

South African Patent Official Fees Reduction Rules

Version : 2019-06-20

1. Definitions / Requirements

The South African Companies and Intellectual Property Commission (CIPC) will provide from 1 July 2019 a two-tiered fee schedule, with small, medium and micro entities (SMMEs) eligible for certain fee discounts. To qualify as an SMME in terms of the National Small Business Amendment Act, an entity must, together with its branches or subsidiaries, if any, including co-operative enterprises, managed by one owner have its number of employees, total turnover, and total gross asset value (fixed property excluded) meet the criteria listed below:

Sector or subsector in accordance with the Standard Industrial Classification	Max. number/amount	Total full-time equivalent of paid employees	Total turnover (million ZAR)	Total gross asset value (fixed property excluded) (million ZAR)
Agriculture		100	5	5
Mining and Quarrying		200	39	23
Manufacturing		200	51	19
Electricity, Gas and Water		200	51	19
Construction		200	26	5
Retail and Motor Trade and Repair Services		200	39	6
Wholesale Trade, Commercial Agents and Allied Services		200	64	10
Catering, Accommodation and other Trade		200	13	3
Transport, Storage and Communications		200	26	6
Finance and Business Services		200	26	5
Community, Social and Personal Services		200	13	6

To pay fees at the SMME level, a Declaration of Entity Status Form (Form P27 for patents and Form D19 for designs) is required to be completed and submitted upon the filing of a new patent/design application and again when renewing an existing patent/design. An entity that does not qualify as an SMME is a corporate entity, and all official fees shall be billed at the corporate entity rate if the prescribed Declaration of Entity Status Form is not submitted in time.

※ Note:

As our counsels in South Africa suggest, the SMME definition is complicated and may be difficult to ascertain readily whether an applicant or patentee qualifies as an SMME. It may be wise to pay the official fees as a corporate entity rate unless one is absolutely certain that the SMME fees apply.

2. Fee Reduction

SMME applicants/patentees can benefit from reduced filing fees and renewal fees for patent/design cases.

Remarks :

- (1) The information above was collected on [May 14, 2019](#). In the event of any patent law changes in the said country, the new amendments shall prevail.
- (2) We are not responsible for verifying the client's fee reduction qualification status and will follow the client's instructions to process the patent renewals payment. In case of any changes of client's fee reduction qualification status, please inform us for processing in order to comply with the payment regulations of the patent laws of various countries.
- (3) We do not assume any legal liability in case of the case abandoned, payment failed or any other rights losses or damages caused due to the above mentioned client's instructions or incorrect data.