

## Correction of errors or omissions by the Registrar

This chapter deals only with corrections pursuant to section 57(6), i.e. where the Registrar, on his own initiative proposes to correct an error or omission attributable to Registry staff.

Under section 57(6), the Registrar may on his own initiative correct any error or omission in the register which is attributable to an error or omission on his or his staff's part, subject to giving notice of the proposed correction to any person who appears to him to be concerned. Thus a typographical error in the word "potfolios" (for "portfolios") appearing in the specification of goods of a trade mark registration, where this is attributable to an error by the Registrar's staff, may be corrected under this provision.

Section 57(6) is not limited to errors or omissions uncovered by the Registrar himself. Hence a person having a sufficient interest may draw to the Registrar's attention an error or omission in the register which is attributable to the Registrar or his staff, and request that the Registrar makes the correction. Though no specified form is required to be filed for such a request, it should be made in writing and in sufficient detail for easy identification of the error and the correction to be made.

If the Registrar proposes to correct an entry in the register in these circumstances, he must send a notice of the proposed correction to any person who appears to the Registrar to be concerned.

Rule 66 lays down the procedure for objecting to such correction by any person receiving notice of the proposed correction.

Any such person may make written objections to the proposed correction stating the

grounds of his objection. There is no specified form, fee, or particular form that the written objections must take, but they must be received at the Registry within 3 months after the date of the notice (rule 66(2)). The three-month period can be extended but the concerned person risks the correction being made immediately after the end of the period pursuant to rule 66(4), if the extension of time application is made outside the prescribed period.

The Registrar shall consider the objections and if they have merit, shall abandon the proposed correction. Should the Registrar take the view that the objections are unmeritorious the provisions of rule 74 will apply. See chapter on Hearings.

After hearing the concerned person, if requested, the Registrar shall either abandon the proposals or correct the register as proposed.

An appeal to the Court of First Instance would lie from any decision of the Registrar to correct an entry in the register (section 84).

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