

Trade Marks Act 1972

CONSOLIDATED ACTS OF SAMOA 2008

TRADE MARKS ACT 1972

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THE TRADE MARKS ACT 1972

1972 No. 23

AN ACT to make better provision for the registration of trade marks.

(19 December 1972)

(Commencement date 19 December 1972)

1. Short title - This Act may be cited as the [Trade Marks Act 1972](#).

2. Interpretation - (1) In this Act, unless the context otherwise requires:

"**Court**" means the Supreme Court.

"**Mark**" includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof.

"**Minister**" means the Minister responsible for Justice.

"**Register**" means the register of trade marks kept under this Act.

"**Registrar**" means the Registrar of Trade Marks who shall be the person for the time being holding office as Registrar of Patents under the [Patents Act 1972](#) and who shall keep the register of trade marks.

"**Registered trade mark**" means a trade mark which is actually on the register.

"**Registrable trade mark**" means a trade mark which is capable of registration under this Act.

"**Trade mark**" means a mark used or proposed to be used in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right either as a proprietor or otherwise to use the mark, whether with or without any indication of the identity of that person.

(2) References in this Act to the use of a mark shall be construed as references to the use of a printed or other visual representation of the mark, and references therein to the use of a mark in relation to goods shall be construed as references to the use thereof upon, or in physical or other relation to goods.

3. Administration of Act - (1) This Act shall be administered by the Ministry of Justice and Courts Administration, subject to the control of the Minister.

(2) All receipts under this Act shall be paid into and all expenditure shall be paid out of the Public Account, and, as the case may be, shall be credited or debited to such fund or account as may from time to time be prescribed by the Minister of Finance.

4. Register of trade marks - (1) There shall be kept at the Registrar's office for the purposes of this Act a book called the "Register of Trade Marks" wherein shall be entered all registered trade marks with the names and addresses of their proprietors, notification of assignments and transmissions, disclaimers, conditions, limitations and such other matters relating to such trade marks as may from time to time be prescribed.

(2) There shall not be entered in the register any notice of any trust, expressed, implied or constructive, nor shall any such notice be receivable by the Registrar.

(3) The register kept under this Act shall at all convenient times be open to the inspection of the public subject to such regulations as may be prescribed, and certified copies, sealed with the seal of the Registrar, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

5. Registrable trade marks - (1) A trade mark must be registered in respect of particular goods or classes of goods as classified in the First Schedule.

(2) Any question arising as to the class within which any goods fall shall be determined by the Registrar whose decision shall be final.

(3) A registrable trade mark must contain or consist of at least one of the following essential particulars:

(a) The name of a company, individual or firm represented in a special or particular manner;

(b) The signature of the applicant for registration or some predecessor in his or her business;

(c) An invented word or invented words;

(d) A word or words having no direct reference to the character or quality of the goods and not being, according to its ordinary signification, a geographical name, a matai title or a surname;

(e) Any other distinctive mark, but a name, signature or word or words other than such as fall within the descriptions in paragraphs (a), (b), (c) and (d) shall not be registrable under the provisions of this paragraph except upon evidence of its distinctiveness.

(4) In determining whether a trade mark is "distinctive" the Registrar may have regard to the extent to which the trade mark is adapted to distinguish, or capable of distinguishing the goods of the proprietor of the trade mark from those of other persons.

(5) A trade mark may be limited in whole or in part to one or more specified colours, but if and so far as a trade mark is registered without limitation of colour it shall be deemed to be registered for all colours.

(6) It shall not be lawful to register as a trade mark or part of a trade mark any matter the

use of which would, by reason of its being likely to deceive or cause confusion or otherwise, be disentitled to protection in a Court of Justice or would be contrary to law or morality, or any scandalous design.

(7) The Registrar may, if the Registrar thinks it expedient in any particular case, vary the classification contained in the First Schedule.

6. Application for registration - (1) Any person claiming to be the proprietor of a trade mark who is desirous of registering the same must apply therefor in writing to the Registrar.

(2) Subject to the provisions of this Act the Registrar may refuse such application or may accept it absolutely or subject to conditions, amendments or modifications or to such limitations, if any, as to mode or place of user or otherwise as the Registrar may think right to impose.

7. Advertisement of application - When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions and limitations, the applicant shall, as soon as may be after such acceptance, cause the application as accepted to be advertised at least once in the Savali, such advertisement to be in form and manner approved by the Registrar and to contain sufficient notice of the opposition procedures laid down by this Act.

8. Opposition to registration - (1) Any person may within 3 months from the date of the advertisement of an application for the registration of a trade mark give notice to the Registrar of opposition to such registration.

(2) Such notice shall be given in writing and shall include a statement of the grounds of opposition.

(3) The Registrar shall send a copy of such notice to the applicant and within 2 months

after the receipt of such notice the applicant shall send to the Registrar a counter-statement of the grounds on which the applicant relies for his or her application and, if the applicant does not do so, he or she shall be deemed to have abandoned the application.

(4) If the applicant sends such counter-statement the Registrar shall furnish a copy thereof to the persons giving notice of opposition and shall, after hearing the parties if so required and considering the evidence, decide whether and subject to what conditions or what limitations as to mode or place of user or otherwise registration is to be permitted.

(5) The decision of the Registrar shall be final.

9. Registration - (1) When an application for registration of a trade mark has been accepted and has not been opposed and the time for notice of opposition has expired or, having been opposed, the opposition has been decided in favour of the applicant, the Registrar shall, unless the mark has been accepted in error, register the said trade mark, and the trade mark when registered shall be registered as at the filing date of the application for registration and such date shall be deemed for the purpose of this Act to be the date of registration.

(2) On the registration of a trade mark the Registrar shall issue to the applicant a certificate of the registration of such trade mark under the hand and seal of the Registrar.

(3) Where registration of a trade mark is not completed within 12 months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing, treat the application as abandoned unless it is completed within the time specified in that behalf in such notice.

10. Identical trade marks - (1) No trade mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of goods or so

nearly resembling such a trade mark as to be likely to deceive or cause confusion.

(2) Where each of several persons claims to be proprietor of the same trade mark or of nearly identical trade marks in respect of the same goods or description of goods and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the Court or have been settled by agreement in a manner approved by the Registrar.

(3) In the case of honest concurrent user or of other special circumstances which in the opinion of the Registrar make it proper so to do, the Registrar may permit the registration of the same trade mark or of nearly identical trade marks for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of user or otherwise as the Registrar may impose.

11. Assignments and transmissions - (1) A trade mark when registered may be assigned and transmitted with or without the goodwill of a business, and in respect of all or some of the goods for which it is registered.

(2) Subject to any rights vested in any other person, the proprietor of a registered trade mark may assign the same and give effectual receipts for any consideration for an assignment thereof.

(3) The Registrar shall register an assignment or transmission on being satisfied of the validity thereof.

(4) Any rights under any assignment shall have effect only from the date of the entry of the assignment in the register by the Registrar.

12. Series of trade marks - When a person claiming to be the proprietor of several trade marks for the same description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of:

(a) Statements of the goods for which they are respectively used or proposed to be used;
or

(b) Statements of number, price, quality or names of places; or

(c) Other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or

(d) Colour,-

seeks to register such trade marks, they may be registered as a series in one registration.

13. Duration and renewal of registration - (1) The registration of a trade mark shall be for a period of 14 years but may be renewed from time to time in accordance with the provisions of this Act.

(2) The Registrar shall, on application made by the registered proprietor of a trade mark within the period prescribed in the next succeeding subsection, renew the registration of such trade mark for a period of 14 years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed "the expiration of the last registration".

(3) An application for renewal shall be made at any time not more than 12 months before the expiration of the last registration.

14. Correction of the register - (1) The Registrar may on request made by the registered proprietor or by some person entitled by law to act in his or her name:

(a) Correct any error in the name or address of the registered proprietor of a trade mark;
or

(b) Enter any change in the name or address of the person who is registered as proprietor

of a trade mark; or

(c) Cancel the entry of a trade mark on the register; or

(d) Strike out any goods or classes of goods from those for which a trade mark is registered; or

(e) Enter a memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of such trade mark.

(2) The registered proprietor of any trade mark may apply to the Registrar for leave to add to or alter such trade mark in any manner not substantially affecting the identity of the same and the Registrar may refuse such leave or may grant the same on such terms and subject to such limitations as to mode or place of user as the Registrar may think fit.

(3) Subject to the provisions of this Act:

(a) The Court may, on the application of any person aggrieved by the non-insertion in or omission from the register of any entry or by any entry made in the register without sufficient cause or by any entry wrongly remaining on the register or by any error or defect in any entry in the register, make such order for making, expunging or varying such entry as it may think fit;

(b) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register;

(c) In case of fraud in the registration or transmission of a registered trade mark the Registrar may apply to the Court under the provisions of this section;

(d) Any order of the Court rectifying the register shall direct that notice of the rectification shall be served in the prescribed manner upon the Registrar, who shall, upon receipt of such notice, rectify the register accordingly.

(4) A registered trade mark may, on the application to the Court of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered on the ground that it was registered by the proprietor or a predecessor in title without any bona fide intention to use the same in connection with such goods and there has in fact been no bona fide user of the same in connection therewith, or on the ground that there has been no bona fide user of such trade mark in connection with such goods during a continuous period of 5 years up to the date 1 month before the date of the application, unless in either case such non-user is shown to be due to special circumstances in the trade and not to any intention not to use or to abandon such trade mark in respect of such goods.

(5) The Registrar may, on the application of any person aggrieved, make such order as is thought fit for expunging or varying the registration of a trade mark on the ground of any contravention of, or failure to observe, a condition entered on the register in relation thereto.

15. Effect of registration - (1) Subject to the provisions of this Act:

(a) The person for the time being entered in the register as proprietor of a trade mark shall, subject to any rights appearing from such register to be vested in any other person, have power to assign the same and to give effectual receipts for any consideration for such assignment;

(b) Any equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property.

(2) Subject to the provisions of this Act and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade mark shall, if valid, give to such person the exclusive right to the use of such trade mark upon or in connection with the goods in respect of which it is registered:

PROVIDED ALWAYS THAT where 2 or more persons are registered proprietors of the same or substantially the same trade mark in respect of the same goods, no rights of

exclusive user of such trade mark shall, except so far as their respective rights shall have been defined by the Court, be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he or she were the sole registered proprietor thereof.

(3) No registration under this Act shall interfere with any bona fide use by a person of his or her own name or the name of his or her place of business or the name of the place of business of any of his or her predecessors in business or the use by any person of any bona fide description of the character or quality of his or her goods.

(4) Nothing in this section shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof.

16. Registration of overseas trade marks - (1) Any person being the registered proprietor of a trade mark registered overseas, which trade mark complies with the requirements set out in section 5 and has not been previously registered in Samoa under this Act, or any person deriving his or her right from such registered proprietor by assignment, transmission or other operation of law may apply within 2 years from the date of the registration overseas to have such trade mark registered in Samoa:

PROVIDED THAT, in relation to a trade mark registered overseas prior to the commencement of this Act, this subsection shall have effect with the substitution of the date of commencement of this Act for the date of the registration overseas.

(2) An application for registration of a trade mark under this section shall be made to the Registrar and accompanied by a certified representation of the trade mark and a certificate of the issuing authority giving full particulars of the registration of the trade mark overseas.

(3) Upon such application being lodged together with the documents mentioned in the preceding subsection the applicant shall be entitled to a certificate of registration in

priority to other applicants except a bona fide local user thereof.

(4) Such certificate of registration shall confer on the applicant privileges and rights subject to all conditions established by the law of Samoa as though the trade mark had been registered here.

(5) Privileges and rights so granted shall date from the date of registration and shall continue in force only so long as the registration overseas remains in force and shall be subject to any change of status which may from time to time affect the trade mark registered overseas:

PROVIDED THAT no action for infringement of the trade mark shall be entertained in respect of any use of the trade mark prior to the date of issue of the certificate of registration in Samoa.

(6) Any change of status of the trade mark registered overseas shall forthwith be notified to the Registrar, who shall thereupon enter the same in the register.

(7) Nothing in this section shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof.

(8) Subject to the provisions of this Act where a person becomes entitled by assignment, transmission or other operation of law to the privileges and rights conferred by a certificate of registration issued under this Act, the Registrar shall, on application being made in the prescribed manner and on proof of title to the Registrar's satisfaction, cause the name and address of such person to be entered on the register as proprietor of the trade mark.

(9) All renewals of the registration overseas of a trade mark registered under this section shall be notified to the Registrar who shall, on sufficient evidence thereof and on payment of the prescribed fee, enter the same in the register.

17. Costs - (1) The Registrar may, in any proceedings before the Registrar under this Act, by order award to any party such costs as the Registrar may consider reasonable, and direct how and by what parties they are to be paid; and any such order may be entered as a judgment of the Court and, with the leave of the Court, may be enforced accordingly.

(2) If any party to any proceedings under this Act before the Registrar or the Court neither resides nor carries on business in Samoa, the Registrar or the Court may require the party to give security for the costs of the proceedings, and in default of such security being given may treat the proceedings as abandoned by the party and determine the matter accordingly.

18. Service - (1) Any notice required or authorised to be given by or under this Act, and any application or other document so authorised or required to be made or filed, may be given, made, or filed by sending it by post in a letter addressed to the person concerned at his or her usual or last known address.

(2) Where any notice is sent by the Registrar to any person by post as aforesaid the notice shall be deemed to have been given at the time when the letter containing it would have been delivered in the ordinary course of post.

(3) If any party to any proceedings under this Act before the Registrar does not reside or carry on business in Samoa, the Registrar may by notice in writing require him or her within the prescribed time to give an address for service within Samoa. If any person to whom notice is given as aforesaid does not comply therewith within the prescribed time, the Registrar may, if the Registrar thinks fit, treat the proceedings as abandoned by that person and determine the matter accordingly.

19. Appeals - (1) There shall be a right of appeal from any decision of the Registrar to the Court, such appeal to be filed, and served on any other interested party within 2 calendar months from the date of notification of such decision to the appellant.

(2) Every appeal made under this Act shall be heard by the Court as soon as practicable after the lodging thereof.

(3) At the hearing of any appeal, the Registrar and any other party, may be represented by counsel or otherwise, and may call evidence on any matter that should be taken into account in determining the appeal.

(4) At the hearing of any appeal, the Court may amend or cancel any decision or determination to which the appeal relates, or may confirm any such decision or determination, and may make any such order either absolutely or subject to such conditions and modifications as the Court thinks fit; and the decision of the Court shall be final and conclusive.

(5) The Court may award such costs as it deems just either in favour of or against the party making the appeal provided that the Registrar shall not be ordered to pay costs.

(6) There shall be payable in connection with any appeal to the Court such fees as may be prescribed by regulations made under this Act.

(7) The Court may hear any appeal separately or may hear 2 or more appeals which relate to the same or substantially the same subject matter together.

(8) The Court, on application to it in that behalf, may in its discretion waive compliance with any requirement of this Act or of any regulations made under this Act as to the time or method of lodging and proceeding with appeals, if it is satisfied that no party to the proceedings will be prejudiced by the waiver and that it is just and equitable that such waiver ought to be allowed.

20. Registrar may extend time - Notwithstanding anything herein contained, if in any particular case the Registrar is satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any step under this Act, the Registrar

may, on application in writing, extend the time on such notice to other parties and on such terms as the Registrar may direct and the extension may be granted though the time for doing the act or taking the step has expired.

21. Legal proceedings - (1) The Court shall have full jurisdiction to hear and determine any proceedings in which the validity of the registration of any trade mark or the issue of any certificate of registration comes into question, or any proceedings for infringement or otherwise relating to trade marks in Samoa.

(2) In any proceedings in which the relief sought includes alteration or rectification of the register, the Registrar shall have the right to appear and be heard, but he shall not be ordered to pay the costs of any other party.

(3) In all legal proceedings relating to a registered trade mark, the fact that a person is registered as proprietor of such trade mark shall be prima facie evidence of the validity of the original registration of such trade mark and of all subsequent assignments and transmissions of the same.

(4) In any action or proceeding relating to a trade mark or trade name the Court shall admit evidence of the usages of the trade concerned and of any relevant trade mark or trade name legitimately used by other persons.

22. False representation of a trade mark as registered - (1) Every person who makes a representation:

(a) With respect to a mark not being a registered trade mark, to the effect that it is a registered trade mark; or

(b) With respect to a part of a registered trade mark not being a part separately registered as a trade mark, to the effect that it is so registered; or

(c) To the effect that a registered trade mark is registered in respect of any goods in

respect of which it is not registered; or

(d) To the effect that the registration of a trade mark gives an exclusive right to the use thereof in any circumstances in which, having regard to limitations entered on the register, the registration does not give that right,

- commits an offence and shall be liable on summary conviction to a fine not exceeding 2 penalty units.

(2) For the purposes of this section the use in Samoa in relation to a trade mark of the word "registered", or of any other word referring, whether expressly or impliedly, to registration, shall be deemed to import a reference to registration in the register, except:

(a) Where that word is used in physical association with other words delineated in characters at least as large as those in which that word is delineated and indicating that the reference is to registration as a trade mark under the law of a country outside Samoa being a country under the law of which the registration referred to is in fact in force; or

(b) Where that word (being a word other than the word "registered") is of itself such as to indicate that the reference is to such registration as last aforesaid; or

(c) Where that word is used in relation to a mark registered as a trade mark under the law of a country outside Samoa and in relation to goods to be exported to that country.

23. New Zealand trade mark proprietors - (1) Any person being the registered proprietor of a New Zealand trade mark registered prior to 1 January 1962 shall be entitled to absolute priority for registration under section 16 anything elsewhere in this Act to the contrary notwithstanding provided he or she makes application for such registration within 1 year of the commencement of this Act.

(2) No New Zealand trade mark is valid or in force in Samoa until the same is registered under the provisions of this Act.

24. Regulations - The Head of State, acting on the advice of Cabinet, may from time to time make regulations not inconsistent with this Act for any purpose for which regulations are required or contemplated by this Act, and for giving full effect to the provisions hereof including the regulating of all procedure under this Act and for prescribing the fees to be paid in respect of all proceedings under this Act:

PROVIDED THAT unless and until regulations shall be made adding to, amending or altering the fees specified in the Second Schedule the fees specified therein shall be payable to the Registrar for the several matters referred to in the Second Schedule.

25. Repeals - [Sections 357](#) and [358](#) of the [Samoa Act 1921](#) (N.Z.) and the Acts applied thereby to Samoa are hereby repealed as part of the law of Samoa but nothing in this section shall affect or prejudice any title, rights or privileges hitherto obtained by any person before the commencement of this Act.

SCHEDULES

FIRST SCHEDULE

[Section 5\(1\)](#)

CLASSIFICATION OF GOODS

[Parts of an article or apparatus are, in general, classified with the actual article or apparatus, except where such parts constitute articles included in other classes.]

1. Chemical products used in industry, science, photography, agriculture, horticulture, forestry; artificial and synthetic resins; plastics in the form of powders, liquids or pastes, for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.

2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; natural resins; metals in foil and powder form for painters and decorators.
3. Bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations; soaps, perfumery, essential oils, cosmetics, hair lotions; dentifrices.
4. Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust laying and absorbing compositions, fuels (including motor spirit) and illuminants; candles, tapers, night-lights and wicks.
5. Pharmaceutical, veterinary and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax; disinfectants; preparations for killing weeds and destroying vermin.
6. Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks, chains (except driving chains for vehicles); cables and wires (non-electric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in non-precious metal not included in other classes; ores.
7. Machines and machine tools; motors (except for land vehicles); machine couplings and bolting (except for land vehicles); large size agricultural implements; incubators.
8. Hand tools and instruments; cutlery, forks and spoons; side arms.
9. Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; coin or counter-freed apparatus; talking machines; cash registers; calculating machines; fire

extinguishing apparatus.

10. Surgical, medical, dental and veterinary instruments and apparatus (including artificial limbs, eyes and teeth).

11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

12. Vehicles; apparatus for locomotion by land, air or water.

13. Firearms; ammunition and projectiles; explosive substances, fireworks.

14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewellery, precious stones, horological and other chronometric instruments.

15. Musical instruments (other than talking machines and wireless apparatus).

16. Paper and paper articles, cardboard and cardboard articles; printed matter, newspapers and periodicals, books; book-binding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and clichés (stereotype).

17. Gutta percha, indiarubber, balata and substitutes, articles made from these substances and not included in other classes; plastics in the form of sheets, blocks and rods, being for use in manufacture; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (non-metallic).

18. Leather and imitations of leather, and articles made from these materials and not included in other classes; skins, hides; trunks and travelling bags, umbrellas, parasols and

walking sticks; whips, harness and saddlery.

19. Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; road-making materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.

20. Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whale-bone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics.

21. Small domestic utensils and containers (not of precious metals, or coated therewith); combs and sponges; brushes (other than paint brushes); brush making materials; instruments and materials for cleaning purposes; steel wool; unworked or semi-worked glass (excluding glass used in building); glassware, porcelain and earthenware, not included in other classes.

22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, kapoc, feathers, seaweed, etc.); raw fibrous textile materials.

23. Yarns, threads.

24. Tissues (piece goods), bed and table covers; textile articles not included in other classes.

25. Clothing, including boots, shoes and slippers.

26. Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

27. Carpets, rugs, mats and matting; linoleums and other materials for covering floors; wall hangings (non-textile).

28. Games and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees.

29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and other dairy products; edible oils and fats; preserves, pickles.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; pepper, vinegar, sauces, spices; ice.

31. Agricultural, horticultural and forestry products and grains not included in other classes; living animals, fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

32. Beer, ale and porter; mineral and aerated waters and other non-alcoholic drinks; syrups and other preparations for making beverages.

33. Wines, spirits and liqueurs.

34. Tobacco, raw or manufactured; smokers' articles; matches.

SECOND SCHEDULE

Section 24 :Provison

LIST OF FEES PAYABLE

	\$
On application to register a trade mark or renewal of a trade mark	180.00
On application to register a series of trade marks under section 12 of this Act or a renewal thereof:	

For the first trade mark	180.00
For every other trade mark in the series	60.00
On application for a certificate of registration under section 16 of this Act	180.00
On application for a certificate of registration under section 16 of this Act of any New Zealand trade mark registered prior to 1 January 1962 provided application is made within one year of the commencement of this Act	45.00
On renewal of registration of an overseas trade mark	90.00
On filing an appeal under section 17 of this Act	90.00
On application to register an assignment or transmission	45.00
For a search under section 4(3)	57" style='valign: top; background-color: white ; '> 18.00
For a certified copy of any entry in the register	18.00
For typed or photographic copy of documents - Reasonable cost fixed by the Registrar	

REVISION NOTES 1997

The [Trade Marks Act 1972](#) appearing in this Reprint comprised that Act as it appears in the 1977 Reprint together with the new Second Schedule as substituted by the Schedule to the Omnibus Fees and Charges Amendment Act 1986.

REVISION NOTES 2008

This law has been generally edited as provided for by [section 5](#) of the [Revision and Publication of Laws Act 2008](#). The following general revisions have been made –

- (a) References to Western Samoa have been amended to Samoa in accordance with an amendment to the Constitution of Samoa in 1997.
- (b) All references to the male gender have been made gender neutral.
- (c) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (d) Amendments have been made to up-date references to offices, officers and statutes.
- (e) Other minor editing has been done in accordance with the lawful powers of the Attorney General.

The following amendments have been made to specific sections of the Act to incorporate amendments made by Act of Parliament passed since the publication of the Western Samoa Statutes Reprint 1978-1996 –

Schedule	The fees in the Schedule were increased by the Miscellaneous Fees Amendment Act 1998 (No. 16).
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Revised and consolidated by Graham Bruce Powell

Under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

REVISION NOTES 2008 No. 2

The commencement date is inserted under the assent date - under the Attorney Generals powers in section 4 *Publication and Revision of Laws Act 2008*. By virtue of [section 8](#) of the [Acts Interpretation Act 1974](#), in the absence of an expressed commencement date, the date of assent is the commencement date.

There were no amendments made to this law since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

**The [Trade Marks Act 1972](#) is administered
in the Ministry of Justice and Courts Administration.**