparatus and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.
12. Cutlery and edged tools.
13. Metal goods, not included in other classes.
14. Goods or precious metals (including aluminium, nickel, Britannia metal, etc.), and jewellery and imitations of such goods and jewellery.
15. Glass.
16. Porcelain and earthenware.
17. Manufactures from mineral and other substances for building or decoration.
18. Engineering, architectural and building contrivances.
19. Arms, ammunitions and stores not included in class 20.
20. Explosive substances.
21. Naval architectural contrivances and naval equipments not included in classes 19 and 20.
22. Carriages.
23. (a) Cotton yarn and sewing cotton not on spools or reels.
(b) Sewing cotton on spools or reels.
24. Cotton piece goods of all kinds.
25. Cotton goods not included in classes 23, 24 or 38.
26. Linen and hemp yarn and thread.
27. Linen and hemp piece goods.
28. Linen and hemp goods not included in classes 26, 27 and 50.
29. Jute yarn and tissues and other materials made of jute not included in class 50.
30. Silk spun, thrown or sewing.
31. Silk piece goods.
32. Other silk goods, not included in classes 30 and 31.
33. Yarns of wool, worsted or hair.
34. Cloths and stuffs of wool, worsted or hair.
35. Woollen, worsted and hair goods, not included in classes 33 and 34.
36. Carpets, floor-cloth, and oil-cloth.
37. Leather, skins, unwrought and wrought, and made of leather, not included in other classes.
38. Articles of clothing.
39. Paper (except paper hangings), stationery, and bookbinding.

40. Goods manufactured from india-rubber and gutta-percha, not included in other classes.

41. Furniture and upholstery.

42. Substances used as food or as ingredients in food.

43. Fermented liquors and spirits.

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

45. Tobacco, whether manufactured or unmanufactured.

46. Seeds for agricultural and horticultural purposes.

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

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

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

50. Miscellaneous—

(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.

(6) Furniture cream, plate powder.

(7) Tarpaulins, tents, rick-cloths, rope and twine.

(8) Buttons of all kinds other than of precious metals or imitations thereof.

(9) Packing and hose of all kinds.

(10) Goods not included in the foregoing classes.

Sec. 10 (2).

PART IV.—FORM OF APPLICATION FOR REGISTRATION OF TRADE MARK.

(One representation to be fixed within this space, and two others on separate sheets of foolscap of same size.)

Representation of a larger size may be folded, but must be mounted upon linen and affixed hereto.

You are hereby requested to register the accompanying trade mark in class.....in respect of*.....in the name of†.....who claims to be the proprietor thereof.

Registration fees herewith,
(Signed).....

To the Registrar,
Freetown.

NOTE.—State whether the trade mark has or has not been in use before the coming into operation of this Ordinance.

* Only goods contained in one and the same class should be set out here.

† Here insert legibly the name, address and business of the individual or firm.