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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO. 2010

Mr R W T Chance (DA) to ask the Minister of Trade, Industry and Competition:

- (1) Whether the Republic has applied for accession to the Madrid System for the International Registration of Marks; if not, why not; if so, (a) on what date;
- (2) whether its application has been approved; if not, what is the position in this regard; if so, what are the relevant details? NW2324E

REPLY

- (1) Cabinet recommended tabling of the Madrid Agreement Concerning the International Registration of Marks (1989) in Parliament for approval, on 13 December 2019. However, before submitting this to Parliament for ratification, certain legislative amendments to the Trade Marks Act are required. A process will commence to finalise the Trade Marks Amendment Bill for submission through the ESEID Cluster by September 2025, following the publishing of the Patents Bill. The Bill will then be published for public comment.
- (2) Upon Cabinet approval and ratification by Parliament, a draft Instrument of Accession will be submitted to the State Law Advisors at the Department of International Relations and Cooperation (DIRCO) for review and binding before it is submitted to the Minister of International Relations and Cooperation for signature. Depositing of the instrument at WIPO will then follow due process. An Instrument of Accession cannot be deposited until the required amendments have been made to the Trade Marks Act. Because South Africa will at that point be bound by the Madrid Protocol, we need to ensure first that we have the legal basis in place to adhere to our obligations under the Protocol before submitting South Africa's instrument of accession.

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