

**COMPANIES AND INTELLECTUAL  
PROPERTY COMMISSION (CIPC)  
(SOUTH AFRICA)  
AS  
DESIGNATED (OR ELECTED) OFFICE**

**CONTENTS**

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex ZA.I
National Processing Form .....	Annex ZA.II
Payment and Certificate of Renewal .....	Annex ZA.III

**List of abbreviations:**

Office: Companies and Intellectual Property Commission (CIPC) (South Africa)

PA: Patents Acts 1978

Reg.: Patent Regulations 1978

**SUMMARY****Designated  
(or elected) Office****SUMMARY****ZA****COMPANIES AND INTELLECTUAL  
PROPERTY COMMISSION (CIPC)  
(SOUTH AFRICA)****ZA****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: <sup>1</sup>	English
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee: <sup>1</sup>	Currency: South African rand (ZAR) Filing fee: ZAR 590 First annual fee: <sup>2</sup> ZAR 130
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i> ):	Appointment of an agent if the applicant is not resident in South Africa <sup>3</sup> Proof of assignment or transfer of rights where the applicant is not the inventor <sup>4,5</sup> Proof by the applicant concerning his right to claim priority of the earlier application, if he did not apply himself for that earlier application <sup>4,5</sup> Verified translation of the international application to be furnished in duplicate <sup>4</sup>
Who can act as agent?	Any patent attorney registered before the Office
Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter.2</i> )?	Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests

<sup>1</sup> Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).

<sup>2</sup> The first annual fee is due within three years from the international filing date.

<sup>3</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of six months.

<sup>4</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.

<sup>5</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

## THE PROCEDURE IN THE NATIONAL PHASE

- PA Sec. 42E(1)  
Reg. 67B
- ZA.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase (see Annex ZA.II).
- PA Sec. 43F(3) (k)
- ZA.02 AMENDMENT OF THE APPLICATION: TIME LIMITS.** The applicant may amend or correct the claims, description and drawings in the international application at any time before the grant of the patent provided that:
- the amendment does not introduce any new matter in the disclosure of the invention; and
  - the specification as amended does not include any claim which is not fairly based on matter disclosed in the specification prior to the amendments.
- PA Sec. 89
- ZA.03 CONDONATION OR CORRECTION OF IRREGULARITIES IN PROCEDURE.** The Registrar or Commissioner of Patents may authorize the condonation or correction of any irregularity in procedure in any proceedings before him, provided that such condonation or correction is not detrimental to the interests of any person.
- ZA.04 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and this chapter is outlined in Annex ZA.I.
- PA Sec. 30  
Reg. 8  
22(1)  
33
- ZA.05 POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney if the applicant is not resident in South Africa. If a power of attorney is not filed at the time of entry into the national phase, it may be filed within six months from the date of filing of the application. The Registrar may, upon request of the applicant, extend the time for filing the power of attorney.
- Sec. 46(1)  
Reg. 48(1)
- ZA.06 RENEWAL FEES.** The first renewal fee is payable before the expiry of the third year from the international filing date and thereafter, annually, till the expiry of the patent. The amounts of the renewal fees are indicated in Annex ZA.I. A special form is to be used for the payment of these fees (see Annex ZA.III). The Office does not issue a reminder to the applicant for the payment of the renewal fees.

**FEES****(Currency: South African rand)**

National fee:	
— application accompanied by a complete specification (Section 30(1))	590
Fee for late claiming of priority, per month or part thereof (Section 31(1)(i))	50
Application to the Registrar:	
— to claim priority (Section 30(7))	50
— to amend or to lodge a fresh application (Section 37)	50
— for correction of clerical errors and amendment of documents (Section 50)	90
Fee for late filing of documents (Sections 30(6) and 32)	50
Renewal fees (Section 46(1)):	
— before expiration of the 3 <sup>rd</sup> year	130
— before expiration of the 4 <sup>th</sup> year	130
— before expiration of the 5 <sup>th</sup> year	130
— before expiration of the 6 <sup>th</sup> year	85
— before expiration of the 7 <sup>th</sup> year	85
— before expiration of the 8 <sup>th</sup> year	100
— before expiration of the 9 <sup>th</sup> year	100
— before expiration of the 10 <sup>th</sup> year	120
— before expiration of the 11 <sup>th</sup> year	120
— before expiration of the 12 <sup>th</sup> year	145
— before expiration of the 13 <sup>th</sup> year	145
— before expiration of the 14 <sup>th</sup> year	164
— before expiration of the 15 <sup>th</sup> year	164
— before expiration of the 16 <sup>th</sup> year	181
— before expiration of the 17 <sup>th</sup> year	181
— before expiration of the 18 <sup>th</sup> year	206
— before expiration of the 19 <sup>th</sup> year	206
Extension fee for payment of renewal fees (Section 46(2))	90
— thereafter for each month or part thereof (not exceeding five months)	50
Application to restore lapsed patent (Section 47(1))	286
Application to amend a provisional specification (Section 51(1))	70
Application to amend a complete specification:	
— before it is open to public inspection (Section 51(1))	70
— after it is open to public inspection (Section 51(1))	242
Fee for opposition in proceedings before the Registrar	90
Fee for inspection of any file, document or register	4

**How can payment of fees be effected?**

The payment of fees should be effected in South African rand using the Office's customer account. All payments must indicate the application number (national, if already known; international, if the national number is not yet known), the name of the applicant and the type of fee being paid, as well as the CIPC customer code.

For further details on how to create an account, please see:

[www.cipc.co.za/index.php/register-your-business/banking-details/](http://www.cipc.co.za/index.php/register-your-business/banking-details/)

REPUBLIC OF SOUTH AFRICA  
PATENTS ACT, 1978

**ENTRY OF INTERNATIONAL APPLICATION UNDER THE  
PATENT COOPERATION TREATY INTO SOUTH AFRICAN  
NATIONAL PHASE AND ACKNOWLEDGMENT OF RECEIPT**

(Section 42E(1) - Regulation 67B)

(See notes overleaf)

The processing under the Patents Act, 1978 of the undermentioned international application designating South Africa is hereby requested on the basis of this form filed in duplicate

(ii)

Official Application No.		
21	01	

(iii)

Applicant's or Agent's Reference

International Application No.	International filing Date	Priority Date
PCT/ /		

(iv)

71	Full Name(s) of Applicant(s)	
(v)	Address(es) of Applicant(s)	

54	Title of invention
----	--------------------

The applicant has claimed priority (if any) as set out in the abovementioned international application
--

(vi)

This application is for a patent of addition to patent application No.		
21	01	

(vii)

The abovementioned international application was filed in English or has been published under the Patent Cooperation Treaty in English
--

(viii)

This application is accompanied by:
-------------------------------------

- |    |  |
|----|--|
| 1. | Translation of the international application         |
| 2. | Certified priority document(s) (state number) (ix)   |
| 3. | Translation(s) of the priority document(s)           |
| 4. | A copy of the Form P2 (particulars for the register) |
| 5. | A declaration and power of attorney on Form P3       |
| 6. |  |

21	01	
----	----	--

74	Address of Service:
----	---------------------

Dated this ..... day of.....

.....  
Signature of Applicant(s)

RECEIVED
Official Date Stamp
..... Registrar of Patents

The duplicate will be returned to the applicant's address for service as proof of lodging but is not valid unless endorsed with official stamp.

**NOTES:** (refer to Form P25)

- (i) Use of this form is recommended but is not mandatory for an international application to enter the national phase in South Africa. For the mandatory steps to be taken, see section 43E(1) of the Patents Act.
- (ii) For official use only.
- (iii) The reference should be given, if available.
- (iv) Furnish the applicant's name in full.
- (v) Where possible, the street address of a natural person and the street address of the principal place of business of a corporation should be given.
- (vi) Delete if not applicable.
- (vii) Delete if not applicable. If the international application was not filed in English or published under the Patent Cooperation Treaty in English, a translation must be filed.
- (viii) Mark with a cross in the appropriate check-box(es). If a specified document is required but does not accompany this form, the applicant will be requested to furnish it.
- (ix) A copy of the priority document need not be furnished if the applicant has complied with the requirements of Rule 17.1 of the Regulations under the Patent Cooperation Treaty.

FORM P10  
(Lodge in duplicate)

REPUBLIC OF SOUTH AFRICA  
PATENTS ACT, 1978

**PAYMENT & CERTIFICATE OF RENEWAL**  
(Section 46 - Regulation 48)

		Revenue Stamps or Revenue Franking Machine impression (See note below)	
		<b>Official date stamp</b>	
		<b>CUSTOMER CODE:</b>	
<b>Official Application:</b>		Renewal Date:	Reference:
21	01		
<b>Full Name(s) of Patentee:</b>			
Address For Service:			
E-mail			

forward herewith the under mentioned amounts marked X.

- 1. The amount of R\_\_\_\_\_ in respect of a renewal fee is hereby paid to keep the above patent in force for another period of \_\_\_\_\_ year(s) with effect from abovementioned renewal date.
- 2. The amount of R\_\_\_\_\_ is hereby paid and you are requested to grant an extension of \_\_\_\_\_ month(s) for the payment of the renewal fee.
- 3. The amount of R\_\_\_\_\_ in respect of outstanding annual fees after restoration Patent.

Dates this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Signature: \_\_\_\_\_

**FOR OFFICIAL USE:**

**Receipt of the above amount(s) is hereby acknowledged and by virtue of such payment the rights of the patentee(s) remain in force**

Receipt No
------------

**The request for extension of time is hereby granted / refused**

<b>Official Stamp</b>
<b>Registrar of Patents</b>

**NOTE:** Fee payable in terms of Schedule 1 to the Regulations