

Correction of errors or omissions 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 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 attributable to 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 the Registrar (or the staff of the Registrar), may be corrected under this provision.

A person having a sufficient interest may also apply to the Registrar for an error or omission in the register attributable to the Registrar to be corrected. Though no specified form is required to be filed, such an application 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 the register in these circumstances, he must send a notice of the proposed correction to any person the Registrar considers should be notified of it.

Rule 66 lays down the procedure for objecting to such correction by any person 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 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 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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