

## Correction of errors or omissions by attributable to the Registrar

This chapter deals only with corrections pursuant to section 57(6), i.e. where the Registrar, on his own initiative or on application by a person having a sufficient interest, proposes to correct an error or omission in the register attributable to ~~Registry staff~~the Registrar.

Under section 57(6) and (6A), the Registrar may on his own initiative or on application by a person having a sufficient interest correct any error or omission in the register ~~which is~~ attributable to ~~an error or omission on his or his staff's part~~the Registrar, subject to giving notice of the proposed correction to any person who appears to him to be concerned. Thus, for example, 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 (or the staff of the Registrar), 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 also draw apply to the Registrar’s attention for an error or omission in the register ~~which is~~ attributable to the Registrar ~~or his staff, and request that the Registrar makes the correction to be corrected~~. Though no specified form is required to be filed, ~~for such a request an application, it should be~~ has to be made in writing and should contain 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~~considers should be notified of it.

Rule 66 lays down the procedure for objecting to such correction by any person ~~receiving~~having received 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~~not make 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(s), if requested, the Registrar shall ~~either abandon the proposals or correct the register as proposed~~decide whether to make the proposed correction.

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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