



1. Introduction

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1.1 Foreword

The dawn of freedom and democracy in 1994 heralded the total transformation of South African society. Among the many significant and far-reaching changes was the launch of the new national Coat of Arms on the sixth anniversary of Freedom Day, 27 April 2000.

This milestone reflected yet another important step in our transition to a democratic society imbued with the patriotism of a nation proud to be united in diversity, and to express itself in an idiom rooted in the history and culture of the people as a whole.

The national Coat of Arms expresses the Government's corporate identity as a tribute to all the diverse people of our country, with whom government is forging a partnership in a people's contract to build a better South Africa and a better world.

In keeping with the principles of *Batho Pele* (People First) and in fulfilment of the commitment to the highest standards of service delivery, government seeks to project a distinct and uniform corporate identity to the public.

Any interactive work undertaken by any organ of State should reflect the dignity and aura of a government based on the will of the people.

These Guidelines serve as the central repository of the application of the national Coat of Arms. They are intended as much for civil servants as for the public who are the ultimate authority whom government should serve.

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Minister in The Presidency



1.2 South Africa's national Coat of Arms

The national Coat of Arms – the State emblem – is the State's highest visual symbol

This national Coat of Arms adopted by the Cabinet in 2000, replaced the one that had served South Africa since 17 September 1910.

The national flag, the national anthem and the national Coat of Arms are the core of the national symbols that identify the Republic of South Africa.

National symbols are those symbols adopted by the people in a particular country to express its values and aspirations. These symbols are key to social cohesion. Some of the roles of the national symbols include nation-building, national identity, unification and land-marking history.

The national Coat of Arms is thus the highest visual symbol of the State. It is the singular identity that spans all spheres of national government, and its communication with its stakeholders.

The national Coat of Arms is also the central part of the Great Seal, traditionally considered to be the highest emblem of the State. Absolute authority is given to every document with an impression of the Great Seal on it, implying that this has been approved by the President of the Republic of South Africa.

A uniform national Coat of Arms allows the Government and all its agents – the various departments, foreign missions and entities – to project a uniform, consistent and coherent corporate identity to the public. In turn, all communication from government or any of its national, departmental, foreign missions or embassies or joint project with other departments, provincial or local government, non-governmental agencies, commissions, State-owned enterprises, bearing the national Coat of Arms, implies an unequivocal endorsement by the State.

Given its importance, it is thus vital to project and maintain a consistent and coherent application and representation of the national Coat of Arms.





1.3 Display of the national Coat of Arms

The national Coat of Arms can be displayed visually or verbally across several spheres of government.

1.3.1 Visual display of the national Coat of Arms

- (i) On the Seal of the Republic of South Africa where it marks or indicates the transference of legitimacy, authenticity and legality.
- (ii) As decoration on the Mace of the National Assembly, by means of which the dignity and power of the South African State is signified.
- (iii) On the national minted and printed coinage and on several medals and National Orders issued.
- (iv) A symbol of The Presidency.
- (v) On government stationery and forms.
- (vi) For branding purposes on the buildings of State institutions, including national government departments.
- (vii) On rank insignia of the South African National Defence Force (SANDF).
- (viii) On crockery used by the Department of Foreign Affairs, the National Parliament and The Presidency.
- (ix) Virtual, as applied on electronic media such as Internet, Intranet and websites.

1.3.2. Placement of the national Coat of Arms

- (i) At the front or reception area of the building occupying a high visibility point.
- (ii) At the entry point of national heritage sites.
- (iii) If on a public building, it should be high enough to avoid it being handled constantly.
- (iv) When placed within easy reach it should be of a durable material and installed in such a way that it is tamper proof.



1.3 Display of the national Coat of Arms

1.3.3 Replacement process of the national Coat of Arms

- (i) The national Coat of Arms that is part of a structure declared by the South African Heritage Resource Agency as a national monument should only be removed with permission of the Agency.
- (ii) If possible, attempts should be made to place new arms without interference to the old Coat of Arms.
- (iii) New national Coat of Arms should be installed creatively in buildings declared national monuments to conceal or preserve the obsolete national Coat of Arms integral to the building.
- (iv) Remains of the obsolete national Coat of Arms removed from buildings should be kept at local and national museums for historical and educational purposes.

1.3.4 Verbal representation of the national Coat of Arms

The art of praise poems is well entrenched in African society. Praise poets can be equated as academics who not only compile the history, but also convey it to a wider audience. The recital of praise songs is thus both celebratory and educational.

It can be argued that the oral tradition (as represented by praise songs) is older than the art of heraldry (represented by the art and science of coats of arms). While the Coat of Arms was meant to identify the individuals and also to indicate lineage, the praise songs also give a unique character to the individual, marking the ancestral lineage through words.

To promote indigenous knowledge systems, the new national Coat of Arms may be accorded praise songs. With the growing popularity of *izimbongi* (praise poets) in South Africa, the recital of official *izimbongo* (praise poems) for the national Coat of Arms promotes the African Renaissance.

The Arms could be recited orally as a praise poem (*isithakazelo*) or delivered musically at selected events. This could be done in a way to popularise the national Coat of Arms and, furthermore, as an endeavour to entrench it deeper in the African oral tradition. Consideration should be taken not to elevate the oral rendering of the national Coat of Arms to a status close to that of the national anthem.





1.4 Protecting the national Coat of Arms

The national Coat of Arms and its motto are the property of the State. The copy and reproduction of the national Coat of Arms for commercial or other uses, is vested in The Presidency.

The national Coat of Arms endorses the seal of authority and integrity and should not be utilised for fraudulent or unauthorised transactions.

The national Coat of Arms has considerable legal protection arising from various Acts of Parliament and international agreements and protocols:

The Trade Marks Act, 1993 (Act 194 of 1993). This legislation allows trade-mark owners to register their trade marks for particular goods and services, and thereby obtain monopoly protection. Section 10(8) provides that the Registrar of Trade Marks must refuse any trade-mark application which consists of the armorial bearings or other State emblem of the Republic, or any imitation thereof from a heraldic point of view, if that application was filed without the necessary authority. The Registrar of Trade Marks is required to refuse any application which conflicts with this section. The Government is not obliged to register the South African national Coat of Arms as a trade mark before this section will apply. The effect of this is that no unauthorised person can register the South African national Coat of Arms as a trade mark.

The Merchandise Marks Act, 1941 (Act 17 of 1941). This legislation prohibits the use of certain marks. Section 14 provides that any person who, without the authority of the Minister of Trade and Industry, uses the South African national Coat of Arms in connection with their business or goods is guilty of an offence. In addition, it is an offence to use in connection with a business, any device, emblem or words which falsely suggest State authority. A fine of R5 000 for each infringing article can be imposed, alternatively, a custodial sentence of three years, or both. Again, no registration of the South African national Coat of Arms by the Government is required before these prohibitions apply. The effect of this is that no unauthorised person can use the South African national Coat of Arms in a commercial manner.



1.4 Protecting the national Coat of Arms

The Heraldry Act, 1962 (Act 18 of 1962). This legislation allows a body to register its coat of arms and thereby stops third-party use of its coat of arms. Once a coat of arms is registered, Section 22 makes it a criminal offence to use that coat of arms or any imitation thereof in the course of trade without the authority of the body in whose name the coat of arms is registered. A fine of R1 000 can be imposed. In addition, Section 21 provides that the body in whose name it is registered can bring a civil action against an infringer, seeking damages and an interdict.

Section 22A of the Heraldry Act, 1962 (Act 18 of 1962), protects the national Coat of Arms from any indecent treatment. Any person who commits any act which displays contempt for the national Coat of Arms of the Republic or which is likely to hold it up to ridicule, shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000 or, in default of payment, to imprisonment for a period not exceeding five years or both.

Section 20 (1) of the Heraldry Act, 1962 protects the national Coat of Arms as heraldic representation from being ridiculed or compromised as part of artistic expression in the public arena.

The South African national Coat of Arms has been registered in the name of the Government. Section 5 (a) provides that the South African national Coat of Arms will be registered automatically by the Bureau of Heraldry without any formal application by the Government being required. Sections 21 and 22 therefore apply to the South African national Coat of Arms.



1.4 Protecting the national Coat of Arms

The Copyright Act, 1978 (Act 98 of 1978), protects a wide range of work, including artistic work from being copied. The national Coat of Arms qualifies as an artistic work. Section provides that the State will enjoy copyright in any work made under the direction or control of the State. Thus, the State, as represented by the Government Printer, has copyright protection until the year 2050.

The creator of the national Coat of Arms has signed a formal assignment of the copyright. The State is entitled to sue anyone who copies the South African national Coat of Arms for copyright infringement, claiming an interdict and damages. In addition, if anyone knowingly trades in goods featuring an unauthorised copy of the South African national Coat of Arms, this will be a criminal offence.

The words appearing on the South African national Coat of Arms – 'Ike e:/xarra //ke' – which mean 'diverse people unite' are declared a prohibited mark under Section 15 of the Merchandise Marks Act, 1941 (Act 17 of 1941). This includes the English translation. The effect of this makes it an offence for anyone to use these words in a commercial context.

The South African national Coat of Arms will enjoy legal protection in most countries. South Africa is a party to the Paris Convention for the Protection of Industrial Property, a treaty which has been signed by most countries. Article 6 provides that all member countries must agree to refuse registration of, and to prohibit use of, armorial bearings and other State emblems of member countries without authorisation.