

# WIPO REGIONAL TRAINING WORKSHOP ON IPAS FOR TRADEMARK EXAMINERS

*LESOTHO PRESENTATION BY:*

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*INDUSTRIAL PROPERTY COUNSEL*

***BOTSWANA, GABORONE JULY  
2017***



# Introduction

- The Industrial Property office of Lesotho is a division under the Registrar General's Department of the Ministry of Law, Constitutional Affairs and Human Rights.
- The office deals with administration of Industrial Property as well as Copyright issues



# Status of automation

## Pre-automation

- Before the deployment of IPAS, the office received the trademark applications and then recorded them in the register. The application was then allocated an application number manually.
- The office then issued a notification known as form C (1) which is used to notify the applicant of the application number and the filling date of the application. The said form was issued whether the application met the formalities or not.



# Example of old form c (1)

LESOTHO



TRADEMARKS

FORM C(1)

NOTIFICATION EX RULE 47(3) OF THE I.P. REGULATIONS, 1989.

THE REGISTRAR :

TO : Mr. K.M. Lepholisa  
Du Preez, Liebetrau & Co.  
Maseru.

DATE : 15.12.04

OUR REF : LS / M / 04/00243

YOUR REF : T299748/

RE : Application for registration of the Word

LEGIT

in Class(es) 03,09,14,18,26,36,41

in the name of EDGARS CONSOLIDATED STORES LIMITED

- The application complies with the provisions of Section 27 of the Industrial Property Order No. 5 of 1989 and Rule 47(2) of the Industrial Property Regulations of 1989 and will be submitted to examination ex Section 28 of the said Order No. 5.

APPLICATION NUMBER : LS / M / 04/00243

FILING DATE : 29.09.04

- The application does not comply with the aforesaid provisions and you are requested to submit the following information c.q. documents :-

1234691AAPT/#



*[Handwritten signature]*



## Pre-automation cont...

- The applications were then compiled and submitted to the publication officer who would then compile a publication manually and allocate it a publication number.
- After the expiry of the opposition period, a registration certificate was then issued.
- There was a lengthy turnaround time for registration of trademarks (11 months or even more)



# Example of old Registration Certificate



REGISTRAR'S OFFICE, LESOTHO

Form No. 9  
INDUSTRIAL PROPERTY ORDER  
CERTIFICATE OF REGISTRATION OF MARK



In accordance with section 28(8) of the Industrial Property Order, 1989, the mark shown above has been registered in the Register under no. **LS/M/04/00405**

as of the **10 September 2004** in class(es) **32, 35, 43**

in respect of Class 32: Water, mineral water, sparkling water, and non-alcoholic drinks, soft drinks, fruit drinks and fruit juices, liquid and powdered beverage mixes; flavoring syrups for making beverages; flavored and unflavored bottled waters, sparkling waters, mineral waters, fruit juices, sparkling fruit and juice based beverages and soda beverages

35: Promotional and advertising services; business management; business administration services; franchising and related services including but not limited to providing information and technical assistance in the establishment and/or operation of different franchise operations; import and export services; mail order services and mail order catalog services; distribution services; retail and wholesale services, the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase these goods, wholesale distribution and ordering services, wholesale stores, retail and wholesale services also provided on-line from a computer data base or the Internet, on-line ordering services, services ancillary or related to the foregoing all in class 35

43: Services for providing food and drink; restaurant, cafe, cafeteria, snack bar, coffee bar and coffee house, carry out restaurant, and take out restaurant services; catering services; coffee supply services for offices; office coffee supply services; contract food services; food preparation; preparation and sale of carry out foods and beverages; temporary accommodation, services ancillary or related to the foregoing all in class 43

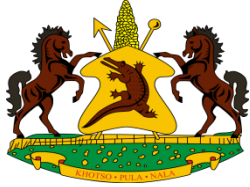
In the name of STARBUCKS CORPORATION D/B/A STARBUCKS COFFEE COMPANY,  
2401 Utah Avenue South  
Seattle, Washington, W.A. 98134  
United States of America

Dated this



*[Signature]*  
REGISTRAR

Registration is for ten years from the date first above-mentioned and may then be renewed for additional successive ten-year periods. This certificate is not for use in legal proceedings or for obtaining registration abroad



## Pre-automation cont...

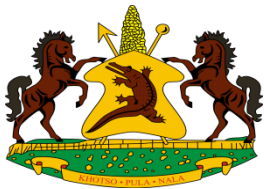
- There were a lot of errors on the document
- It was very difficult to compare figurative marks during substantive examination and prior search as logos were kept in index books.
- It was very difficult to compile statistical data as well as making reports.



# Automation

- Since the deployment of Industrial Property Automation System (IPAS) in September 2014 and the provision of technical support for the system by WIPO, the processing of trademarks has improved its service delivery significantly by reducing the lengthy turnaround times for registration of trademark.
- The office currently uses the IPAS java 2.7 which has helped the office to effectively receive and capture applications into the system, conduct preliminary and substantive examination as well as generate a journal and registration certificate through the system.
- Now when the office receives an application, after conducting formality examination, the system generates “form C (1) or form C (1) (a) depending on whether the application complies with the formalities or not.





# Example of IPAS generated form c(1)

FORM C (1)



THE REGISTRAR'S OFFICE, LESOTHO

## NOTIFICATION EX RULE 47(3) OF THE I.P. REGULATIONS 1989

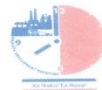
8th day of February, 2017

Our Ref: LS/M/2017/26  
Your Ref:

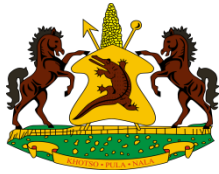
To: MAJALEFA DEVELOPMENT MOVEMENT (MDM)  
MOHALALITOE, P.O. BOX 12748  
MASERU 100

Please be informed that the application for the **Kc Nako! Ea Rona!** (and logo) mark in class 25 and 45 in the name of MAJALEFA DEVELOPMENT MOVEMENT (MDM) of MOHALALITOE, P.O. BOX 12748, MASERU 100, Lesotho has been given the application number LS/M/2017/26 and given the filing date of 02/02/2017.

The application complies with the provisions of Section 27 of the Industrial Property Order No.5 of 1989 and will be submitted to examination ex Section 28 of the said Order No. 5.



  
THE REGISTRAR



# Example of IPAS generated form c(1) (a)

FORM C (1.a)



THE REGISTRAR'S OFFICE, LESOTHO

## FORMALITIES REPORT

9th day of March, 2016

Our Ref: LS/M/2016/77  
Your Ref:

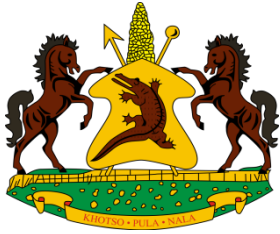
To: **c/o Naledi Chambers Incorporated**  
**Metropolitan Building, 1st Floor, Kingsway**  
**Maseru**

Kindly note that the application for the **HONCHOS (and logo)** mark in class **29, 35 and 43** in the name of **HONCHOS FRANCHISE TRUST** of **204 Langalibalele Street, Pietermaritzburg, KwaZulu-Natal, 3201, South Africa** has been given the application number **LS/M/2016/77**, however the application does not comply with the provisions of Section 27 of the Industrial Property Order No.5 of 1989 and will only be given a filing date on the date that all requirements are met.

Kindly provide the following documents or perform the following actions:  
- **Please file the power of attorney**

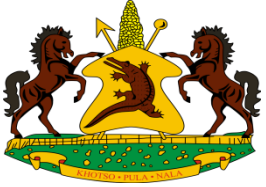


*[Signature]*  
THE REGISTRAR



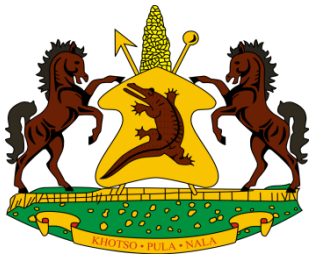
## Automation cont...

- The journal is however made available to the public for a fee.
- There have been a reduction in errors
- It is easier to compare figurative marks during substantive examination and prior search.
- It is now easy to compile statistical data and to make reports.



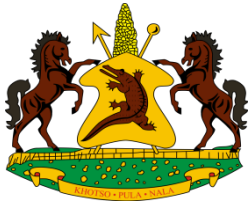
# Application of a trademark

- The applicant files a trademark application with the office.
- Receiving of an application by the office
- Checking for formalities
- Issue form c (1) or form c (1) (a)
- Conduct search and substantive examination
- Issue a notice of acceptance, conditional acceptance, refusal or provisional refusal
- Publish a journal
- Await opposition period of 3 months
- Issue notice to pay for registration.
- Issue registration certificate.



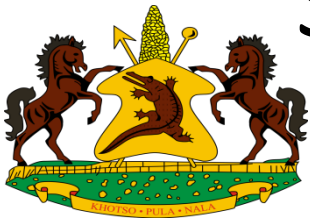
# Statistics

<b>Total number of trademarks in office</b>	<b>23306</b>
Total number of trademarks captured	8221
Total number of trademarks requiring validation	8047
Total number of files not processed	3310
Total number of processed files	4911
Total number of backlog files	
Total number of uncaptured files	15085
Total number of verified and validated data	



# Future plans

- Capture all applications into IPAS and process them in order to have a complete and detailed database to enable the office to do search and examination efficiently.
- Online filing of application to improve accessibility.
- Providing for online payment systems.



# Strategies for data quality management.

- Everyone within the office is mandated with the duty of being data steward. This is done by creating a data governance role for everyone in order to manage data quality from end-to-end. Each and everyone who handles data in our office takes ownership of the data and makes sure that it is correct.
- Any incorrect data that has been feed into the system is referred back to the person who was entering such data for him/her to correct it. This enables the user to identify common area for errors and thus avoid them.

# Thank you for your attention



- KHOTSO, PULA, NALA
- PEACE, RAIN AND PROSPERITY