

LAWS OF BARBADOS

TRADE MARKS ACT

CHAPTER 319

(SUBSIDIARY LEGISLATION)

THE LAWS OF BARBADOS
Printed by the Government Printing Department, Bay Street, St. Michael,
by the authority of the Government of Barbados

SUBSIDIARY LEGISLATION INDEX

Trade Marks

1. Regulations, 1984A1

Trade Marks

Cap. 319.

TRADE MARKS REGULATIONS, 1984

1984/85.
2006-2.

Authority: These Regulations were made on 17th April, 1984 by the Minister under section 56 of the *Trade Marks Act*.

Commencement: 17th April, 1984.

Citation

1. These Regulations may be cited as the *Trade Marks Regulations, 1984*. Short title.

Interpretation

- 2.** In these Regulations, Definitions.
- (a) “agent” means an agent duly authorised to the satisfaction of the Director;
 - (b) “applicant”, in relation to an application submitted to the Director, means the person who submits the application or on whose behalf it is submitted;
 - (c) “opponent” means a person who opposes an application for registration, or who opposes some other application made under the Act;
 - (d) “Office” means the Industrial Property Office;
 - (e) “section”, unless qualified, means a section of these Regulations.

Fees

3. (1) The fees to be paid in relation to marks are those prescribed in *Schedule I*. Fees and payment. Schedule I.

(2) Payments shall be made in Barbadian currency, but the equivalent amount in a foreign currency that is convertible in Barbados may be accepted.

(3) When a fee paid by a person to the Director for any purpose exceeds the fee fixed by these Regulations for that purpose by more than \$10, the person who paid the fee is entitled to be refunded the amount of excess less \$10.

(4) Fees that are paid by cheque, bank draft or money order shall be forwarded to the Director and made payable to him.

(5) Fees may be paid by cash at the Office.

(6) A payment of a fee by cheque may be accepted by the Director as being a payment of the fee when the cheque is received by him; but, if the cheque is not paid when presented to the bank on which it is drawn and not made good within such time as the Director may fix, the acceptance of the fee is revoked and any thing done pursuant to the payment is void and, if appropriate, shall be so recorded in the register.

(7) When a fee is paid to the Director by any person by mistake for an application that is withdrawn before it is given an application number, or for a service that cannot be provided, the person who paid the fee is entitled to a refund of the fee less \$25, if he claims the refund within one year of the payment of the fee.

(8) When a person pays a fee in advance for the registration of a mark or for any other purpose, he is entitled to a refund of that fee, less \$15, if he decides not to proceed with the application for registration of the mark or other purpose to the stage where the fee would be required.

Forms

Forms
required.
Schedule II.

4. In submitting a document for any purpose of the Act or these Regulations, the person submitting the document must use the Form set out in *Schedule II* that is applicable.

5. (1) All applications, notices, statements, papers having representations affixed, or other documents authorised or required by the Act or these Regulations to be made, left with or sent to the Director must be on strong, durable white paper and, except in the case of statutory documents and affidavits, must be written on one side of the paper only. Paper requirements.

(2) Each sheet of paper (other than representations) must have its short sides at the top and bottom of the sheet.

(3) Each sheet of paper must be of the same size and on A-4 paper or such other size as the Director may permit.

6. (1) The pages of documents, other than representations, must be numbered consecutively, preferably at the top of the page. Page re-quirements.

(2) Page margins must be approximately 2 cm.

(3) Except for representations, pages must be typed or printed, preferably with one and a half spacing or double spacing.

7. (1) An application must be in English. Language of docu-ments.

(2) Until he is provided with a translation verified by affidavit, the Director may refuse to take cognisance of any document that is not in English.

8. (1) A document purporting to be signed by or on behalf of a partnership must contain the names in full of all partners and be signed Partner-ships.

(a) by all partners,

(b) by a qualified partner stating that he signs on behalf of the partnership, or

(c) by any other person who satisfies the Director that he is authorised to sign the document on behalf of the partnership.

(2) A document purporting to be signed for or on behalf of an association of persons must be signed by a trustee of the association.

Address

9. When any person is by the Act or these regulations required to furnish the Director with an address, the address given must be as complete as possible; and the Director may require the address to include the name of the street and the number or name of the premises having that address. Complete address.

10. (1) Where an applicant, opponent or agent, or a registered owner or licensee of a mark does not reside or carry on business in Barbados, he shall be required by the Director to give an address for service in Barbados. Compul-sory address for service.

THE LAWS OF BARBADOS

(2) An address for service given pursuant to subsection (1) may be treated as the actual address of the applicant, opponent, agent, owner or licensee, as the case requires, for all purposes connected with any matter in question.

Voluntary
address
for service.

11. A registered owner or licensee of a mark, or any person about to be registered or recorded as a registered owner or licensee of a mark, may, if he so desires, give on the appropriate form an address for service to be entered in the register, and that address may be entered in the register by the Director.

Form.

12. All applications in Form No. 1 for an address for service must be signed by the applicant, or by an agent expressly authorised for the purpose by the applicant.

No address
for service.

13. When no address for service is entered in the register for a registered owner or licensee of a mark, the Director may treat the trade or business address of the registered owner or licensee as recorded in the register as the address for service of that owner or licensee for all purposes connected with the registration of the mark.

Commu-
nications.

14. A written communication to a person or party mentioned in the Act or these regulations and addressed to an address given by him to the Director or treated by the Director as that person's or party's address for service shall be deemed to be properly addressed to that person or party.

Agency

Power of
agent.

15. (1) Except as otherwise required by these regulations,

(a) any application, request or notice that is required or permitted by the Act or these regulations to be made or given to the Director, and

(b) all other communications

(i) between an applicant or a person making such a request or giving such a notice and the Director or any other person, or

(ii) between a registered owner or a licensee of a mark and the Director or any other person,

may be made, signed or given through an agent.

(2) Any person referred to in subsection (1) other than the Director may, by signing and sending to the Director an authority in Form No. 2, appoint an agent to act for that person in any proceedings or matter before or affecting the Director under the Act or these regulations.

(3) Where an agent has been appointed pursuant to this regulation,

- (a) service upon the agent of any document relating to the proceedings or matter for which the agent has been appointed is service upon the person who appointed him;
- (b) all communications that relate to any proceedings or matter referred to in paragraph (a) that are directed to be made to any applicant, person making a request or giving a notice, or to any registered owner or licensee, may be addressed to his agent; and
- (c) all attendances upon the Director relating to any proceedings or matter referred to in paragraph (a) may be made by or through the agent.

(4) The Director may, in a particular case, require the personal signature or presence of an applicant, opponent, registered owner or licensee or other person notwithstanding that an agent has been appointed for the applicant, opponent, registered owner, licensee or other person.

Non-Registrable Marks

16. (1) Subject to subsection (3), the Director shall refuse to accept any application for the registration of a mark upon which any of the following appear: Duty to refuse.

- (a) the words "standard", "patent", "patented", "registered", "industrial design" or "copyright";
- (b) the Royal Arms, Royal Crest or Royal Standard;
- (c) the arms or crest of any member of the Royal Family;
- (d) the standard, arms or crest of His Excellency, the Governor General;
- (e) any word or symbol likely to lead to the belief that the goods or services in the application have received or are produced, sold or performed under royal, vice-regal or governmental patronage or authority;

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,
by the authority of the Government of Barbados

- (f) the arms, crest or flag adopted and used at any time by Barbados;
 - (g) the words "Red Cross" or "Geneva Cross" or representation of the Geneva Cross in red on a white ground or the Swiss Federal Cross in white or silver on a red ground as protected by the Geneva Convention of 1949;
 - (h) the heraldic emblem of the red Crescent on a white ground as protected by the Geneva Convention of 1949;
 - (i) the Red Lion and Sun used by Iran and protected by the Geneva Convention of 1949;
 - (j) the name or representation of any person;
 - (k) any marks referred to in paragraph (g) or (h) of section 9 (1) of the Act and not included within paragraphs (a) to (j) of this regulation.
- (l) the emblem to be used or being used as a symbol for official cooperation between the Nordic countries.
- (2) The Director shall give notice in the *Official Gazette* of all marks the registration of which is prohibited pursuant to paragraph (k) of subsection (1) of this regulation.
- (3) Except a mark referred to in paragraph (a) of subsection (1) of this regulation, the Director may register a mark otherwise prohibited for registration under this regulation, if consent to the registration is given by or on behalf of Her Majesty or such other person, society, authority or organisation as is protected against unauthorised registration by the Act or this regulation.

Description of Goods or Services

Specified
goods or
services.

17. Where the name or description of any goods or services appears on a mark, the Director may refuse to register the mark in respect of any goods or services other than the goods or services so named or described.

Permitted
variations.

18. Where the name or description of a mark for goods or services appears on a mark and the name of the goods or services will vary when the mark is used, the Director may, if the application for registration of the mark states that the name or description of goods or services will vary when the mark is used

upon goods or services other than the goods or services appearing in the mark, permit the registration of the mark for the goods or services appearing on the mark and the other goods and services.

Application for Registration

19. An application for the registration of a mark in respect of any goods or services must be made to the Director in Form No. 3. Form for application.

20. (1) An application for registration of a mark must contain a representation of the mark in the space provided in the form for that purpose. Application requirements.

(2) The additional representations of the mark required by section 10 (2) (a) of the Act may be in black and white and colour coded if necessary but they must be suitable for reproduction.

(3) When the size of a representation of a mark exceeds the space provided for it in the application form, the representation must be mounted on such strong paper or other material as the Director considers suitable, and part of the representation must be affixed to the application in the space provided for the representation and the rest of the representation folded.

(4) If for any reason the Director is dissatisfied with the representation of a mark in an application, the Director may, before proceeding with the application, require that another representation be substituted that is satisfactory to him.

21. (1) When a mark applied for contains letters or words in characters other than Roman, then, unless the Director otherwise directs, a sufficient transliteration or translation of the letters or words satisfactory to the Director must be endorsed on the application form; and the endorsement must indicate the language to which the words or letters belong and be signed by the applicant or his agent. Foreign words and letters.

(2) When a mark applied for contains a word in a language other than English, a translation of the word satisfactory to the Director must be endorsed on the application form; and the endorsement must indicate the language to which the word belongs and be signed by the applicant or his agent.

THE LAWS OF BARBADOS

Priority
limitation.

22. (1) An applicant for the registration of a mark who is under section 12 of the Act availing himself of the priority of an earlier application in a country that is a member of the Paris Convention must submit his application to the Director within 6 months of the making of the earlier application.

(2) If the copy of the earlier application that is to be submitted under section 12 of the Act within 90 days from the date of the application to the Director is not in English, it must be accompanied with a translation satisfactory to the Director and duly endorsed by the applicant or his agent.

Name or
address
change.

23. (1) A change of name or change of address of an applicant or a change of his address for service must be notified to the Director by a submission from the applicant in Form No. 4, together with the prescribed fee, but in the case of a change of name evidence satisfactory to the Director must accompany the submission.

(2) The Director shall recognise the change of address, or change of address for service, of an applicant; and when the Director is satisfied by the evidence submitted to him, he shall recognise the change of name of an applicant.

Transfer
of appli-
cation.

24. A transfer of an application for the registration of a mark may be recognised by the Director on the submission to him of an application in Form No. 5 by the transferee of the application, together with the prescribed fee and evidence satisfactory to the Director that the mark has been transferred to the transferee of the application; and if the Director is satisfied that the application for registration of the mark has been transferred to the transferee, he shall treat the transferee as the applicant thereafter.

*Procedure on receiving application for
registration*

Search of
register.

25. (1) On receipt of an application for the registration of a mark, the Director shall have a search made of the registered marks and pending applications of record in the office to ascertain whether there is recorded therein, in respect of the same goods or services or description of goods or services, any mark identical with the mark applied for or so nearly resembling it that it would likely mislead the public.

(2) At any time before the acceptance of an application, the Director may renew a search made under subsection (1) in respect of the application, but the Director is not bound to do so.

26. (1) After a search of his records pursuant to section 25 and a consideration of the application, the Director may accept the application absolutely, object to the registration of the application or require the applicant to furnish evidence of use or of distinctiveness or of any other matter. Result of consideration.

(2) If, after an examination of any evidence furnished pursuant to subsection (1), the Director is not satisfied that the mark ought to be registered, he may either object to the registration of the application or express a willingness to accept the application subject to such conditions, amendments, disclaimers, modifications, or limitations of the application as the Director may impose.

27. (1) When the Director objects to the registration of an application, the Director shall in writing inform the applicant of his objection to the registration. Consequence of objection.

(2) When, after the Director objects to the registration of an application, the applicant does not, within 60 days of his receipt of the objection, deliver or send to the Director a written reply to the objections, the applicant shall be deemed to have withdrawn his application.

28. (1) When the Director is willing to accept an application for registration if it is subjected to any condition, amendment, disclaimer, modification or limitation, the Director may in writing communicate this circumstance to the applicant; and if the applicant does not object to the condition, amendment, disclaimer, modification or limitation, he shall, within 30 days after receipt of the communication, so inform the Director and alter his application accordingly. Conditional acceptance.

(2) If an applicant described in subsection (1) fails to notify the Director as required by that subsection and does not object under section 29 within the time provided therefor, he shall be deemed to have withdrawn his application.

THE LAWS OF BARBADOS

Objection
to con-
dition,
etc.

29. (1) When an applicant objects to a condition, amendment, disclaimer, modification or limitation imposed by the Director pursuant to section 28, the applicant shall, within 60 days from the receipt of the communication to him of the condition, amendment, disclaimer, modification or limitation, notify the Director in writing of his objection and the reasons therefor.

(2) After considering a notification under subsection (1) by an applicant, the Director shall make a determination in the matter; and if the applicant does not appeal the determination under section 47 of the Act within the time prescribed by that section, the applicant shall be deemed to have withdrawn his application.

Disclaimer.

30. At any time before a mark for which registration has been applied is recorded in the register, the Director may require the applicant to insert in his application a disclaimer of any matter that is not independently capable of being registered so that if the mark is registered the public will understand the extent of the applicant's rights after registration.

Collective Marks

Examina-
tion of
collective
mark.

31. (1) When an application is made for the registration of a collective mark, the Director shall, in addition to the other examinations of the application that is required to be made by the Act and these regulations, examine the application and accompanying agreement to ensure that it complies with subsections (4) and (5) of section 10 of the Act.

(2) The agreement accompanying the application must be examined to ensure that

- (a) the common characteristics or common quality of the goods or services to which the collective mark is to be applied is set out in sufficient detail to identify the common characteristics or quality;
- (b) the agreement contains the conditions and restrictions under which the collective mark can be used;
- (c) the agreement states that the owner of the collective mark can receive samples of any goods, or inspect the delivery of any of the services, associated with the collective mark, or inspect, during normal business hours, the place of manufacture of the goods or the place where the services

are performed, to ensure that the common characteristics or common quality are being maintained; and

- (d) the agreement contains some means by which the owner of the collective mark can prevent its use if anyone uses it in contravention of the conditions governing its use.

Certification marks

31A. (1) When an application is made for the registration of a certification mark, the Director shall, in addition to the other examinations of the application that are required to be made by this Act and the regulations, examine the application and accompanying rules governing the use of the mark to ensure that it complies with subsections (6) and (7) of section 10 of the Act.

Certification marks.
2006-2.

(2) The rules accompanying the application must be examined to ensure that

- (a) origin, material, mode of manufacture, quality, accuracy or other common characteristics of the goods or services to which the certification mark is to be applied are set out in sufficient detail to identify the said common characteristics;
- (b) they contain the conditions and restrictions governing the use of the mark;
- (c) they state that the owner of the certification mark can
- (i) receive samples of any goods or inspect the delivery of any of the services associated with the certification mark; or
- (ii) inspect during normal business hours, the place of manufacture of the goods or the place where the services are performed,

to ensure that the common characteristics or common quality are being maintained; and

- (d) they contain some means by which the owner of the certification mark can prevent its use in contravention of the conditions governing its use.

Opposition to registration

Required
opposition
form.

32. (1) When a person who opposes an application for the registration of a mark wishes to exercise his right under section 17 of the Act to oppose the application, he may so inform the Director by submitting a notice of opposition in Form No. 6, together with the prescribed fee.

(2) If one of the reasons for the opponent's objection to the registration of the mark is that it resembles a mark already on the register, the number and registration date of that mark must be specified in the notice of opposition.

Answer to
opposition.

33. The applicant's answer to a notice of opposition under section 32 must be submitted in Form No. 7, together with the prescribed fee, and the answer must indicate the grounds on which the applicant relies and any facts alleged in the notice of opposition that the applicant admits.

Interruption in proceedings

Non-
completion
of applica-
tion.

34. (1) When it appears to the Director that an applicant is not proceeding with his application at the normal pace of such proceedings, the Director may give notice to the applicant in Form No. 8 to continue more expeditiously with the application.

(2) Where an applicant referred to in subsection (1) has appointed an agent, the Director shall send the notice to the agent.

(3) If, after the expiration of 30 days from the date when a notice under subsection (1) has been sent in respect of an application or after the expiration of such other period as the Director may allow, the applicant fails to communicate with the Director concerning the application, the applicant shall be deemed to have withdrawn his application.

Entry in register

35. When an applicant for the registration of a mark becomes entitled under section 19 of the Act to have the mark registered, the Director shall, on receipt of the prescribed fee and a completed Form No. 9, record the mark in the register. Registration

36. When an applicant for the registration of a mark dies before he becomes entitled under section 19 of the Act to have the mark registered, the Director may, on being satisfied Death of applicant.

- (a) of the death of the applicant; and
- (b) of the ownership of the mark by another person,

enter in the register, in place of the name of the deceased applicant, the name, address and trade or business description of the person owning the mark.

37. Following the registration of a mark, the Director shall issue to the applicant a certificate in Form No. 10 and affix to the certificate a copy of the mark. Certificate of registration

38. The Director shall, in accordance with section 23 (1) of the Act, publish at least once every 3 years a notice of all marks that have been recorded in the register since the last publication of marks. Publication of marks.

39. (1) At any time not being more than 12 months before the expiration of the registration of a mark, the registered owner of the mark or a duly recorded licensee of the mark may file an application in Form No. 11, together with the prescribed fee, for renewal of the registration of the mark. Renewal requirements.

(2) An application mentioned in subsection (1) must contain the following statement:

- (a) that the mark has been used
 - (i) by the registered owner in respect of all of the goods or services in the registration; or

- (ii) by a named licensee in respect of all of the goods or services that are in the registration and for which the licensee is entered;
 - (b) that the mark has been used
 - (i) by the registered owner in respect of some of the goods or services in the registration, specifying the goods or services so used; or
 - (ii) by a named licensee in respect of some of the goods or services that are in the registration and for which the licensee is entered, specifying the goods or services so used, and stating the reasons that, being beyond the control of the owner or licensee, as the case requires, would excuse the non-use in respect of the remaining goods or services in the registration; or
 - (c) that the mark has not been used by the registered owner or a named licensee in respect of any of the goods or services in the registration, and stating the reasons that, being beyond the control of the owner or licensee, as the case requires, would excuse the non-use in respect of those goods or services.
- (3) When an application for renewal is made by a registered licensee, he must complete Form No. 11 as if he were the registered owner, and make the required statements, as appropriate, in respect of his use of the mark and in respect of the use of the mark by a registered sub-licensee.

Late
renewal.

40. If an application for renewal of the registration of a mark is submitted to the Director within 6 months from the date of expiration of the registration, the registered owner or registered licensee of the mark must complete Form No. 11 and Form No. 12 and submit them both to the Director, together with the prescribed fee.

41. (1) In considering an application to renew the registration of a mark, the Director shall take the following action in the circumstances described, namely: Renewing registration.

- (a) renew the registration of the mark without amendment if the registered owner or registered licensee has stated that the mark has been used on all of the goods or services in the registration or has been used on some of the goods or services in the registration and the reasons given for the non-use in respect of the remaining goods or services are sufficient to explain the non-use;
- (b) renew the registration in respect of those goods or services in the registration for which the registered owner or registered licensee has stated that the mark is in use or for which reasons were given to excuse the non-use, and remove from the registration the remaining goods or services in respect of which the registered owner or registered licensee has stated that the mark is not in use and the reasons given for the non-use are not sufficient to excuse the non-use; or
- (c) refuse to renew the registration if the registered owner or registered licensee has stated that the mark has not been used in respect of any of the goods or services in the registration and no reasons are given for the non-use or the reasons given for the non-use are not sufficient to excuse the non-use.

(2) After taking such action as is indicated by subsection (1), the Director shall make the appropriate entries in the register and advise the applicant in writing of the action taken.

Licence-contracts

42. (1) A licence-contract may be recorded in the register on the submission of an application in Form No. 13, together with the prescribed fee and a copy of the licence-contract. Licence-contracts.

(2) Upon receipt of the application, the fee and a copy of the licence-contract, the Director shall examine the licence-contract to determine whether it complies with the requirements of the Act; and if it does, the Director shall record in the register the particulars of the licence-contract as set out in the application, and advise the applicant in writing of the action taken.

(3) If after his examination of an application pursuant to subsection (2) the Director determines that the licence-contract does not comply with the requirements of the Act, the Director shall refuse to record the licence-contract in the register and advise the applicant in writing of his refusal to record it.

Removing from record. **43.** A person who wishes to cancel a licence-contract pursuant to section 30(4) of the Act must apply for cancellation in Form No. 14, pay the prescribed fee and submit with his application, when necessary, evidence satisfactory to the Director that the licence-contract has terminated; and the Director shall thereupon cancel the record in the register and advise the applicant in writing of the cancellation.

Transfer. **44.** When a licence-contract that authorises the licensee to transfer the contract has been transferred, the transfer may be recorded in the register upon the submission of an application in Form No. 15, together with the prescribed fee and evidence satisfactory to the Director that the licence-contract has been transferred; and, if the Director is satisfied about the transfer, he shall record it in the register.

Sub-licence. **45.** (1) When, pursuant to a licence-contract that authorises the licensee to grant a sub-licence, the licensee grants such a sub-licence, the sub-licence may be recorded in the register upon the submission of an application in Form No. 16, together with the prescribed fee and a copy of the sub-licence-contract.

(2) Upon receipt of an application in accordance with subsection (1), the Director shall examine the sub-licence-contract to ensure that it complies with the requirements of the Act.

(3) If the Director is satisfied that the sub-licence complies with the Act, the Director shall record in the register the particulars of the sub-licence as set out in the application and advise the applicant in writing of the action taken.

(4) If a sub-licence does not comply with the requirements of the Act, the Director shall refuse to record it in the register and shall advise the applicant in writing of his refusal and the reasons therefor.

Change in register

46. When a registered owner or licensee of a mark wishes to record a change of address or other change, not being a change referred to in section 47, he shall submit an application therefor in Form No. 17 together with the prescribed fee.

Recording
address
change.

47. When a registered owner or licensee of a mark wishes to record a change of name in the register, he shall submit an application to change his name in Form No. 17, together with the prescribed fee and evidence satisfactory to the Director of the change of name.

Recording
name
change.

48. Upon compliance with the requirements of section 46 or 47, as the case requires, the Director shall record the change in the register and advise the applicant in writing of the action taken.

Notice of
change.

49. (1) When a registered owner of a collective or certification mark wishes to change the conditions governing the use of the collective or certification mark, he shall submit an application in Form No. 18, together with the prescribed fee and a copy of the agreement or, in the case of a certification mark, the rules, in which the changed conditions are set out.

Change of
conditions.
2006-2.

(2) The Director shall examine the agreement or the rules and the changed conditions mentioned in paragraph (1) and if he is satisfied that they comply with the Act and the regulations he shall cause a notice of the application to be published in the *Official Gazette*.

- (3) The notice mentioned in paragraph (1) must
- (a) specify the registration number of the collective or certification mark;
 - (b) indicate the goods and services in respect of which the collective or certification mark is registered;
 - (c) set out the change in the conditions governing the use of the collective or certification mark; and
 - (d) set out the name and address of the registered owner, and, if necessary, his address for service.
- (4) The Director shall, upon recording a change in the conditions governing the use of a collective or certification mark, notify the registered owner of the mark.

Renunciation

Renouncing registration. **50.** (1) When a registered owner of a registered mark wishes to renounce registration of a mark pursuant to section 37 of the Act, he must submit to the Director an application to renounce in Form No. 19, together with the prescribed fee.

(2) Subject to the rights of a registered licensee under subsections (5) and (6) of section 37 of the Act, the Director on receipt of a renunciation in accordance with this provision shall record the renunciation in the register for all or any part of the goods or services in the registration as set out in the application to renounce, and shall advise the applicant in writing of the action taken.

Transfer of mark

Ordinary mark transfer. **51.** A transfer of a trade mark or a service mark may be recorded in the register on the submission by the transferee of an application in Form No. 20, together with the prescribed fee and evidence satisfactory to the Director of the transfer of the mark; and thereupon the Director shall advise the applicant in writing of the action taken.

52. (1) For the purpose of obtaining the approval of the Director to the transfer of a collective or certification mark under section 29 of the Act, the transferor or transferee of the collective or certification mark must submit to the Director an application in Form No. 21, together with the prescribed fee and evidence satisfactory to the Director that the transfer complies with the requirements of the Act.

Collective or certification mark approval. 2006-2.

(2) If the Director approves the transfer of a collective or certification mark, he shall notify the applicant in Form No. 22.

53. (1) For the purpose of recording a transfer of a collective or certification mark, the transferee must submit to the Director an application in Form No. 23, together with the prescribed fee, the Director's approval of the transfer and evidence satisfactory to the Director that the collective or certification mark has been transferred to the applicant.

Recording transfer of collective or certification mark. 2006-2.

(2) If the Director is satisfied that the collective or certification mark has been transferred to the applicant, the Director shall record the transferee as the registered owner of the registration in accordance with the information contained in the application, and advise the applicant in writing of the action taken.

Time limits

54. Any correspondence with the Office that is due on any day on which the Office is closed for business shall be accepted as properly filed if it is received on the next day that the Office is open for business.

Filing time.

55. If he is satisfied that mail to or from the Office was sent but never received, the Director may accept or send out replacing correspondence; and the effective date of the replacing correspondence is the date that the Director determines should apply.

Replacement of correspondence.

Interrup-
tions of
mail. **56.** Where, by evidence satisfactory to the Director, a person proves that he was unable to do any thing within the time prescribed therefor by the Act or these Regulations because of an interruption in mail service in Barbados or elsewhere, the Director may, before or after the expiration of the time for doing that thing, extend the time to make allowances for the period of the interruption in mail service.

Fixing time
limits. **57.** The Director may, in respect of an application or any other matter arising in the administration of the Act, fix a period of time for the doing of any thing for which no time limit is otherwise fixed by the Act or these Regulations; and an application shall be deemed abandoned if, in respect of that application, the thing is not done within the time so fixed.

Changing
time limits. **58.** When, by an affidavit setting forth the relevant facts, the Director is satisfied that any time fixed by these Regulations for the doing of any thing should be extended in a particular case, the Director may, either before or after the expiration of the time, extend it for such period as he thinks suitable in the circumstances.

Clerical errors

Correcting
errors. **59.** The Director may, by the issuance of his certificate, correct, in respect of a registered mark, any error in the register that is of a clerical nature and whose correction would not in his opinion make any change in the rights of the registered owner or registered licensee of the mark.

Issuing
directions. **60.** Where no provision is made in the Act or these Regulations in respect of any matter arising in the administration of the Act, the Director may give such directions in respect thereof as he considers necessary in the circumstances.

Director's
certificate. **61.** (1) The Director may give a certificate regarding any entry, matter or thing that he is authorised or required by the Act or these Regulations to make or do.

(2) A person who can show an interest in the entry, matter or thing for which he requires a certificate may, by an application in Form No. 24, request such a certificate from the Director; and the applicant need not disclose his interest unless required to do so by the Director.

(3) In a certificate issued under this provision the Director need not include a copy of any mark unless a suitable copy of that mark accompanies the application for the certificate.

62. The Director may acknowledge inquires made to the Office, but the Director need not furnish any applicant or other with information that would require a search of the public records of the Office, or the provision of advice on matters concerning the interpretation of the Act or regulations, or concerning other questions of law.

Inquires of Office.

SCHEDULE I

(Section 3)

FEES

	\$	
On application for address for service	25.00	
On application to register a mark	75.00	
For publication of notice of application	(according to advertisement rates)	
For registration of a mark	75.00	
On application to record a change of conditions governing the use of a collective or certification mark	50.00	2006-2.
For a copy of any document	(cost according to agreement)	
For recognising the transfer of an application for the registration of a mark	25.00	

	On submitting a notice of opposition to an application for registration of a mark	50.00
	On submitting an answer to a notice of opposition	25.00
	For renewal of registration of a mark under section 27(3) of the Act	50.00
	For renewal under section 27(4) of the Act of registration of a mark	100.00
	For recording a licence-contract	50.00
	For cancellation of a licence-contract	50.00
	For recording the transfer of a licence-contract	50.00
	For recording a sub-licence	50.00
	For recording a change in the register under regulation 46 or 47	50.00
	On application for change to application for registration of a mark	50.00
	For renouncing registration	75.00
	For transferring application or registration of a trade mark or service mark	50.00
2006-2.	On application for approval of the transfer of a collective or certification mark	50.00
2006-2.	For recording the transfer of a collective or certification mark	50.00

SCHEDULE II

TRADE MARKS ACT CAP. 319

(Section 12)

Form No.1

APPLICATION FOR AN ADDRESS FOR SERVICE

I/We¹.....

 the registered owner(s)/licensee(s) of the² Mark(s)
 registered under No.(s) hereby apply for an entry of the following
 as my/our address for service in Barbados³

Dated this day of 20.....

4

The Director
Industrial Property Office
BARBADOS

1. Name of registered owner(s) or registered licensee(s).
2. Insert Trade, Service, Certification or Collective as appropriate. 2006-2.
3. State address.
4. Signature.

TRADE MARKS ACT CAP. 319

(Section 15(2))

FORM No. 2

FORM OF AUTHORISATION OF AGENT IN A MATTER
OR PROCEEDING UNDER THE ACT

I/We¹
have appointed².....of
to act as my/our agent for³No.....and request
that all notices, requisitions and communications relating thereto be sent to the
agent at the above address.

I/We hereby revoke all previous authorisations, if any, in respect of the same
matter or proceeding.

I/We hereby declare that I am/We are⁴

Dated this day of 20.....

5

Address⁶

I/We also authorise the said²
to request the entry of an address for service as part of any registration obtained
under the above authorisation.

Dated this..... day of20.....

⁵

Address⁶

To the Director
Industrial Property Office
BARBADOS

1. The full name of all the partners in a firm must be inserted, and the kind and country of incorporation of bodies corporate stated.
2. Here insert name and address of agent.
3. Here state the particular matter or proceeding for which the agent is appointed giving the reference number, if known.
4. Here state nationality.
5. To be signed by the person appointing the agent.
6. Here insert the full trade or business address of the person appointing the agent. (To be struck out if the person appointing the Agent desires his own address to be treated as the address for service after registration).

TRADE MARKS ACT CAP. 319

(Section 19)

Form No. 3

APPLICATION FOR REGISTRATION OF A MARK

¹ _____

² _____

Application is hereby made for Registration of the above Mark in respect
of ³ _____ in the name of ⁴

whose trade or business address is⁵.....
trading as⁶.....who claim(s) to be
the proprietor(s) thereof.

7.....

Dated theday of 20.....

8.....

⁹The applicant claims priority under section 12 of the Act on the basis of an application filed on ¹⁰ under number¹¹ in¹² by¹³ and the applicant undertakes to furnish the Director with a certified copy of this application within ninety days from the date of this application.

¹⁴The applicant claims temporary protection under section 13 of the Act by reason of having first exhibited the goods or services claimed herein bearing or under the above mark at an exhibition recognised by the Minister to be a national or international exhibition. The date the goods or services were first exhibited was:¹⁵.....

To The Director
Industrial Property Office
BARBADOS

1. One representation to be fixed within this space.
2. Four representations should accompany the application.
- 2A. The applicant must indicate whether the application is in respect of a trade mark, service mark, collective mark or certification mark, 2006-2.
3. Here specify the goods or services and give indication of classification under Nice Agreement.
4. Here insert legibly the full name, description, nationality and residence of whose trade or business address the individual, firm or body corporate making the application. The names of all partners in a firm must be given in full. If the applicant is a body corporate, the kind and country of incorporation should be stated.
5. Here insert the full trade or business address of the applicant.
6. Here insert the trading style (if any).
7. For additional matter if required; otherwise to be left blank, e.g. disclaimer.
8. Signature.
9. A claim to priority under section 12(1) should be made in this paragraph, (if applicable).

10. Date of filing in another country of the Paris Convention.
11. Number of convention application.
12. Name of country of filing convention application.
13. Name of applicant in convention country.
14. A claim to temporary protection under section 13 should be made in this paragraph, (if applicable).
15. Insert date goods or services were first exhibited.

TRADE MARKS ACT CAP. 319

(Section 23 (1))

FORM No. 4

APPLICATION FOR CHANGE TO APPLICATION
FOR REGISTRATION OF A MARK

I/We¹
.....
the owner of the² Mark claimed
in application No hereby apply to have the
following change made to this application:³

Dated thisday of 20.....
4

The Director
Industrial property Office
BARBADOS

1. Name of present applicant.
2. Insert Trade, Service, Certification or Collective if appropriate.
3. State change in applicant's name, address or his address for service in Barbados.
4. Signature.

TRADE MARKS ACT CAP. 319

(Section 24)

FORM No. 5

APPLICATION TO RECOGNISE TRANSFER OF APPLICATION
FOR REGISTRATION OF TRADE MARK
OR SERVICE MARK

I/We¹.....
..... hereby

apply to be recognised as the owner of the mark claimed in application No. by virtue of² a copy of which is enclosed.

³The address for service in respect of this mark is as follows:

.....
.....

Dated this day of 19.....

⁴.....

**The Director
Industrial Property Office
BARBADOS**

1. Full name and description of applicant or transferee.
2. Full particulars of documents by which mark transferred.
3. This paragraph should be completed by providing the address for service in Barbados, if the address in¹ is outside Barbados.
4. Signature.

TRADE MARKS ACT CAP. 319

(Section 32 (1))

FORM No. 6

NOTICE OF OPPOSITION TO APPLICATION
FOR REGISTRATION OF A MARK

(To be submitted in duplicate)

IN THE MATTER OF an opposition by
..... to application No.
of

I/We¹ hereby
give notice of my/or opposition to the Registration of the Mark advertised

under the above number in the *Official Gazette* of the
day of 19.....

The grounds of opposition are as follows:

.....
.....
2
.....

Address for service in Barbados in these proceedings:

.....
.....

Dated the day of 19.....

3
.....

To The Director
Industrial Property Office
BARBADOS

1. Here state full name and address of the person who opposes the application.
2. If registration is opposed on the ground that the mark resembles marks already on the Register, the numbers and registration dates of those marks are to be set out.
3. Signature.

TRADE MARKS ACT CAP. 319

(Section 33)

FORM No. 7

FORM OF ANSWER TO OPPOSITION
(To be submitted in duplicate)

IN THE MATTER OF an opposition by
to application No.....

I/We.....
the applicant(s) for Registration of the above Mark, hereby give notice that the
following are the grounds on which I/we rely as supporting my/our application:

.....
.....
.....

I/We admit the following allegations in the notice of Opposition:

.....
.....

Address for service in Barbados in these proceedings:

.....
.....

Dated this day of 19.....

Signature.....

To The Director
Industrial Property Office
BARBADOS.

TRADE MARKS ACT CAP. 319

(Section 34 (1))

FORM No. 8

NOTICE OF NON-COMPLETION OF REGISTRATION

IN THE MATTER OF Application No..... for the registra-
tion of.....

The Director advises that the registration of the mark in respect of which
your application numbered as above on the

day of 19....., has not been completed by
reason of your default in the following regard:

Unless the above default is remedied within.....days from this date
the application will be treated as abandoned.

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,
by the authority of the Government of Barbados

Dated this..... day of..... 19.....

To.....
.....
.....

The Director
Industrial Property Office
BARBADOS.

TRADE MARKS ACT CAP. 319

(Section 35)

FORM No. 9

FEE FOR REGISTRATION OF A MARK

The prescribed fee for the registration of Mark No.....
is hereby transmitted.

Dated this..... day of..... 19.....

Signature.....

TRADE MARKS ACT CAP. 319

(Section 37)

FORM No. 10

CERTIFICATE OF REGISTRATION

The Mark shown above has been registered in the name of
..... under No..... as

of the date of 19.....in respect
of
sealed at my direction, thisday of 19.....

The Director
Industrial Property Office
BARBADOS

Registration is for 10 years from the date first above mentioned, and may then be renewed at the expiration of each period of 10 years thereafter.

This certificate is not for use in legal proceedings or for obtaining registration abroad.

NOTE: Upon any change of ownership of this Mark, or change in address application should AT ONCE be made to the Director to register the change.

TRADE MARKS ACT CAP. 319

(Section 39 (1) & (3))

FORM No. 11

RENEWAL OF REGISTRATION OF MARK

1.¹ I,..... of
hereby submit the prescribed fee for Renewal of Registration of the Mark
No.....

2.² (1) The mark covered by this registration has been used in Barbados by the registered proprietor or a registered licensee during the last year in respect of all of the goods or services covered by the registration.

(2)³ The mark covered by the registration has been used in Barbados by the registered proprietor a registered licensee during the last year in respect of the following goods or services covered by the registration.

(3)³ The mark covered by this registration has not been used in Barbados by the registered proprietor or a registered licensee during the last year in respect of the following goods or services covered by the registration for the following reasons.

3.4 The mark covered by this registration has not been used in Barbados by the registered proprietor or a licensee under a licence-contract during the last year in respect of any of the goods or services covered by the registration for the following reasons:

Dated thisday of 19.....
5

The Statement on the back of this Form must be filled in, and signed.

To the Director
Industrial Property Office
BARBADOS.

(To appear on the back of Form No. 11)

The Director is requested to send notice of renewal of the registration to⁵ the Registered Proprietor at the following address:

.....
.....
6

Dated this..... day of 19.....

-
1. Insert name, description and status.
 2. This paragraph to be completed by inserting appropriate statements if mark used on all goods or services.
 3. This paragraph to be completed by inserting appropriate statements if mark only used on some of the goods or services.
 4. This paragraph to be completed by inserting appropriate statements if mark not used on any goods or services.
 5. Signature of person making statements.
 6. Signature.

TRADE MARKS ACT CAP. 319

(Section 40)

FORM No. 12

FEE FOR RENEWAL

Renewal of ¹ Mark under section 27(4) of the Act
(To accompany Form No. 11)

I/We hereby transmit the additional fee of
(along with Form No. 11) for the renewal of the

¹ Mark No.....

Dated thisday of20.....

²

³

To the Director
Industrial Property Office
BARBADOS.

N.B. This Form must be signed by the person(s) signing Form which
accompanies it.

-
1. Insert Trade, Service, Certification Collective as appropriate. 2006-2.
2. Signature.
3. Address.

TRADE MARKS ACT CAP. 319

(Section 42(1))

FORM No. 13

APPLICATION TO RECORD A LICENCE-CONTRACT

I/We¹
.....
being the registered owner(s) of the² mark(s)
registered under No.(s) hereby apply
to record the following particulars of a licence-contract, a copy of which is
attached hereto:

- 3
.....
- 4
.....
- 5
.....
- 6
.....

Dated this day of 20.....

7

To the Director
Industrial Property Office
BARBADOS.

-
- 1. Name of registered owner.
 - 2. Enter Trade or Service as appropriate.
 - 3. Name and full address of the licensee and if he resides outside Barbados, an address for service within Barbados.
 - 4. List goods or services to which Licence-Contract extends and for which mark is registered.
 - 5. Term licence-Contract.
 - 6. Whether Licence-Contract exclusive or non-exclusive.
 - 7. Signature.

TRADE MARKS ACT CAP. 319

(Section 43)

FORM No. 14

APPLICATION TO CANCEL RECORD IN REGISTER
OF A LICENCE-CONTRACT

I/We¹

hereby apply for cancellation of the record in the register of the
particulars of²

Evidence is hereto attached that the Licence-Contract has
terminated.

Dated this..... day of 19.....

³

To the Director
Industrial Property Office
BARBADOS.

-
1. Name of registered owner or licensee under a Licence-Contract.
 2. Name of licensee under Licence-Contract the record on the Register of which is to be cancelled.
 3. Signature.

TRADE MARKS ACT CAP. 319

(Section 44)

FORM No. 15

APPLICATION TO RECORD TRANSFER OF
LICENCE-CONTRACT

I/We¹

.....

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,
by the authority of the Government of Barbados

a registered licensee in respect of the²
Mark registered under No.....hereby apply to transfer the
Licence-Contract to³
.....
by virtue of the authority vested in me pursuant to⁴.....
.....
and to have such person entered in the record in the registration in my/our
stead.

Dated this..... day of 19.....
5.....

-
1. Name of licensee recorded in the Register.
 2. Enter Trade or Service as appropriate.
 3. Name and address of person to whom Licence-Contract transferred and if he resides outside Barbados, an address for service within Barbados.
 4. Here identify authority.
 5. Signature.

TRADE MARKS ACT CAP. 319

(Section 45(1))

FORM No. 16

APPLICATION TO RECORD A SUB-
LICENCE-CONTRACT

I/We¹
.....
being a registered licensee(s) of the² Mark
registered under No.(s) hereby
apply to record the following particulars of a sub-licence-contract, a copy of
which is attached hereto:

³.....
.....
.....

by virtue of the authority vested in me

4
.....
5
6

Dated this.....day of.....20.....
7

The Director
Industrial Property Office
BARBADOS.

1. Name of registered licensee.
2. Enter Trade or Service as appropriate.
3. Name and full address of sub-licensee and if he resides outside Barbados, an address for service within Barbados.
4. List goods or services to which sub-licence extends, covered by the main licence.
5. Term of sub-licence.
6. Whether sub-licence exclusive or non-exclusive.
7. Signature.

TRADE MARKS ACT CAP. 319

(Sections 46 & 47)

FORM No. 17

APPLICATION TO RECORD CHANGE
IN REGISTER

I/We¹.....
.....
the registered owner(s) licensee(s) the².....Mark(s)
registered under No.(s).....hereby apply to record the following change
in the Register in respect of such registration(s)³

Dated this..... day of 20.....

4

The Director
Industrial Property Office
BARBADOS.

-
- 2006-2. 1. Name of registered owner or registered licensee.
 - 2. Insert Trade, Service, Certification or Collective as appropriate.
 - 3. State change in owner's name, address or his address for Service in Barbados.
 - 4. Signature.

Note: In change of name evidence of the change should be attached hereto.

TRADE MARKS ACT CAP. 319

(Section 49)

FORM No. 18

APPLICATION TO CHANGE THE CONDITIONS
GOVERNING THE USE OF A COLLECTIVE
MARK/CERTIFICATION MARK

2006-2.

I/We¹.....

2006-2. registered owner(s) of the Collective Mark/Certification Mark registered under
2006-2. No.....hereby apply to record the following in the Register in respect of the
conditions governing the use of this Collective Mark/Certification Mark.

²
.....
.....
.....

Dated this..... day of 20.....

³

The Director
Industrial Property Office
BARBADOS.

1. Name of registered owner of Collective Mark.
2. State new conditions governing use of Collective Mark.
3. Signature.

TRADE MARKS ACT CAP. 319

(Section 50 (1))

FORM No. 19

RENUNCIATION

I/We¹
.....
the registered owner(s) of the² Mark(s)
registered under No.(s) hereby renounce such
registration(s) in respect of³

⁴A Licence-Contract is recorded in the Register in respect of this
registration and the licensee named therein consents to this renunciation.

Dated this.....day of.....19.....

⁵

The Director
Industrial Property Office
BARBADOS.

1. Name of registered owner.
2. Insert Trade or Service as appropriate.
3. Insert (as appropriate) "all of the goods or services for which the Mark is registered" if the renunciation applies to the complete registration or "the following goods or services (naming goods or services covered by the registration and to which the renunciation applies)", if the renunciation is in respect of only part of such goods and services.
4. This paragraph should be included if a Licence-Contract is recorded in the register for the Trade Mark or Service Mark and the licensee consents to the renunciation and the Licence-Contract does not contain a waiver of such consent.
5. Signature.

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,
by the authority of the Government of Barbados

TRADE MARKS ACT CAP. 319

(Section 51)

FORM No. 20

APPLICATION TO RECORD TRANSFER OF TRADE
MARK OR SERVICE MARK

I/We¹
of² hereby
apply to have my/our recorded in
the Register as the registered owner of the above mark by virtue of
³
.....
a copy of which is enclosed.

⁴The address for service in respect of this mark is as follows:

.....
.....

Dated this day of 19.....

⁵

The Director
Industrial Property Office
BARBADOS.

1. Name of transferee.
2. Full Trade or business address of transferee.
3. Full particulars of documents by which mark transferred.
4. This paragraph should be completed by providing the address for service in Barbados, if the trade or business address of the transferee is outside Barbados.
5. Signature.

TRADE MARKS ACT CAP. 319

(Section 52(1))

FORM No. 21

APPLICATION FOR APPROVAL OF TRANSFER OF
REGISTERED COLLECTIVE MARK/CERTIFICATION MARK 2006-2.

I/We¹.....hereby
make application for the approval of the transfer of the Collective Mark/Certification
Mark registered under No.....to²..... 2006-2.
.....

I/We³.....hereby
undertake to exercise effective control of the use of the Collective Mark/Certification 2006-2.
Mark in accordance with the conditions governing its use.

Dated this..... day of.....20.....

⁴.....
Transferee

Dated this..... day of20.....

⁵.....
Transferee

The Director
Industrial Property Office
BARBADOS.

-
1. Here insert name and address of proposed transferee.
 2. Here insert name of proposed transferee.
 3. Name of proposed transferee.
 4. Signature on behalf of proposed transferee.
 5. Signature of status.

TRADE MARKS ACT CAP. 319

(Section 53(1))

Form No. 23

APPLICATION TO RECORD TRANSFER OF REGISTERED
COLLECTIVE MARK/CERTIFICATION MARK

2006-2.

I/We¹.....

hereby apply to be recorded as the registered owner(s) of the Collected Mark(s)/
Certification Mark(s) registered under No.(s)²..... 2006-2.
a copy of which is enclosed and by virtue of the Director's approval of this transfer,
dated.....a copy of which is enclosed.

³The address for service in respect of this(these) Mark(s) is as follows:

Dated this.....day of20.....

⁴.....

The Director
Industrial Property Office
BARBADOS.

-
1. Full name and trade or business address of transferee.
 2. Full particulars of documents by which mark transferred.
 3. This paragraph should be completed to provide address for service in Barbados, if the address in¹ is outside Barbados.
 4. Signature.

TRADE MARKS ACT CAP. 319

(Section 61(2))

FORM No. 24

REQUEST FOR CERTIFICATE OF DIRECTOR IN RELATION TO AN ENTRY, MATTER OR THING

IN THE MATTER OF¹ The Trade Marks Act, Cap. 319 I/We
.....
of
hereby request the Director to furnish me/us with his certificate
that²
.....

Dated this day of 19.....

³

⁴

To the Director
Industrial Property Office
BARBADOS.

Note:

1. These words may be altered to suit the circumstances.
2. Here set out the particulars that the Director is requested to certify.
3. Signature.
4. Address.