

**STATUTORY INSTRUMENTS SUPPLEMENT**  
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**S T A T U T O R Y   I N S T R U M E N T S .**

**2005 No. 58.**

**The Trade Marks (Amendment) Rules, 2005**

IN EXERCISE of the powers conferred upon the Minister by sections 40 and 41 of the Trade Marks Act, these Rules are made this 21st day of July, 2004. Cap. 217.

1. These Rules may be cited as the Trade Marks (Amendment) Rules, 2005. Title.

2. The Trade Marks Rules are amended by substituting for the First Schedule to those Rules, the Schedule to these Rules. Amendment of S.I. 83-2.

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**SCHEDULE**

## FEES.

<i>Item</i>	<i>Matter or proceeding</i>	<i>Foreign Applicants US\$</i>	<i>National Applicants Shs.</i>	<i>Corresponding Form</i>
1a	On application to register a series of trade marks under section 23 (2) for specification	150	50,000	TM. No. 2
1b	On application to register a defensive trade mark for a specification of goods in one class	170	55,000	TM. No. 31
1c	On application under section 39 to register a certification of goods included in one class	150	50,000	TM. No. 5
1d	On application made at the same time under section 39 to register one certification trade mark for a specification of goods not all included in one class In respect of every class total fees in no case to exceed Shs. 150,000 in case of a national application and US \$ 900 in case of a Foreign application	150	50,000	TM. No. 5
2.	On request to the registrar to state grounds of decision relating to an application to register a trade mark and materials used	150	50,000	TM. No. 4
3.	On notice of opposition before the registrar under section 20 for each application opposed by opponent	250	100,000	TM No. 6
3a	On lodging a counter – statement in answer to a notice of opposition section 20 of paragraph 2 (1) of the First Schedule for each application opposed by the applicant or in answer to a notice of opposition under any of the sections 20, 30, 35 and 36 by applicant and by proprietor, respectively or on hearing of an opposition under section 38 or 39 by proprietor and by opponent, respectively	150	50,000	TM No. 7
3b	In hearing of such opposition under section 20 by applicant and by the opponent respectively: or on the hearing of an application under any section 28, 29, 34 and 35 by applicant and by proprietor , respectively or on hearing of an opposition under section 37 or 38 by proprietor and by opponent respectively	250	100,000	TM. No. 8

3c	On notice of opposition before the court under sub – paragraph (1) of paragraph 2 of the First Schedule to the Act for each application opposed by the opponent	250	100,000	TM No. 36
3e	On hearing of each opposition before the courts under sub – paragraph (1) of paragraph 2 of the First Schedule to the Act by applicant and by opponent, respectively	250	100,000	TM No. 37
4	For one registration of a trade mark not otherwise charged for a specification of goods included in one class 250	250	100,000	TM No. 38
4a	For one registration of a series of trade marks under section 23 (4) for a specification of goods include in one class:- For the first mark And for every other mark of the series	250 20	100,000 10,000	TM No. 9 T.M. No. 9
4b	For registration under section 39 of a certification trade mark for a specification of goods included in one class	250	100,000	TM No. 9
4c	For registration upon application made at the same time of one certification trade mark, under section 39 for specification of goods not all included in one class; In respect of every class. Total fee in no case to exceed Shs. 200,000	250	100,000	TM No. 9
4d	For one registration of defensive trade mark for a specification of goods included in one class	300	120,000	TM. No. 9
5	Upon each addition to the registered entry of a trade mark of a note that the trade mark is associated with a newly registered mark	30	20,000	TM No. 9
5a	Upon application to dissolve the association between registered trade marks	250	100,000	TM No. 18
6	On application to register a registered user of a registered trade mark in respect of goods within the specification thereof	250	100,000	TM No. 48

6a	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	250	100,000	TM No. 48
	For the first and every other mark of the proprietor included in the application and statement of case	30	20,000	TM No. 48
6b	On application by the proprietor of a single trade mark under paragraph (a) of section 30 (9) to vary the entries of a registered user thereof	250	100,000	TM No. 49
6c	On application by the proprietor of more than one trade mark under paragraph (a) of section 30 (9) to vary the entries of a registered user thereof: For every mark	250	100,000	TM No. 49
	And for every mark of the proprietor for which the same user is registered, included in the application	30	20,000	TM No. 49
6d	On application by the proprietor or registered user of a single trade mark under paragraph (b) of section 30 (9) for cancellation of the entry of a registered user thereof	250	100,000	TM No. 50
6e	On application by the proprietor or registered user of more than one trade mark under paragraph (b) section 30(9) for cancellation of the entries of a registered user thereof	250	100,000	TM No. 50
	For the first mark for which the same user is registered, included in the application	30	20,000	TM No. 50
6f	On application under paragraph (c) of section 31(9) to cancel the entry of a registered user of a single trade mark	250	100,000	TM No. 51
6g	On application under paragraph (c) of a registered user of a single trade mark	250	100,000	TM No. 51
	For the first mark and for every other mark of the same proprietor for which the same user is registered, included in the application	40	20,000	TM No. 51
6h	On notice under section 30 (10) and rule 100, of intention to intervene in one proceeding for the verification or cancellation of entries of a registered user of trade marks	40	30,000	TM No. 52

7	On request to enter in the register and advertise a certificate of validity under section 46 and rule 88 For the first registration certified in the same certificate	150	50,000	TM No. 47
	And for every other registration certified in the same certificate	20	10,000	TM No. 47
7a	On application under section 33 (4) (a) and rule 76 for extension of time for registration of a corporation as subsequent proprietor of trade marks on one assignment :- not exceeding two months	75	35,000	TM No. 13
	not exceeding four months	150	55,000	TM No. 13
	no exceeding six months	250	100,000	TM No. 13
8	On application for certificate of the Registrar under section 25(5) and rule 79:- For the first mark proposed to be assigned	250	100,000	TM No. 39
	And for every mark of the same proprietor included in that assignment	30	20,000	TM No. 39
8a	On application for approval of the Registrar under section 24 (6) and rule 79:- For the first mark	250	100,000	TM No. 40 or 29
	And for every mark assigned with The same devolution of title	30	20,000	TM No. 40
8b	On application for directions by the Registrar for advertisement of trade marks in use without good-will:-	65	35,000	TM No. 41
	For one mark assigned And for every mark assigned with the same devolution of title	30	20,000	TM No. 41
8c	On application for extension of time applying for directions for advertisement of trade marks in use, without good-will, in respect of one devolution of title:-			
	not exceeding one month	55	25,000	TM No. 42
	not exceeding two months	75	35,000	TM No. 42
	not exceeding three months	250	100,000	TM No. 42

9	On application to register a subsequent proprietor in case of assignment or transmission of a single trade mark:- If, made within six months from the date of acquisition of proprietorship or the coming into force of these Rules	75	35,000	TM No. 14
	If made after expiration of six months from the date of acquisition for proprietorship or the coming into force of these Rules	250	100,000	TM No. 14 or 15
	If made after expiration of twelve months from the date of acquisition for proprietorship or the coming into force of these Rules	300	120,000	TM No. 14 or 15
9a	On application to register a subsequent proprietor of more than one trade mark standing in same name, the devolution of the title being the same in each case:- If made within six months from the date of acquisition of proprietorship of the coming into force of these rules;			TM No. 14 or 15
	For the first mark	75	35,000	TM No. 14 or 15
	And for every other mark	30	30,000	TM No. 14 or 15
	If made after expiration of six months from the date of acquisition of proprietorship of the coming into force of these Rules; For the first mark	250	100,000	TM No. 14 or 15
	And for every other mark	20	20,000	TM No. 14 or 15
10	If made after expiration of twelve months from the date of proprietorship or the coming into force of these Rules	300	120,000	TM No. 14 or 15
	And for every other mark	20	20,000	TM No. 14 or 15
10	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 identity of the user	30	25,000	TM No. 20
10a	On application to change the name or description of a proprietor or 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 use, the change being the same in each case: For the first mark	40	25,000	TM No. 20
	And for every other mark of the series	30	20,000	TM No. 20

11	For renewal of registration of a trade mark or trade marks at expiration of last registration	250	100,000	TM No. 10
11a	For renewal of registration of a series of trade marks under section 23(2) at expiration of last registration:- For the first mark of the series And for every other mark of the series	250 30	100,000 20,000	TM No. 10 TM No. 10
11b	For renewal of registration 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 no case to exceed Shs. 300,000 for every number of classes	250	100,000	TM no. 10
11c	Additional fee under rule 67	65	35,000	TM No. 11
11d	Restoration fee under Rule 68	250	100,000	TM No. 12
12	On application to the registrar for leave to add to or alter a single trade mark	250	100,000	TM No. 24
12a	On application to the registrar for leave to add or to 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	250 55	100,000 30,000	TM No. 27 TM No. 27
12b	On notice of opposition to application for leave to add to or alter registered trade marks, for each application opposed	250	100,000	TM No. 45
13	For altering one or more entries of the trade or business or registered proprietor or 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 Rule 81):- For the first entry And for every other entry	30 20	25,000 20,000	TM No. 17 TM No. 17
14	For every entry in the register of a rectification thereof or an alteration therein not otherwise changed	55	30,000	TM No. 46
15	For cancelling the entry or part of the entry of trade mark upon the register on the application of the registered proprietor of the trade mark	30	20,000	TM No. 21 or 22

16	On application under any of the sections 29, 30, 35 and 36 for rectification of the register or removal of a trade mark from the register	300	120,000	TM No. 25
16a	On application for leave to intervene in proceedings under any of the sections 28, 29, 34, and 36 for rectification of the register or removal of trade mark from the register 75	300	35,000	TM No. 26
17	On request not otherwise charged for correction of clerical error for permission to amend application	40	25,000	TM No. 19
18	On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register	40	25,000	TM No. 23
19	On application to the court under rule 93 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of certification trade mark or of certification trade marks of the same substantially the same	250	100,000	TM No. 35
19a	On request to the registrar by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof : - For the regulations of one such registration each 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	65	30,000	TM No. 34
		20	20,000	TM No. 34
20	On application by the registered proprietor under rule 6 for conversion of specification	30	25,000	TM No. 43
20a	On notice of opposition to convention of the specification or specifications of a registered trade mark or registered trade mark:- For one mark For every other mark of the same proprietor having the same specification	250	100,000	TM No. 44
		30	20,000	TM No. 44
21	For a search under rule 114 in respect of one class:- Without application for the Registrar's advice under Rule 20 With application for the Registrar's advice under Rule 20	65	25,000	TM No. 27
		75	30,000	TM No. 27
22	On request for the registrar's preliminary advice under rule 20 for each trade mark submitted in respect of one class	40	25,000	TM No. 28



23	For certificate to the registrar other than certificate under section 21(2) of the registration of a series of trade marks under section 23(2)	45	25,000	TM NO. 30
23 a	For certificate of registrar other than certificate under section 21(2) of the registration of a series of trade marks under section 23 (2)	75	30,000	TM No. 30
24	For cancelling one or more entries of an address for service of a registered proprietor or a registered user of a trade mark where the address in each case is the same, on application made after the registration in each case:- For the first entry And for every other entry	30 20	20,000 10,000	TM No. 32 TM No. 32
24a	For certificate of the registrar other than certificate under section 21(2) of the registration of a series of trade marks under section 23(2)	75	30,000	TM No. 30
25	For inspecting register or notice of opposition, counter statement or decision in connection with any opposition or application for rectification of the register relating to any particular trade mark, for every quarter of an hour	20	10,000	TM No.
26	For permission to search amongst the classified representations of trade marks, for every quarter of an hour	20	10,000	-
27	For office copy of documents, for every 100 words (but never less than Shs.1,000)	20	5,000	-
28	For photographic of documents -	-	-	-
29	For certifying office copies M. S. or photographic or printed matter	40	25,000	-
30	For extra space in the Gazette advertisement, in case where the printing block for the trade mark exceeds two inch or part of an inch over two inches in depth:- For every inch or part of an inch over two inches in breadth For every inch or part of an inch over two inches in depth Cost according to agreement	25 25	15,000 15,000	-

HAJAT JANAT B. MUKWAYA,  
Minister of Justice and Constitutional Affairs.