LAWS OF TRINIDAD AND TOBAGO

TRADE MARKS ACT

CHAPTER 82:81

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Corrigenda

(*a*) At page 35, in section 51(1), in line 2, for the word "rules" substitute the word "Rules".

(*b*) At page 43, in section 78(2), in line 3, for the word "Order" substitute the word "order".

(*c*) At page 45, in regulation 3(1), in line 1, for the word "regulations" substitute the word "Regulations".

(*d*) At page 46, in regulation 4(1)(*d*), for the word "regulations" substitute the word "Regulations".

(*e*) At page 46, in regulation 4(2), in line 1, for the word "regulations" substitute the word "Regulations".

(*f*) At page 70, in rule 75(2), in line 3, for the word "Rule" substitute the word "rule".

Note

on

Adaptation

1. Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to L.N. 51/1980 (the Legal Notice by which the President's approval was signified).

2. Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by L.N. 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

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TRADE MARKS ACT

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CHAPTER 82:81

TRADE MARKS ACT

An Act to make provision with respect to the law relating to Trade Marks. 11 of 1955.

[2ND JANUARY 1957] Commencement. 178/1956.

1. This Act may be cited as the Trade Marks Act. Short title.

2. (1) In this Act— Interpretation. [46 of 1979].

"assignment" means assignment by act of the parties concerned;

"associated trade marks" means trade marks that are registered as, or that are deemed by virtue of this Act to be, associated trade marks;

"Convention" means the Paris Convention for the Protection of Industrial Property made on the 20th March 1883 and any amendments and revisions thereof to which Trinidad and Tobago is a party;

"the Court" means the High Court;

"Judge" means a Judge of the Court;

"limitations" means any limitations of the exclusive right to the use of a trade mark given by the registration of a person as proprietor thereof, including limitations of that right as to the mode of use, as to use in relation to goods to be sold, or otherwise traded in, in any place within Trinidad and Tobago, or as to use in relation to goods to be exported to any market outside Trinidad and Tobago;

"mark" includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral or any combination thereof;

"prescribed" means, in relation to proceedings before the Court, prescribed by rules of court, and, in other cases, prescribed by this Act or the Rules;

"the register" means the register of trade marks kept under this Act;

"registered trade mark" means a trade mark that is actually on the register;

"registered user" means a person who is for the time being registered as such under section 37;

"the Registrar" means the Registrar General and includes any Deputy Registrar General or person acting under the authority of the Registrar General;

"the Rules" means Rules made under section 51;

"trade mark" means, except in relation to a certification trade mark, a mark used or proposed to be used in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right either as proprietor or as registered user to use the mark, whether with or without any indication of the identity of that person, and means, in relation to a certification trade mark, a mark registered or deemed to have been registered under section 50;

"transmission" means transmission by operation of law, devolution on the personal representative of a deceased person, and any other mode of transfer not being assignment;

"permitted use" means the use of a trade mark by a registered user of it in relation to goods with which he is connected in the course of trade and in respect of which for the time being the trade mark remains registered and he is registered as a registered user, being use such as to comply with any conditions or restrictions to which his registration is subject.

(2) References in this Act to the use of a mark shall be construed as references to the use of a printed or other visual representation of the mark, and references therein to

the use of a mark in relation to goods shall be construed as references to the use thereof upon, or in physical or other relation to, goods.

The Register

Register of Trade Marks.

3. (1) There shall be kept by the Registrar General at his office a record called the Register of Trade Marks, in which shall be entered all registered trade marks with the names, addresses and descriptions of their proprietors, notifications of assignments and transmissions, the names, addresses and descriptions of all registered users, disclaimers, conditions, limitations and such other matters as may be prescribed.

(2) The Register of Trade Marks shall be divided into two parts called respectively Part A and Part B.

Effect of Registration and the Action for Infringement

No action for infringement of unregistered trade mark.

4. No person shall be entitled to institute any proceeding to prevent, or to recover damages for, the infringement of an unregistered trade mark, but nothing in this Act shall be deemed to affect rights of action against any person for passing off goods as the goods of another person or the remedies in respect thereof.

Rights given by registration in Part A and infringement thereof. [4/1985].

5. (1) Subject to this section and to sections 8 and 12, the registration of a person in Part A of the Register as proprietor of a trade mark other than a certification trade mark in respect of any goods shall, if valid, give or be deemed to have given to that person the exclusive right to the use of the trade mark in relation to those goods and, without prejudice to the generality of the foregoing words,

that right shall be deemed to be infringed by any person who, not being the proprietor of the trade mark or a registered user thereof using by way of the permitted use, uses a mark identical with it or so nearly resembling it as to be likely to deceive or cause confusion, in the course of trade, in relation to any goods in respect of which it is registered, and in such manner as to render the use of the mark likely to be taken either—

(*a*) as being used as a trade mark; or

(*b*) in a case in which the use is use upon the goods or in physical relation thereto or in an advertising circular or other advertisement issued to the public, as importing a reference to some person having the right either as proprietor or as registered user to use the trade mark or to goods with which such a person as mentioned above is connected in the course of trade.

(2) The right to the use of a trade mark given by registration as mentioned above shall be subject to any conditions or limitations entered on the register, and shall not be deemed to be infringed by the use of any such mark as mentioned above in any mode, in relation to goods to be sold or otherwise traded in, in any place, in relation to goods to be exported to any market, or in any other circumstances, to which, having regard to any such limitations, the registration does not extend.

(3) The right to the use of a trade mark given by registration as mentioned above shall not be deemed to be infringed by the use of any such mark as mentioned above by any person—

(*a*) in relation to goods connected in the course of trade with the proprietor or a registered user of the trade mark if, as to those goods or a bulk

of which they form part, the proprietor or the registered user conforming to the permitted use has applied the trade mark and has not subsequently removed or obliterated it, or has at any time expressly or impliedly consented to the use of the trade mark; or

(*b*) in relation to goods adapted to form part of, or to be accessory to, other goods in relation to which the trade mark has been used without infringement of the right given as mentioned above or might for the time being be so used, if the use of the mark is reasonably necessary in order to indicate that the goods are so adapted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the fact a connection in the course of trade between any person and the goods.

(4) The use of a registered trade mark, being one of two or more registered trade marks that are identical or nearly resemble each other, in exercise of the right to the use of that trade mark given by registration as mentioned above, shall not be deemed to be an infringement of the right so given to the use of any other of those trade marks.

(5) For the purposes of the fees specified in the First Schedule each mark in a series of marks is deemed to be a mark that is separately registered.

Rights given by registration in Part B and infringement thereof.

6. (1) Except as provided by subsection (2), the registration of a person in Part B of the register as proprietor of a trade mark in respect of any goods shall, if valid, give or be deemed to have given to that person the like right in relation to those goods as if the registration had been in Part A of the Register, and the provisions of section 5 shall have effect in like manner in relation to a trade mark registered in Part B of the Register as they have effect in relation to a trade mark registered in Part A of the register.

(2) In any action for infringement of the right to the use of a trade mark given by registration as mentioned above in Part B of the Register, otherwise than by an act that is deemed to be an infringement by virtue of section 7, no injunction or other relief shall be granted to the plaintiff if the defendant establishes to the satisfaction of the Court that the use of which the plaintiff complains is not likely to deceive or cause confusion or to be taken as indicating a connection in the course of trade between the goods and some person having the right either as proprietor or as registered user to use the trade mark.

Infringement by breach of certain restrictions.

7. (1) Where, by a contract in writing made with the proprietor or a registered user of a registered trade mark, a purchaser or owner of goods enters into an obligation to the effect that he will not do, in relation to the goods, an act to which this section applies, any person who, being the owner for the time being of the goods and having notice of the obligation, does that act, or authorises it to be done, in relation to the goods, in the course of trade or with a view to any dealing therewith in the course of trade, shall be deemed thereby to infringe the right to the use of the trade mark given by the registration thereof, unless that person became the owner of the goods by purchase for money or money's worth in good faith before receiving notice of the obligation or by virtue of a title derived through another who so became the owner thereof.

(2) The acts to which this section applies are—

(*a*) the application of the trade mark upon the goods after they have suffered alteration in any manner specified in the contract as respects their state or condition, get-up or packing;

(*b*) in a case in which the trade mark is upon the goods, the alteration, part removal or part obliteration thereof;

(*c*) in a case in which the trade mark is upon the goods, and there is also thereon other matter, being matter indicating a connection in the course of trade between the proprietor or registered user and the goods, the removal or obliteration, whether wholly or partly, of the trade mark unless that other matter is wholly removed or obliterated;

(*d*) in a case in which the trade mark is upon the goods, the application of any other trade mark to the goods;

(*e*) in a case in which the trade mark is upon the goods, the addition to the goods of any other matter in writing that is likely to injure the reputation of the trade mark.

(3) In this section references in relation to any goods to the proprietor, to a registered user, and to the registration, of a trade mark shall be construed, respectively, as references to the proprietor in whose name the trade mark is registered, to a registered user who is registered, and to the registration of the trade mark, in respect of those goods, and the expression "upon" includes in relation to any goods a reference to physical relation thereto.

Saving for vested rights.

8. Nothing in this Act shall entitle the proprietor or a registered user of a registered trade mark to interfere with or restrain the use by any person of a trade mark identica with or nearly resembling it in relation to goods in relation to which that person or a predecessor in title of his has continuously used that trade mark from a date anterior—

(*a*) to the use of the first-mentioned trade mark in relation to those goods by the proprietor or a predecessor in title of his; or

(*b*) to the registration of the first-mentioned trade mark in respect of those goods in the name of the proprietor or a predecessor in title of his,

whichever is the earlier, or to object (on such use being proved) to that person being put on the Register for that identical or nearly resembling trade mark in respect of those goods under section 14(2).

Registration to be in respect of particular goods.

9. A trade mark must be registered in respect of particular goods or classes of goods, and any question arising as to the class within which any goods fall shall be determined by the Registrar, whose decision shall be final.

REGISTRABILITY AND VALIDITY OF REGISTRATION

Distinctiveness requisite for registration in Part A.

10. (1) In order to be registrable in Part A of the register a trade mark other than a certification trade mark must contain or consist of at least one of the following essential particulars:

(*a*) the name of a company, individual, or firm, represented in a special or particular manner;

(*b*) the signature of the applicant for registration or some predecessor in his business;

(*c*) an invented word or invented words;

(*d*) a word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname;

(*e*) any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in paragraphs (*a*), (*b*), (*c*) and (*d*) shall not be registrable under this paragraph except upon evidence of its distinctiveness.

(2) For the purposes of this section "distinctive" means adapted, in relation to the goods in respect of which a trade mark is registered or proposed to be registered, to distinguish goods with which the proprietor of the trade mark is or may be connected in the course of trade from goods in the case of which no such connection subsists, either generally or, where the trade mark is registered or proposed to be registered subject to limitations, in relation to use within the extent of the registration.

(3) In determining whether a trade mark is adapted to distinguish as aforesaid the Registrar may have regard to the extent to which—

(*a*) the trade mark is inherently adapted to distinguish as aforesaid; and

(*b*) by reason of the use of the trade mark or of any other circumstances, the trade mark is in fact adapted to distinguish as aforesaid.

Capability of distinguishing requisite for registration in Part B.

11. (1) In order to be registrable in Part B of the Register a trade mark must be capable, in relation to the goods in respect of which it is registered or proposed to be registered, of distinguishing goods with which the proprietor of the trade mark is or may be connected in the course of trade from goods in the case of which no such connection subsists, either generally or, where the trade mark is registered or proposed to be registered subject to limitations, in relation to use within the extent of the registration.

(2) In determining whether a trade mark is capable of distinguishing as mentioned above the Registrar may have regard to the extent to which—

(a) the trade mark is inherently capable of distinguishing as mentioned above; and

(b) by reason of the use of the trade mark or of any other circumstances, the trade mark is in fact capable of distinguishing as mentioned above.

(3) A trade mark may be registered in Part B notwithstanding any registration in Part A in the name of the same proprietor of the same trade mark or any part or parts thereof.

Saving for use of name, address or description of goods.

12. No registration of a trade mark shall interfere with—

(a) any *bona fide* use by a person of his own name or of the name of his place of business, or of the name, or of the name of the place of business, of any of his predecessors in business; or

(b) the use by any person of any *bona fide* description of the character or quality of his goods.

Prohibition of registration of deceptive, etc., matter.

13. It shall not be lawful to register as a trade mark or part of a trade mark any matter the use of which would, by reason of its being likely to deceive or cause confusion or otherwise, be disentitled to protection in a court of justice or would be contrary to law or morality, or any scandalous design.

Prohibition of registration of identical and resembling trade marks.

14. (1) Subject to subsection (2), no trade marks shall be registered in respect of any goods or description of goods that is identical with a trade mark belonging to a different proprietor and already on the Register in respect of the same goods or description of goods, or that so nearly resembles such a trade mark as to be likely to deceive or cause confusion.

(2) In case of honest concurrent use, or of other special circumstances which in the opinion of the Court or the Registrar

make it proper to do so, the Court or the Registrar may permit the registration of trade marks that are identical or nearly resemble each other in respect of the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as the Court or the Registrar, as the case may be, may think it right to impose.

(3) Where separate applications are made by different persons to be registered as proprietors respectively of trade marks that are identical or nearly resemble each other in respect of the same goods or description of goods, the Registrar may refuse to register any of them until their rights have been determined by the Court.

Registration in Part A to be conclusive as to validity after seven years.

15. (1) In all legal proceedings relating to a trade mark registered in Part A of the Register (including applications under section 46) the original registration in Part A of the Register of the trade mark shall, after the expiration of seven years from the date of that registration, be taken to be valid in all respects, unless—

(a) that registration was obtained by fraud; or

(b) the trade mark offends against section 13.

(2) Nothing in section 6(1) shall be construed as making applicable to a trade mark, as being a trade mark registered in Part B of the Register, the foregoing provisions of this section relating to a trade mark registered in Part A of the Register.

Registration subject to disclaimer.

16. If a trade mark—

(a) contains any part not separately registered by the proprietor as a trade mark; or

(b) contains matter common to the trade or otherwise of a non-distinctive character,

the Registrar or the Court, in deciding whether the trade mark shall be entered or shall remain on the register, may require, as a condition of its being on the register—

(i) that the proprietor shall disclaim any right to the exclusive use of any part of the trade mark, or to the exclusive use of all or any portion of any such matter as mentioned above, to the exclusive use of which the Registrar or the Court holds him not to be entitled; or

(ii) that the proprietor shall make such other disclaimer as the Registrar or the Court may con-

sider necessary for the purpose of defining his rights under the registration,

but no disclaimer on the Register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

Words used as name or description of an article or substance.

17. (1) The registration of a trade mark shall not be deemed to have become invalid by reason only of any use after the date of the registration, of a word or words which the trade mark contains, or of which it consists, as the name or description of an article or substance.

(2) If, however, it is proved either—

(a) that there is a well-known and established use of the word or words as the name or description of the article or substance by a person or persons carrying on a trade therein, not being use in relation to goods connected in the course of trade with the proprietor or a registered user of the trade mark or (in the case of a certification trade mark) goods certified by the proprietor; or

(b) that the article or substance was formerly manufactured under a patent (being a patent in force on, or granted after the date of, the commencement of this Act) that a period of two years or more after the cesser of the patent has elapsed, and that the word or words is or are the only practicable name or description of the article or substance,

the provisions of subsection (3) shall have effect.

(3) Where the facts mentioned in subsection (2)*(a)* or *(b)* are proved with respect to any word or words, then—

(a) if the trade mark consists solely of that word or those words, the registration of the trade mark, so far as regards registration in respect of the article or substance in question or of any goods of the same description, shall be deemed for the purposes of section 46 to be an entry wrongly remaining on the Register;

(b) if the trade mark contains that word or those words and other matter, the Court or the Registrar, in deciding whether the trade mark shall remain on the Register, so far as regards registration in respect of the article or substance in question and of any goods

of the same description, may in case of a decision in favour of its remaining on the Register require as a condition thereof that the proprietor shall disclaim any right to the exclusive use in relation to that article or substance and any goods of the same description of that word or those words, so, however, that no disclaimer on the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made; and

(c) for the purposes of any other legal proceedings relating to the trade mark—

(i) if the trade mark consists solely of that word or those words, all rights of the proprietor, whether under the common law or by registration, to the exclusive use of the trade mark in relation to the article or substance in question or to any goods of the same description; or

(ii) if the trade mark contains that word or those words and other matter, all such rights of the proprietor to the exclusive use of that word or those words in such relation as mentioned above,

shall be deemed to have ceased on the date at which the use mentioned in subsection (2)*(a)* first became well-known and established, or at the expiration of the period of two years mentioned in subsection (2)*(b)*.

(4) No word which is the commonly used and accepted name of any single chemical element or single chemical compound, as distinguished from a mixture, shall be registered as a trade mark in respect of a chemical substance or preparation, and any such registration in force at the commencement of this Act or thereafter shall, notwithstanding anything in section 15, be deemed for the purposes of section 46 to be an entry made in the Register without sufficient cause, or an entry wrongly remaining on the Register, as the circumstances may require. However, the foregoing provisions of this subsection shall not have effect in relation to a word which is used to denote only a brand or make of the element or compound as made by the proprietor or a registered user of the trade mark, as distinguished from the element or compound as made by others, and in association with a suitable name or description open to the public use.

Effect of limitation as to colours.

18. A trade mark may be limited in whole or in part to one or more specified colours and in any such case the Registrar or the

Court shall have regard to the fact that it is so limited when considering the distinctive character of the trade mark. If a trade mark is registered without limitations of colour it shall be deemed to be registered for all colours.

PROCEDURE FOR AND DURATION OF REGISTRATION

Application for registration.

19. (1) Any person claiming to be the proprietor of a trade mark used or proposed to be used by him who is desirous of registering it must apply in writing to the Registrar in the prescribed manner for registration either in Part A or in Part B of the Register.

(2) Subject to this Act, the Registrar may refuse the application, or may accept it absolutely or subject to such amendments, modifications, conditions or limitations, if any, as he may think right.

(3) In the case of an application for registration of a trade mark (other than a certification trade mark) in Part A of the register, the Registrar may, if the applicant is willing, instead of refusing the application, treat it as an application for registration in Part B and deal with the application accordingly.

(4) In the case of a refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving thereat and the decision shall be subject to appeal to a Judge in Chambers.

(5) On an appeal under this section the Judge shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what amendments, modifications, conditions or limitations, if any, the application is to be accepted.

(6) Appeals under this section shall be heard on the materials stated as mentioned above by the Registrar, and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the Registrar, other than those so stated as mentioned above by him, except by leave of the Judge hearing the appeal. Where any further grounds of objection are taken, the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.

(7) The Registrar or a Judge as the case may be, may at any time, whether before or after acceptance, correct any error in or

in connection with the application, or may permit the applicant to amend his application upon such terms as the Registrar or the Judge, as the case may be, may think fit.

Advertisement of application.

20. Every application for registration of a trade mark under this Act shall, as soon as may be after its acceptance be advertised by the Registrar in the *Gazette* and the advertisement shall set forth all conditions and limitations subject to which the application has been accepted. However, the Registrar may cause an application to be advertised before acceptance if it is made under section 10(1)*(e)*, or in any other case where it appears to him that it is expedient by reason of any exceptional circumstances to do so, and where an application has been so advertised, the Registrar may, if he thinks fit, advertise it again when it has been accepted but shall not be bound to do so.

Opposition to registration.

21. (1) Any person may, within three months of the advertisement of the application, give notice in duplicate to the Registrar of opposition to the registration of the trade mark. The notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition. The Registrar shall send the duplicate of such notice to the applicant.

(2) Within one month after the receipt of such duplicate or such further time as the Registrar may allow, the applicant shall send to the Registrar, in the prescribed manner, a counter statement in duplicate of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application.

Conflicting claims to registration.

22. (1) On receipt of a counter statement as mentioned in section 21(2) the Registrar shall send one copy to the person or persons giving notice of opposition and shall, after hearing the parties if so required and considering the evidence, decide whether, and subject to what conditions or limitations, if any, registration is to be permitted. The decision of the Registrar shall be subject to appeal to a Judge in Chambers.

(2) On an appeal under this section the Judge shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions or limitations, if any, registration is to be permitted.

(3) On the hearing of an appeal under this section any party may, either in the manner prescribed or by special leave of the Judge, bring forward further material for the consideration of the Judge.

(4) On an appeal under this section no further grounds of objection to the registration of a trade mark shall be allowed to be taken by the opponent or the Registrar, other than those so stated as mentioned above by the opponent, except by leave of the Judge. Where any further grounds of objection are taken, the applicant shall be entitled to withdraw his application without payment of the costs of the opponent on giving notice as prescribed.

(5) On an appeal under this section the Judge may, after hearing the Registrar, permit the trade mark proposed to be registered to be modified in any manner not substantially affecting the identity thereof, but in any such case the trade mark as so modified shall be advertised in the prescribed manner before being registered.

(6) If a person giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such a notice, or an appellant, neither resides nor carries on business in Trinidad and Tobago, the Judge or the Registrar may require him to give security for costs of the proceedings relative to the opposition or to the appeal, as the case may be, and in default of such security being duly given may treat the opposition or application, or the appeal, as the case may be, as abandoned.

Registration.

23. (1) When an application for registration of a trade mark in Part A or in Part B of the Register has been accepted and has not been opposed and the time for notice of opposition has expired or having been opposed the opposition has been decided in favour of the applicant, the Registrar shall unless the application has been accepted in error register the trade mark in Part A or Part B, as the case may be, and the trade mark, when registered, shall be registered as of the date of the application for registration, and that date shall be deemed for the purpose of this Act to be the date of registration. However, the foregoing provisions of this section, relating to the date as of which a trade mark shall be registered and to the date to be deemed to be the date of registration, shall, as respects a trade mark registered under this Act with the benefit of any written law relating to international or commonwealth arrangements, have effect subject to the provisions of that written law.

(2) On the registration of a trade mark, the Registrar shall issue to the applicant, on payment by him of the prescribed fee, a certificate in the prescribed form of the registration sealed with the seal of the Registrar General.

Limit of time for completing registration.

24. Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in the notice.

Duration and renewal of registration.

25. (1) The registration of a trade mark shall be for a period of fourteen years but may be renewed by the registered proprietor on payment of the prescribed fee before the expiration of the period of fourteen years and so from time to time before expiration of each period of fourteen years.

(2) The Registrar shall give due notice of such approaching expiration to the proprietor of such trade mark three months at least before the expiration of the period of registration.

(3) If no renewal fee has been paid before the expiration of fourteen years from the date of registration the Registrar shall remove the trade mark from the Register, subject to such conditions, if any, as to its restoration to the Register, as may be prescribed.

(4) Where a trade mark has been removed from the register for non-payment of the renewal fee, such trade mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the Registrar that there has been no *bona fide* user of such trade mark during the two years immediately preceding such removal, or that no deception or confusion would be likely to arise from the use of the trade mark that is the subject of the application for registration by reason of any previous use of the trade mark that has been removed.

Registration of parts of trade marks and of trade marks as a series.

26. (1) Where the proprietor of a trade mark claims to be entitled to the exclusive use of any part thereof separately, he may apply to register the whole and any such part as separate trade marks.

(2) Each such separate trade mark must satisfy all the conditions of an independent trade mark and shall, subject to section 32(2) and section 44(2), have all the incidents of an independent trade mark.

(3) Where a person claiming to be the proprietor of several trade marks, in respect of the same goods or description of goods,

which while resembling each other in the material particulars thereof, yet differ in respect of—

(a) statements of the goods in relation to which they are respectively used or proposed to be used; or

(b) statements of number, price, quality or names of places; or

(c) other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or

(d) colour,

seeks to register those trade marks, they may be registered as a series in one registration.

ASSIGNMENT, TRANSMISSION AND ASSOCIATED MARKS

Powers of and restrictions on assignment and transmission.

27. (1) Notwithstanding any rule of law or equity to the contrary, a registered trade mark shall be, and shall be deemed always to have been, assignable and transmissible either in connection with the goodwill of a business or not.

(2) A registered trade mark shall be, and shall be deemed always to have been, assignable and transmissible in respect either of all the goods in respect of which it is registered or was registered, as the case may be, or of some (but not all) of those goods.

Powers of assignment and transmission of unregistered mark.

28. Section 27 has effect in the case of an unregistered trade mark used in relation to any goods as it has effect in the case of a registered trade mark registered in respect of any goods, if at the time of the assignment or transmission of the unregistered trade mark it is or was used in the same business as a registered trade mark, and if it is or was assigned or transmitted at the same time and to the same person as that registered trade mark and in respect of goods all of which are goods in relation to which the unregistered trade mark is or was used in that business and in respect of which that registered trade mark is or was assigned or transmitted.

Restrictions on assignment or transmission where exclusive rights would subsist in different persons.

29. (1) Notwithstanding anything in sections 27 and 28, a trade mark shall not be or be deemed to have been assignable or transmissible in a case in which as a result of assignment or transmission there would in the circumstances subsist, or have subsisted, whether under the common law or by registration, exclusive

rights in more than one of the persons concerned to the use, in relation to the same goods or description of goods, of identical trade marks or trade marks nearly resembling each other, so that, having regard to the similarity of the goods and of the trade marks, the use of the trade marks in exercise of those rights would be, or have been, likely to deceive or cause confusion. However, where a trade mark is, or has been, assigned or transmitted in such a case as mentioned above, the assignment or transmission shall not be deemed to be, or to have been, invalid under this subsection if the exclusive rights subsisting as a result thereof in the persons concerned respectively are, or were, having regard to limitations imposed thereon, such as not to be exercisable by two or more of those persons in relation to goods to be sold, or otherwise traded in, within Trinidad and Tobago (otherwise than for export therefrom) or in relation to goods to be exported to the same market outside Trinidad and Tobago.

(2) The proprietor of a registered trade mark who proposes to assign it in respect of any goods in respect of which it is registered may submit to the Registrar in the prescribed manner a statement of case setting out the circumstances, and the Registrar may issue to him a certificate stating whether, having regard to the similarity of the goods and of the trade marks referred to in the case, the proposed assignment of the first-mentioned trade mark would or would not be invalid under subsection (1), and a certificate so issued shall, subject to this section as to appeal and unless it is shown that the certificate was obtained by fraud or misrepresentation, be conclusive as to the validity or invalidity under subsection (1) of the assignment in so far as such validity or invalidity depends upon the facts set out in the case, but as regards a certificate in favour of validity, only if application for the registration under section 34 of the title of the person becoming entitled is made within six months from the date on which the certificate is issued.

(3) Any decision of the Registrar under this section shall be subject to appeal to a Judge in Chambers.

Restrictions on assignment or transmission where multiple exclusive rights would subsist in different parts of Trinidad and Tobago.

30. (1) Notwithstanding anything in sections 27 and 28, a trade mark shall not be assignable or transmissible in a case in which as a result of an assignment or transmission thereof there would in the circumstances subsist, whether under the common law or by registration, an exclusive right in one of the persons concerned to the use of the trade mark limited to use in relation to goods to be sold, or otherwise traded in, in a place or places in Trinidad and Tobago, and an exclusive right in another of those persons to the

use of a trade mark nearly resembling the first-mentioned trade mark or of an identical trade mark in relation to the same goods or description of goods limited to use in relation to goods to be sold, or otherwise traded in, in another place or other places in Trinidad and Tobago. However, on application in the prescribed manner by the proprietor of a trade mark who proposes to assign it, or of a person who claims that a trade mark has been transmitted to him or to a predecessor in title of his since the commencement of this Act, in any such case, the Registrar, if he is satisfied that in all the circumstances the use of the trade marks in exercise of the said rights would not be contrary to the public interest, may approve the assignment or transmission and an assignment or transmission, so approved shall not be deemed to be or to have been invalid under this section or under section 29; but in the case of a registered trade mark this provision shall not have effect unless application for the registration under section 34 of the title of the person becoming entitled is made within six months from the date on which the approval is given or, in the case of a transmission, was made before that date.

(2) Any decision of the Registrar under this section shall be subject to appeal to a Judge in Chambers.

Conditions of assignment otherwise than in connection with the goodwill of the business.

31. (1) Where an assignment in respect of any goods of a trade mark that is at the time of the assignment used in a business in those goods is made, on or after the coming into operation of this Act, otherwise than in connection with the goodwill of that business, the assignment shall not take effect until the following requirements have been satisfied, that is to say, the assignee must, not later than the expiration of six months from the date on which the assignment is made or within such extended period, if any, as the Registrar may allow, apply to him for directions with respect to the advertisement of the assignment, and must advertise it in such form and manner and within such period as the Registrar may direct.

(2) Any decision of the Registrar under this section shall be subject to appeal to a Judge in Chambers.

Associated trade marks.

32. (1) Associated trade marks shall be assignable and transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade marks.

(2) Where a trade mark that is registered, or is the subject of an application for registration, in respect of any goods is identi-

cal with another trade mark that is registered, or is the subject of an application for registration, in the name of the same proprietor in respect of the same goods or description of goods, or so nearly resembles it as to be likely to deceive or cause confusion if used by a person other than the proprietor, the Registrar may at any time require that the trade marks be entered on the Register as associated trade marks.

(3) Where a trade mark and any part or parts thereof are, by virtue of section 26(1) registered as separate trade marks in the name of the same proprietor, they shall be deemed to be, and shall be registered as, associated trade marks.

(4) All trade marks that are by virtue of section 26(3), registered as a series in one registration shall be deemed to be, and shall be registered as, associated trade marks.

(5) On application made in the prescribed manner by the registered proprietor of two or more trade marks registered as associated trade marks, the Registrar may dissolve the association as respects any of them if he is satisfied that there would be no likelihood of deception or confusion being caused if that trade mark were used by another person in relation to any of the goods in respect of which it is registered, and may amend the Register accordingly.

(6) Any decision of the Registrar under subsection (2) or subsection (5) shall be subject to appeal to a Judge in Chambers.

Power of registered proprietor to assign and give receipts.

33. Subject to this Act, the person for the time being entered in the Register as proprietor of a trade mark shall, subject to any rights appearing from the Register to be vested in any other person, have power to assign the trade mark, and to give effectual receipts for any consideration for an assignment thereof.

Registration of assignments and transmissions.

34. (1) Where a person becomes entitled by assignment or transmission to a registered trade mark, he shall make application to the Registrar to register his title, and the Registrar shall, on receipt of the application and on proof of title to his satisfaction, register him as the proprietor of the trade mark in respect of the goods in respect of which the assignment or transmission has effect, and shall cause particulars of the assignment or transmission to be entered on the Register.

(2) Any decision of the Registrar under this section shall be subject to appeal to a Judge in Chambers.

(3) Except for the purposes of an appeal under this section

or of an application under section 46, a document or instrument in respect of which no entry has been made in the Register in accordance with subsection (1) of this section shall not be admitted in evidence in any court in proof of the title to a trade mark unless the Court otherwise directs.

USE AND NON-USE

Removal from register and imposition of limitations on ground of non-use.

35. (1) Subject to subsection (2), a registered trade mark may be taken off the Register in respect of any of the goods in respect of which it is registered on application by any person aggrieved to the Court or, at the option of the applicant and subject to section 61, to the Registrar, on the ground either—

(a) that the trade mark was registered without any *bona fide* intention on the part of the applicant for registration that it should be used in relation to those goods by him, and that there has been in fact no *bona fide* use of the trade mark in relation to those goods by any proprietor thereof for the time being up to the date one month before the date of the application; or

(b) that up to the date one month before the date of the application a continuous period of five years or longer elapsed during which the trade mark was a registered trade mark and during which there was no *bona fide* use thereof in relation to those goods by any proprietor thereof for the time being.

However (except where the applicant has been permitted under section 14(2) to register an identical or nearly resembling trade mark in respect of the goods in question or where the Court or the Registrar, as the case may be, is of opinion that he might properly be permitted so to register such a trade mark), the Court or the Registrar as the case may be, may refuse an application made under paragraph *(a)* or *(b)* of this subsection in relation to any goods, if it is shown that there has been, before the relevant date or during the relevant period, as the case may be, *bona fide* use of the trade mark by any proprietor thereof for the time being in relation to goods of the same description, being goods in respect of which the trade mark is registered.

(2) Where in relation to any goods in respect of which a trade mark is registered—

(a) the matters referred to in subsection (1)*(b)* are shown so far as regards non-use of the trade mark in relation to goods to be sold, or otherwise traded in,

in a particular place in Trinidad and Tobago (otherwise than for export from Trinidad and Tobago), or in relation to goods to be exported to a particular market outside Trinidad and Tobago; and

(b) a person has been permitted under section 14(2) to register an identical or nearly resembling trade mark in respect of those goods under a registration extending to use in relation to goods to be sold, or otherwise traded in, in that place (otherwise than for export from Trinidad and Tobago) or in relation to goods to be exported to that market, or the Court, or the Registrar, as the case may be, is of opinion that he might properly be permitted so to register such a trade mark,

on application by that person to the Court or, at the option of the applicant and subject to section 61 to the Registrar, the Court or the Registrar, as the case may be, may impose on the registration of the first-mentioned trade mark such limitations as the Court or the Registrar thinks proper for securing that registration shall cease to extend to such use as last mentioned above.

(3) An applicant shall not be entitled to rely for the purposes of subsection (1)*(b)*, or for the purposes of subsection (2), on any non-use of a trade mark that is shown to have been due to special circumstances in the trade and not to any intention not to use or to abandon the trade mark in relation to the goods to which the application relates.

Defensive registration of well known trade marks.

36. (1) Where a trade mark consisting of an invented word or invented words has become so well known as respects any goods in respect of which it is registered and in relation to which it has been used that the use thereof in relation to other goods would be likely to be taken as indicating a connection in the course of trade between those goods and a person entitled to use the trade mark in relation to the first-mentioned goods, then notwithstanding that the proprietor registered in respect of the first-mentioned goods does not use or propose to use the trade mark in relation to those other goods and notwithstanding anything in section 35, the trade mark may, on the application in the prescribed manner of the proprietor registered in respect of the first-mentioned goods, be registered in his name in respect of those other goods as a defensive trade mark and, while so registered, shall not be liable to be taken off the register in respect of those goods under section 35.

(2) The registered proprietor of a trade mark may apply for the registration thereof in respect of any goods as a defensive trade mark notwithstanding that it is already registered in his name in respect of those goods otherwise than as a defensive trade mark, or may apply for the registration thereof in respect of any goods otherwise than as a defensive trade mark notwithstanding that it is already registered in his name in respect of those goods as a defensive trade mark, in lieu in each case of the existing registration.

(3) A trade mark registered as a defensive trade mark and that trade mark as otherwise registered in the name of the same proprietor shall notwithstanding that the respective registrations are in respect of different goods, be deemed to be, and shall be registered as, associated trade marks.

(4) On application by any person aggrieved to the Court, or at the option of the applicant and subject to section 61, to the Registrar, the registration of a trade mark as a defensive trade mark may be cancelled on the ground that the requirements of subsection (1) are no longer satisfied in respect of any goods in respect of which the trade mark is registered in the name of the same proprietor otherwise than as a defensive trade mark, or may be cancelled as respects any goods in respect of which it is registered as a defensive trade mark on the ground that there is no longer any likelihood that the use of the trade mark in relation to those goods would be taken as giving the indication mentioned in subsection (1).

(5) The Registrar may at any time cancel the registration as a defensive trade mark of a trade mark of which there is no longer any registration in the name of the same proprietor otherwise than as a defensive trade mark.

(6) Except as otherwise expressly provided in this section, this Act shall apply in respect of the registration of trade marks as defensive trade marks and of trade marks so registered as they apply in other cases.

Registered users.

37. (1) Subject to this section, a person other than the proprietor of a trade mark may be registered as a registered user thereof in respect of all or any of the goods in respect of which it is registered (otherwise than as a defensive trade mark) and either with or without conditions or restrictions.

(2) The permitted use of a trade mark shall be deemed to be use by the proprietor thereof, and shall be deemed not to be

use by a person other than the proprietor, for the purposes of section 35 and for any other purpose for which such use is material under this Act or at common law.

(3) Subject to any agreement subsisting between the parties, a registered user of a trade mark shall be entitled to call upon the proprietor thereof to take proceedings to prevent infringement thereof, and if the proprietor refuses or neglects to do so within two months after being so called upon, the registered user may institute proceedings for infringement in his own name as if he were the proprietor, making the proprietor a defendant. A proprietor so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

(4) Where it is proposed that a person should be registered as a registered user of a trade mark, the proprietor and the proposed registered user must apply in writing to the Registrar in the prescribed manner and must furnish him with a statutory declaration made by the proprietor, or by some person authorised to act on his behalf and approved by the Registrar—

(a) giving particulars of the relationship, existing or proposed, between the proprietor and the proposed registered user, including particulars showing the degree of control by the proprietor over the permitted use which their relationship will confer and whether it is a term of their relationship that the proposed registered user shall be the sole registered user or that there shall be any other restriction as to persons for whose registration as registered users application may be made;

(b) stating the goods in respect of which registration is proposed;

(c) stating any conditions or restrictions proposed with respect to the characteristics of the goods, to the mode or place of permitted use, or to any other matter; and

(d) stating whether the permitted use is to be for a period or without limit of period, and, if for a period, the duration thereof; and with such further documents, information or evidence as may be required under the rules or by the Registrar.

Power of Registrar to refuse application.

38. (1) The Registrar shall refuse an application under section 37 if it appears to him that the grant thereof would tend to facilitate trafficking in a trade mark.

(2) Any decision of the Registrar under this section shall be subject to appeal to a Judge in Chambers.

Registration as registered user.

39. (1) When the requirements of section 37(4) have been complied with, if the Registrar, after considering the information furnished to him under that subsection, is satisfied that in all the circumstances the use of the trade mark in relation to the proposed goods or any of them by the proposed registered user, subject to any conditions or restrictions which the Registrar thinks proper, would not be contrary to the public interest, the Registrar may register the proposed registered user as a registered user in respect of the goods subject as mentioned above.

(2) Any decision of the Registrar under this section refusing registration of a person as a registered user of a trade mark shall be subject to appeal to a Judge in Chambers.

Registrar not to disclose information to trade rivals, if so required.

40. The Registrar shall if so required by an applicant take steps to ensure that information given for the purposes of an application under section 37 (other than matter entered in the Register) is not disclosed to rivals in trade.

Power of Registrar to vary or cancel registration of registered user.

41. (1) Without prejudice to the provisions of section 46 the registration of a person as a registered user—

(a) may be varied by the Registrar as regards the goods in respect of which, or any conditions or restrictions subject to which, it has effect, on the application in writing in the prescribed manner of the registered proprietor of the trade mark to which the registration relates;

(b) may be cancelled by the Registrar on the application in writing in the prescribed manner of the registered proprietor or of the registered user or of any other registered user of the trade mark; or

(c) may be cancelled by the Registrar on the application in writing in the prescribed manner of any person on any of the following grounds:

(i) that the registered user has used the trade mark otherwise than by way of the permitted use, or in such a way as to cause, or to be likely to cause, deception or confusion;

(ii) that the proprietor or the registered user misrepresented, or failed to disclose, some fact material to the application for the registration, or that the circumstances have materially changed since the date of the registration;

(iii) that the registration ought not to have been effected having regard to rights vested in the applicant by virtue of a contract in the performance of which he is interested; or

(d) may be cancelled by the Registrar in respect of any goods in relation to which the trade mark is no longer registered.

(2) Any decision of the Registrar under the foregoing provisions of this section shall be subject to appeal to a Judge in Chambers.

(3) The Registrar shall notify the registration of a person as a registered user to any other registered user of the trade mark, and also notify any application under subsection (1) to the registered proprietor and each registered user (not being the applicant) of the trade mark, and shall give to the applicant on such an application, and to all persons to whom such an application is notified and who intervene in the proceedings in accordance with the rules, an opportunity of being heard.

No right of assignment or transmission in registered user.

42. Nothing in this Act shall confer on a registered user of a trade mark any assignable or transmissible right to the use thereof.

Proposed use of trade mark by corporation to be constituted, etc.

43. (1) No application for the registration of a trade mark in respect of any goods shall be refused, nor shall permission for such registration be withheld, on the ground only that it appears that the applicant does not use or propose to use the trade mark—

(a) if the Registrar is satisfied that a body corporate is about to be constituted, and that the applicant intends to assign the trade mark to the corporation with a view to the use thereof in relation to those goods by the corporation; or

(b) if the application is accompanied by an application for the registration of a person as a registered user of the trade mark, and the Registrar is satisfied that the

proprietor intends it to be used by that person in relation to those goods and the Registrar is also satisfied that the person will be registered as a registered user thereof immediately after the registration of the trade mark.

(2) Section 35 shall have effect in relation to a trade mark registered under the power conferred by subsection (1) of this section, as if for the reference in section 35(1)*(a)* to intention on the part of an applicant for registration that a trade mark should be used by him there were substituted a reference to intention on his part that it should be used by the corporation or registered user concerned.

(3) Where a trade mark is registered in respect of any goods under the power conferred by subsection (1) in the name of an applicant who relies on intention to assign to a corporation as mentioned above, then, unless the corporation has been registered as the proprietor of the trade mark in respect of those goods within a period of six months or within such further period not exceeding six months as the Registrar may allow, the registration shall cease to have effect in respect thereof at the expiration of that period, and the Registrar shall amend the Register accordingly.

Use of one of associated or substantially identical trade marks equivalent to use of another.

44. (1) Where under this Act use of a registered trade mark is required to be proved for any purpose, the Court or the Registrar may, if and so far as the Court or the Registrar thinks right, accept use of an associated registered trade mark, or of the trade mark with additions or alterations not substantially affecting its identity, as an equivalent for the use required to be proved.

(2) The use of the whole of a registered trade mark shall for the purposes of this Act be deemed to be also a use of any registered trade mark, being a part thereof, registered in the name of the same proprietor by virtue of section 26(1).

Use of trade mark for export trade.

45. The application in Trinidad and Tobago of a trade mark to goods to be exported from Trinidad and Tobago, and any other act done in Trinidad and Tobago in relation to goods to be so exported which, if done in relation to goods to be sold or otherwise traded in within Trinidad and Tobago, would constitute use of a trade mark therein, shall be deemed to constitute use of the trade mark in relation to those goods for any purpose for which such use is material under this Act or at common law.

RECTIFICATION AND CORRECTION OF REGISTER

General power to rectify entries in register. Schedule.

46. (1) Subject to the Schedule, the Court may on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the Register of any entry or by any entry made in the Register without sufficient cause, or by any entry wrongly remaining on the Register, or by any error or defect in any entry in the Register, make such order for making, expunging or varying such entry as it may think fit.

(2) In case of fraud in the registration, assignment or transmission of a registered trade mark, the Registrar may himself apply to the Court under this section.

(3) Any order of the Court rectifying the Register shall direct that notice of the rectification shall be served in the prescribed manner on the Registrar, and the Registrar shall on receipt of the notice rectify the Register accordingly.

(4) The power to rectify the Register conferred by this section shall include power to remove a registration in Part A of the Register to Part B.

Power to expunge or vary registration for breach of condition.

47. The Court may, on application by any person aggrieved, or on application by the Registrar, make such order as it may think fit for expunging or varying the registration of a trade mark on the ground of any contravention of, or failure to observe, a condition entered on the Register in relation thereto.

Correction of register.

48. (1) The Registrar may on request, made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name—

(a) correct any error in the name, address or description of the registered proprietor of a trade mark;

(b) enter any change in the name, address or description of the person who is registered as proprietor of a trade mark;

(c) cancel the entry of a trade mark on the Register;

(d) strike out any goods or classes of goods from those in respect of which a trade mark is registered; or

(e) enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of the trade mark.

(2) The Registrar may, on request made by a registered user of a trade mark, correct any error, or enter any change, in the name, address or description of the registered user.

(3) Any decision of the Registrar under this section shall be subject to appeal to a Judge in Chambers.

Alteration of registered trade mark.

49. (1) The registered proprietor of a trade mark may apply in the prescribed manner to the Registrar for leave to add to or alter the trade mark in any manner not substantially affecting the identity thereof, and the Registrar may refuse leave or may grant it on such terms and subject to such limitations as he may think fit.

(2) The Registrar may cause an application under this section to be advertised in the prescribed manner in any case where it appears to him that it is expedient to do so, and where he does so, if within the prescribed time from the date of the advertisement any person gives notice to the Registrar in the prescribed manner of opposition to the application, the Registrar shall, after hearing the parties if so required, decide the matter.

(3) Any decision of the Registrar under this section shall be subject to appeal to a Judge in Chambers.

(4) Where leave as mentioned above is granted, the trade mark as altered shall be advertised in the prescribed manner, unless it has already been advertised, in the form to which it has been altered, in an advertisement under subsection (2).

CERTIFICATION TRADE MARKS

Certification trade marks.

50. (1) A mark adapted in relation to any goods to distinguish in the course of trade goods certified by any person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, from goods not so certified shall be registrable as a certification trade mark in Part A of the Register in respect of those goods in the name, as proprietor thereof, of that person; but a mark shall not be so registrable in the name of a person who carries on a trade in goods of the kind certified.

(2) In determining whether a mark is adapted to distinguish as mentioned above, the Registrar may have regard to the extent to which—

(a) the mark is inherently adapted to distinguish as mentioned above in relation to the goods in question; and

(b) by reason of the use of the mark or of any other circumstances, the mark is in fact adapted to distinguish as mentioned above in relation to the goods in question.

(3) Subject to subsections (4), (5) and (6), and to sections 8 and 12, the registration of a person as proprietor of a certification trade mark in respect of any goods shall, if valid, give to that person the exclusive right to the use of the trade mark in relation to those goods, and, without prejudice to the generality of the foregoing words, that right shall be deemed to be infringed by any person who, not being the proprietor of the trade mark or a person authorised by him under the regulations in that behalf using it in accordance therewith, uses a mark identical with it or so nearly resembling it as to be likely to deceive or cause confusion, in the course of trade, in relation to any goods in respect of which it is registered, and in such a manner as to render the use of the mark likely to be taken either—

(a) as being used as a trade mark; or

(b) in a case in which the use is use upon goods or in physical relation thereto or in an advertising circular or other advertisement issued to the public, as importing a reference to some person having the right either as proprietor or by his authorisation under the relevant regulations to use the trade mark or the goods certified by the proprietor.

(4) The right to the use of a certification trade mark given by registration as mentioned above shall be subject to any conditions or limitations entered on the Register, and shall not be deemed to be infringed by the use of any such mark as mentioned above in any mode, in relation to goods to be sold or otherwise traded in in any place, in relation to goods to be exported to any market, or in any other circumstances, to which, having regard to any such limitations, the registration does not extend.

(5) The right to the use of a certification trade mark given by registration as mentioned above shall not be deemed to be infringed by the use of any such mark as mentioned above by any person—

(a) in relation to goods certified by the proprietor of the trade mark if, as to those goods or a bulk of which they form part, the proprietor or another in accordance with his authorisation under the relevant regulations has applied the trade mark and has not

subsequently removed or obliterated it, or the proprietor has at any time expressly or impliedly consented to the use of the trade mark; or

(b) in relation to goods adapted to form part of, or to be accessory to, other goods in relation to which the trade mark has been used without infringement of the right given as mentioned above or might for the time being be so used, if the use of the mark is reasonably necessary in order to indicate that the goods are so adapted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the fact that the goods are certified by the proprietor;

but paragraph *(a)* shall not have effect in the case of use consisting of the application of any such mark as mentioned above to any goods, notwithstanding that they are such goods as are mentioned in that paragraph, if such application is contrary to the relevant regulations.

(6) Where a certification trade mark is one of two or more registered trade marks that are identical or nearly resemble each other, the use of any of those trade marks in exercise of the right to the use of that trade mark given by registration shall not be deemed to be an infringement of the right so given to the use of any other of those trade marks.

(7) There shall be deposited with the Registrar in respect of every trade mark registered under this section regulations approved by the Registrar for governing the use thereof, which shall include provisions as to the cases in which the proprietor is to certify goods and to authorise the use of the trade mark, and may contain any other provisions that the Registrar may require or permit to be inserted therein.

(8) A certification trade mark shall not be assignable or transmissible otherwise than with the consent of the Registrar.

(9) The provisions of the Schedule shall have effect with respect to the registration of a mark under this section and to marks so registered. Schedule.

RULES AND FEES

51. (1) The Minister, subject to negative resolution of Parliament, may make such rules as he considers expedient— Power to make rules. [45 of 1979].

(a) for regulating the practice under this Act, including the service of documents;

(b) for classifying goods for the purposes of registration of trade marks and for empowering the Registrar to amend the Register so far as may be requisite for the purpose of adapting the entries therein to any amended or substituted classification that may be prescribed;

(c) for prohibiting the registration of any mark on the grounds of morality, public policy or other good and sufficient reason;

(d) for making or requiring duplicates of trade marks and other documents;

(e) prescribing anything (including forms) which is required to be, or may be, prescribed under this Act and any other forms which he may consider necessary for the purposes of this Act;

(f) generally for regulating the business of the Registrar General's Office in relation to trade marks and all things by this Act placed under the direction or control of the Registrar.

(2) Rules made under this Act shall while in force be of the same effect as if they were contained in this Act.

Fees.

52. There shall be paid in respect of applications and other matters under this Act such fees as may be prescribed.

POWERS AND DUTIES OF REGISTRAR

Hearing before exercise of Registrar's discretion.

53. Where any discretionary or other power is given to the Registrar by this Act or the rules, he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade mark in question without (if duly required to do so within the prescribed time) giving to the applicant or registered proprietor an opportunity of being heard.

Power of Registrar to award costs.

54. In all proceedings before the Registrar under this Act, the Registrar shall have power to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may, by leave of the Court, be enforced in the same manner as a judgment or order of the Court to the same effect.

LEGAL PROCEEDINGS AND APPEALS

Registration to be *prima facie* evidence of validity.

55. In all legal proceedings related to a registered trade mark (including applications under section 46) the fact that a person is registered as proprietor of the trade mark shall be *prima facie* evidence of the validity of the original registration of the trade mark and of all subsequent assignments and transmissions thereof.

Certificate of validity.

56. In any legal proceeding in which the validity of the registration of a registered trade mark comes into question and is decided in favour of the proprietor of the trade mark, the Court may certify to that effect, and if it so certifies then in any subsequent legal proceeding in which the validity of the registration comes into question the proprietor of the trade mark on obtaining a final order or judgment in his favour shall have his full costs, charges and expenses as between solicitor and client, unless in the subsequent proceeding the Court certifies that he ought not to have them.

Costs of Registrar in proceedings before Court, and payment of costs of Registrar.

57. In all proceedings before the Court under this Act the costs of the Registrar shall be in the discretion of the Court, but the Registrar shall not, except in a case in which he has appeared in the proceedings, be ordered to pay the costs of any other of the parties.

Trade usage, etc., to be considered.

58. In any action or proceeding relating to a trade mark or trade name the Court shall admit evidence of the usages of the trade concerned and of any relevant trade mark or trade name or get-up legitimately used by other persons.

Registrar's appearance in proceedings involving rectification.

59. (1) In any legal proceeding in which the relief sought includes alteration or rectification of the Register, the Registrar shall have the right to appear and be heard and shall appear if so directed by the Court.

(2) Unless otherwise directed by the Court, the Registrar in lieu of appearing and being heard, may submit to the Court a statement in writing signed by him stating the grounds of any decision given by him.

(3) The Court in dealing with any question of the rectification of the Register (including all applications under section 46) shall have power to review any decision of the Registrar relating to the entry in question or the correction sought to be made.

Discretion of court in appeals.

60. In any appeal from a decision of the Registrar to the Court or a Judge in Chambers under this Act, the Court or Judge in Chambers shall have and exercise the same discretionary powers as under this Act are conferred upon the Registrar.

Procedure in cases of option to apply to Court or Registrar.

61. Where under any of the foregoing provisions of this Act an applicant has an option to make an application either to the Court or to the Registrar—

(a) if an action concerning the trade mark in question is pending, the application must be made to the Court;

(b) if in any other case the application is made to the Registrar, he may, at any stage of the proceedings, refer the application to the Court, or he may, after hearing the parties, determine the question between them, subject to appeal to the Court.

EVIDENCE

Mode of giving evidence.

62. (1) In any proceeding under this Act before the Registrar the evidence shall be given by statutory declaration in the absence of directions to the contrary, but in any case in which the Registrar thinks it right to do so, the Registrar may take evidence *viva voce* in lieu of or in addition to evidence by declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

(2) In case any part of the evidence is taken *viva voce*, the Registrar shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as a Judge of the High Court.

Evidence of entries in register.

63. (1) A printed or written copy of any entry in the Register, purporting to be certified by the Registrar and sealed with the seal of the Registrar General, shall be admitted in evidence in all Courts and in all proceedings without further proof or production of the original.

(2) Any person requiring such a certified copy as aforesaid shall be entitled to obtain it on payment of the prescribed fee.

Evidence of things done by Registrar.

64. A certificate purporting to be under the hand of the Registrar as to any entry, matter or thing that he is authorised by this

Act or the Rules to make or do shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done.

OFFENCES

Falsification of entries in register.

65. Any person who makes or causes to be made a false entry in the Register, or a writing falsely purporting to be a copy of an entry in the Register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, is liable to imprisonment for two years.

Fine for falsely representing a trade mark as registered.

66. (1) Any person who makes a representation—

(*a*) with respect to a mark not being a registered trade mark, to the effect that it is a registered trade mark; or

(*b*) with respect to a part of a registered trade mark not being a part separately registered as a trade mark, to the effect that it is so registered; or

(*c*) to the effect that a registered trade mark is registered in respect of any goods in respect of which it is not registered; or

(*d*) to the effect that the registration of a trade mark gives an exclusive right to the use thereof in any circumstances in which, having regard to limitations entered on the Register, the registration does not give that right,

is liable on summary conviction to a fine of seven hundred and fifty dollars.

(2) For the purposes of this section, the use in Trinidad and Tobago in relation to a trade mark of the word "registered" or of any other word referring, whether expressly or impliedly, to registration, shall be deemed to import a reference to registration in the Register, except—

(*a*) where that word is used in physical association with other words delineated in characters at least as large as those in which the word is delineated and indicating that the reference is to registration as a trade mark under the law of a country outside Trinidad and Tobago, being a country under the law of which the registration referred to is in fact in force;

(*b*) where that word (being a word other than the word "registered") is of itself such as to indicate that the reference is to such registration as last mentioned above; or

(*c*) where that word is used in relation to a mark registered as a trade mark under the law of the country outside Trinidad and Tobago and in relation to goods to be exported to that country.

MISCELLANEOUS

Change of form of trade connection not to be deemed to cause deception.

67. The use of a registered trade mark in relation to goods between which and the person using it any form of connection in the course of trade subsists, shall not be deemed to be likely to cause deception or confusion on the ground only that the trade mark has been, or is, used in relation to goods between which and that person or a predecessor in title of his a different form of connection in the course of trade subsisted or subsists.

Jointly owned trade marks.

68. Where the relations between two or more persons interested in a trade mark are such that no one of them is entitled as between himself and the other or others of them to use it except—

(*a*) on behalf of both or all of them; or

(*b*) in relation to an article with which both or all of them are connected in the course of trade,

those persons may be registered as joint proprietors of the trade mark, and this Act shall have effect in relation to any rights to the use of the trade mark vested in those persons as if those rights had been vested in a single person.

Subject as mentioned above, nothing in this Act shall authorise the registration of two or more persons who use a trade mark independently, or propose so to use it, as joint proprietors thereof.

Trusts and equities.

69. (1) There shall not be entered in the Register any notice of any trust express, implied or constructive, nor shall any such notice be receivable by the Registrar.

(2) Subject to the provisions of this Act, equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property.

Restriction of importation of goods bearing infringing trade marks. [7 of 1984].

69A. (1) The person who is registered as the proprietor or registered user of a trade mark in respect of any goods may give notice in writing to the Minister to whom the responsibility for Customs and Excise is assigned—

(*a*) that he is the proprietor or registered user of that trade mark,

(*b*) that such goods bearing the trade mark are expected to arrive in Trinidad and Tobago at a time and place and by a consignment specified in the notice,

(*c*) that the use within Trinidad and Tobago of the trade mark in relation to the goods would infringe the proprietor's exclusive right to that use, and

(*d*) that he requests the Minister to treat the goods as prohibited goods.

(2) Where a notice has been given under this section in respect of any goods bearing a trade mark and has not been withdrawn and the requirements of any Regulations made under this section are complied with, then, subject to the following provisions of this section, the importation into Trinidad and Tobago of the goods shall, if the condition of subsection (1)(*c*) is satisfied, be deemed to be prohibited.

(3) The Minister may make Regulations prescribing the form in which notices are to be given under this section, and requiring a person giving such a notice, either at the time of giving the notice or at the time when the goods in question are imported, or at both those times, to furnish the Minister with such evidence, and to comply with such other conditions, if any, as may be specified in the Regulations, and any such Regulations may include such incidental and supplementary provisions as the Minister considers expedient for the purposes of this section.

(4) Without prejudice to the generality of subsection (3), Regulations made under that subsection may include

provision for requiring a person who has given a notice under subsection (1), or a notice purporting to be a notice under that subsection—

(*a*) to pay such fees in respect of the notice as may be prescribed by the Regulations;

(*b*) to give to the Minister such security as may be so prescribed in respect of any liability or expense which they may incur in consequence of the detention of any goods to which the notice relates, or in consequence of anything done in relation to goods so detained;

(*c*) whether any such security is given or not, to keep the Minister indemnified against any such liability or expense as is mentioned in paragraph (*b*).

(5) Regulations under subsection (3) shall be subject to affirmative resolution of Parliament.

Recognition of agents.

70. Where by this Act any act has to be done by or to any person in connection with a trade mark or proposed trade mark or any procedure relating thereto, the act may under and in accordance with the Rules, be done by or to an agent of that person duly authorised in the prescribed manner.

References in written law to Patents, Designs and Trade Marks Ordinance. Ch. 31 No 18. (1950 Ed.).

71. Any reference in any written law to the provisions relating to trade marks (repealed by this Act) formerly contained in the Patents, Designs and Trade Marks Ordinance shall be read as referring to this Act.

Validity of Registrations Under Previous Ordinance

Incorporation of existing register with Part A.

72. The Register of Trade Marks existing at the date of the commencement of this Act shall be incorporated with and form part of Part A of the Register. Subject to sections 8, 15 and 73 of this Act the validity of the original entry of any trade mark upon the Register so incorporated shall be determined in accordance with the Ordinance in force at the date of such entry and such trade mark shall retain its original date, but for all other purposes it shall be deemed to be a trade mark registered under this Act.

Trade mark registrable under this Act not removable on certain grounds.

73. No trade mark which was upon the Register at the commencement of this Act and which under this Act is a registrable trade mark shall be removed from the Register on the ground that it was not registrable under the Ordinance in force at the date of registration. But nothing in this section shall subject any person to any liability in respect of any act or thing done before the commencement of this Act to which he would not have been subject under the Ordinance then in force.

Nothing in this Act to invalidate registration of trade mark previously made.

74. Nothing in this Act shall be taken to have invalidated the original registration of a trade mark that immediately before the commencement of this Act was validly in the Register of Trade Marks existing at the commencement of this Act.

Previous use of a trade mark by person becoming registered user.

75. Where a person is registered as a registered user of a trade mark on an application made within one year from the commencement of this Act, section 37(2) shall have effect in relation to any previous use (whether before or after the commencement of this Act) of the trade mark by that person, being use in relation to the goods in respect of which he is registered and, where he is registered subject to conditions or restrictions, being use such as to comply substantially therewith, as if such previous use had been permitted use.

INTERNATIONAL AND INTER-COMMONWEALTH ARRANGEMENTS

Arrangements with Convention countries. [46 of 1979].

76. (1)(*a*) Any person who has applied for protection for any trade mark in a Convention country or his legal representative or assignee, is entitled to registration of his trade mark under this Act in priority to other applicants; and the registration shall take effect from the same date as the date of the application in the Convention country.

(*b*) This section shall not apply unless the application for protection in Trinidad and Tobago is made within six months from the date of the application in the Convention country.

(*c*) Nothing in this section shall entitle the proprietor of the trade mark to recover damages for infringements happening prior to the actual date on which his trade mark is registered in Trinidad and Tobago.

(2) The trade mark shall not be invalidated by reason only of the use thereof in Trinidad and Tobago during the period specified in this section as that within which the application may be made.

(3) The application for the registration of a trade mark under this section shall be made in the same manner, and subject to the payment of the same fees, as an ordinary application under this Act.

(4) Where a person has applied for protection for any trade mark by an application which—

(*a*) in accordance with the terms of a treaty subsisting between any two or more Convention countries, is equivalent to an application duly made in any one of those Convention countries; or

(*b*) in accordance with the law of any Convention country, is equivalent to an application duly made in that Convention country,

he shall be deemed for the purposes of this section to have applied in that Convention country.

(5) In this section the expression "Convention Country" means a country in the case of which there is for the time being in force an Order made by the President with a view to the fulfilment of the obligations of Trinidad and Tobago under the Convention declaring that that country is a Convention country; and with respect to any country such declaration might extend to

all or to only some of the provisions of this Act, and where a declaration is in force for some (but not all) of the provisions of this Act with respect to any country that country shall be considered a Convention country for the purposes of those provisions only.

Arrangements with Commonwealth countries not being Convention countries.

77. (1) Whenever it appears to the President that the Legislature of any Commonwealth Country not being a Convention country has made satisfactory provision for the protection in such country of trade marks registered in Trinidad and Tobago, the President may by order apply all or any of the provisions of section 76 relating to the protection of trade marks registered in a Convention country, with such variations or additions, if any, as he thinks fit, to trade marks registered in such Commonwealth Country.

(2) An order made under this section shall, from a date to be mentioned for the purpose in the order, take effect as if its provisions had been contained in this Act.

RESTRAINT OF USE OF ARMS OF TRINIDAD AND TOBAGO

Restraint of use of national coat of arms, etc. [45 of 1979].

78. (1) No person shall adopt in connection with any trade, business, profession or calling, as a trademark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for—

(a) the Coat of Arms of Trinidad and Tobago;

(b) the flag of Trinidad and Tobago;

(c) the standard, arms or crest of the President;

(d) any word or symbol likely to lead to the belief that the goods or services in association with which it is used have received or are produced, sold or performed under presidential or governmental patronage, approval or authority.

(2) Where it is made to appear to the Court that any act has been done contrary to this section, the Court may make any such Order as the circumstances require including provision for relief by way of injunction and the recovery of damages or profits, and may give directions with respect to the disposition of any offending wares, packages, labels and advertising material and of any dies used in connection therewith.

REPEAL AND SAVINGS

Repeal and savings.

79. (1) The Patents, Designs and Trade Marks Ordinance is hereby repealed so far as the same relates to trade marks.

(2) Nothing in this Act shall affect any order, rule or requirement made, table of fees or certificate issued, notice, decision, determination, direction or approval given, application made, or thing done, under any written law repealed by this Act; and every such order, rule, direction, approval, application or thing shall, if in force at the commencement of this Act, continue in force and shall, so far as it could have been made, issued, given or done under this Act, have effect as if made, issued, given or done under the corresponding written law of this Act.

(3) Any document referring to any written law repealed by this Act shall be construed as referring to the corresponding written law of this Act.

SCHEDULE

CERTIFICATION TRADE MARKS

1. (1) An application for the registration of a mark under section 50 of this Act must be made to the Registrar in writing in the prescribed manner by the person proposed to be registered as the proprietor thereof.

(2) The provisions of section 19(2), (4), (5), (6) and (7) of this Act shall have effect in relation to an application under the said section 50 as they have effect in relation to an application under section 19(1).

(3) In dealing under the said provisions with an application under section 50, the Registrar (or Judge in Chambers, as the case may be) shall have regard to the like considerations, so far as relevant, as if the application were an application under section 19 of this Act and to any other considerations relevant to applications under section 50, including the desirability of securing that a certification trade mark shall comprise some indication that it is such a trade mark, and also to the following matters:

(a) whether the applicant is competent to certify the

goods in respect of which the mark is to be registered;

(b) whether the draft regulations are satisfactory; and

(c) whether in all circumstances the registration applied for would be to the public advantage.

(4) An applicant for the registration of a trade mark under section 50 shall transmit to the Registrar draft regulations for governing the use thereof at such time before the decision of the Registrar as he may require in order to enable him to consider the draft.

2. Where an application has been accepted, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner, and sections 21 and 22 of this Act shall have effect in relation to the registration of the mark as if the application had been an application under section 19 of this Act.

3. (1) The regulations deposited in respect of a certification trade mark may, on the application of the registered proprietor be altered by the Registrar.

(2) The Registrar may cause an application for an amendment of the regulations to be advertised in any case where it appears to him that it is expedient so to do, and, where he causes an application to be advertised, if within one month from the date of the advertisement any person gives notice to him of opposition to the application, he shall not decide the matter without giving the parties an opportunity to be heard.

4. (1) The Registrar may, on the application in the prescribed manner of any person aggrieved, make such order as he thinks fit for expunging or varying any entry in the Register relating to a certification trade mark, or for varying the deposited regulations, on the ground—

(a) that the proprietor is no longer competent, in the case of any of the goods in respect of which the trade mark is registered, to certify those goods;

(b) that the proprietor has failed to observe a provision of the deposited regulations to be observed on his part;

(c) that it is no longer to the public advantage that the trade mark should be registered; or

(d) that it is requisite for the public advantage that, if the

trade mark remains registered, the regulations should be varied.

(2) The Register and the deposited regulations shall be rectified in such manner as may be requisite for giving effect to an order made under sub-paragraph (1).

5. Any decision of the Registrar under paragraph 3 and any order of the Registrar under paragraph 4 of this Schedule shall be subject to appeal to a Judge in Chambers.

6. Notwithstanding anything in section 54 of this Act, the Registrar shall not have any jurisdiction to award costs to or against any party on an appeal to him against a refusal of the proprietor of a certification trade mark to certify goods or to authorise the use of the trade mark.

7. The following provisions of this Act shall not have effect in relation to a certification trade mark, that is to say, sections 5, 7, 10, 19, 20, 21 and 22 (except as expressly applied by this Schedule), sections 29, 30, 31, 35, 36, 37, 38, 39, 40, 41, 42, 43, 67 and any provisions the operation of which is limited by the terms thereof to registration in Part B of the Register.

SUBSIDIARY LEGISLATION

TRADE MARKS RULES

ARRANGEMENT OF RULES

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4. Forms.
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FIRST SCHEDULE.
SECOND SCHEDULE.
THIRD SCHEDULE.

TRADE MARKS RULES

91/1956.
[45 of 1979].

made under section 51

SHORT TITLE AND COMMENCEMENT

1. These Rules may be cited as the Trade Marks Rules. Citation.

INTERPRETATION

Interpretation.

2. In these Rules—

"agent" means an agent duly authorised to the satisfaction of the Registrar;

"the Office" means the office of the Registrar;

"specification" means the designation of goods in respect of which a trade mark, or a registered user of a trade mark, is registered or is proposed to be registered.

FEES

Fees.

First Schedule.

3. The fees to be paid in relation to trade marks shall be those prescribed in the First Schedule.

FORMS

Forms.

Second Schedule.

4. The forms herein referred to are those contained in the Second Schedule and such forms shall be used in all cases to which they are applicable, and may be modified as directed by the Registrar to meet other cases.

CLASSIFICATION OF GOODS

Classification of goods.

Third Schedule.

5. For the purposes of trade marks registrations, and of registrations of registered users thereunder, goods are classified in the manner appearing in the Third Schedule.

DOCUMENTS

Size, etc., of documents.

6. Subject to any other directions that may be given by the Registrar, all applications, notices, statements, papers having representations affixed or other documents authorised or required by the Act or these Rules to be made, left or sent, at or to the Office or with or to the Registrar, shall be upon strong paper and, except in the case of statutory declarations and affidavits, on one side only of a size of approximately thirteen inches by eight inches, and shall have on the left-hand part thereof a margin of not less than one inch and a half.

Signature of documents by partnerships, companies and associations.

7. (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners, or by any qualified partner stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorised to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorised to sign the document.

(3) A document purporting to be signed for or on behalf of an association of persons may be signed by any person who appears to the Registrar to be duly qualified.

ADDRESS

Address.

8. (1) Where any person is by the Act or these Rules bound to furnish the Registrar with an address, the address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of trade or business of the person whose address is given.

(2) The Registrar may require the address to include the name of the street, and the number in the street or name of the premises, if any.

Address for service.

9. (1) The Registrar may require an applicant, opponent or agent, or a registered proprietor or registered user of a trade mark, who does not reside or carry on business within Trinidad and Tobago to give an address for service within Trinidad and Tobago, and such address may be treated as the actual address of that person for all purposes connected with the matter in question.

(2) Any registered proprietor or registered user of a trade mark, or any person about to be registered as such, may, if he so desires, give upon Form TM—No. 27 an address for service for entry in the Register, and such address may be entered by the Registrar.

(3) All applications on Form TM—No. 27 under this rule shall be signed by the applicant for registration or the registered

proprietor or registered user, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

(4) In any case in which no address for service is entered in the Register, the Registrar may treat the trade or business address of the registered proprietor or registered user as therein entered as his address for service for all purposes connected with the registration.

(5) Any written communication addressed to a party or person as mentioned above at an address given by him, or treated by the Registrar, as his address for service shall be deemed to be properly addressed.

(6) The Registrar, at any time that a doubt arises as to the continued availability of an address for service entered in the Register, may request the person for whom it is entered, by letter addressed to his trade or business address in the Register, to confirm the address for service, and if within three months of making such a request the Registrar receives no confirmation of that address, he may strike it off the Register.

AGENTS

Agency.

10. (1) Except as otherwise required by these Rules, any application, request or notice which is required or permitted by the Act or these Rules to be made or given to the Registrar, and all other communications between an applicant or a person making such a request or giving such a notice and the Registrar, and between the registered proprietor or a registered user of a trade mark and the Registrar or any other person, may be signed, made or given by or through an agent.

(2) Any such applicant, person making request or giving notice, proprietor or registered user, may appoint an agent to act for him in any proceeding or matter before or affecting the Registrar under the Act and these Rules by signing and sending to the Registrar an authority to that effect in the Form TM—No. 1, or in such other written form as the Registrar may deem sufficient. In case of such appointment, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so appointing him, all communications directed to be made to such person in respect of the proceeding or matter may be addressed to such agent, and all attendances upon

the Registrar relating thereto may be made by or through such agent. In any particular case the Registrar may require the personal signature or presence of an applicant, opponent, proprietor, registered user or other person.

(3) The Registrar shall not be bound to recognise as such agent any person who has been convicted of an offence or whose name has been struck off the Roll of Solicitors or who has been suspended from acting as a Solicitor.

REGISTRABLE TRADE MARKS

Registrable trade marks.

11. (1) The Registrar may refuse to accept any application for the registration of a mark upon which any of the following appear:

(a) the words "Patent", "Patented", "Registered", "Registered Design", "Copyright", "Entered at Stationers' Hall", "To counterfeit this is a forgery", or words to like effect;

(b) representations of the President or any colourable imitations thereof;

(c) the words "Red Cross" or "Geneva Cross", and representations of the Geneva and other crosses in red, or of the Swiss Federal Cross in white on a red ground or silver on a red ground, or such representations in a similar colour or colours.

(2) Where there appears in a trade mark the registration of which is applied for a representation of a cross in any colour, not being one of those mentioned in subrule 1*(c)*, the Registrar may require the applicant as a condition of acceptance to undertake not to use the cross device in red, or in white on a red ground or silver on a red ground, or in any similar colour or colours.

Royal Arms, etc.

12. Representations of the Royal or Imperial Arms, crests, armorial bearings or insignia, or devices so nearly resembling them as to be likely to lead to mistake, or of the British Royal or Imperial crowns, or of the Royal, Imperial or National flags, or the words "Royal" or "Imperial" or any other words, letters or devices likely to lead persons to think that the applicant either has or recently has had Royal patronage or authorisation, or the word "Anzac", may not appear on trade marks the registration of which is applied for.

Arms of city, etc. [45 of 1979].

13. Subject to the next following rule, where a representation of the armorial bearings, insignia, orders of chivalry, decorations or flags of any state, Colony, city, borough, town, place, society, body corporate, institution or person appears on a mark, the Registrar, before proceeding to register the mark, shall, if he so require, be furnished with a consent to the registration and use of such emblems from such official or other person as appears to the Registrar to be entitled to give consent, and in default of such consent he may refuse to register the mark.

Restraint of arms, etc., of convention countries. [45 of 1979].

14. The Registrar shall refuse to register any mark consisting of, or so nearly resembling as to be likely to be mistaken for, any national, territorial or civic flag, arms, crest or emblem or official control and guarantee stamp, notice of the objection to the use of which as a commercial device has been received by the Registrar pursuant to the provisions of the Convention except either with the consent of such person, authority, society or organisation as may be considered to have been intended to be protected by this rule or otherwise in accordance with the provisions of the Convention.

Living persons or persons recently dead.

15. Where the name or representation of any person appears on a trade mark, the Registrar shall, if he so require, before proceeding to register the mark be furnished with consent from him or, in the case of a person recently dead, from his legal representatives, and in default of such consent he may refuse to register the mark.

Name or description of goods on a trade mark.

16. (1) Where the name or description of any goods appears on a trade mark, the Registrar may refuse to register such mark in respect of any goods other than the goods so named or described.

(2) Where the name or description of any goods appears on a trade mark, which name or description in use varies, the Registrar may permit the registration of the mark for those and other goods, and in that case the applicant shall state in his application that the name or description will be varied when the mark is used upon goods covered by the specification other than the named or described goods.

APPLICATION FOR REGISTRATION OF A TRADE MARK SPECIFICATION

Form of application. Specification.

17. (1) An application to the Registrar for the registration of a trade mark shall be signed by the applicant or his agent. For a

trade mark other than a Certification or Defensive trade mark the application shall be made on Form TM—No. 2. For a Certification trade mark the application shall be made on Form TM—No. 4 and for a Defensive trade mark the application shall be made on Form TM—No. 26. Each application shall be for registration in respect of goods in one class of the Third Schedule only. Third Schedule.

(2) Every application claiming priority under section 76 or 77 by reason of an application to register the trade mark made or deemed to have been made in a Convention country as defined in Section 76 in a Commonwealth country not being a Convention country as defined in Section 77 which country shall be named, shall state the date of that application, and the applicant shall furnish a certificate by the Registrar or other registering authority of that country, or shall otherwise verify the application made or deemed to have been made therein to the satisfaction of the Registrar.

(3) In the case of an application for registration in respect of all the goods included in a class, or of a large variety of goods, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if and when it is registered.

18. (1) Every application for the registration of a trade mark shall contain a representation of the mark in the space provided on the application form for that purpose. Representation of mark.

(2) Where the representation exceeds such space in size the representation shall be mounted upon linen, tracing cloth or such other material as the Registrar may consider suitable. Part of the mounting shall be affixed in the space mentioned above and the rest may be folded.

19. There shall be sent with every application for registration of a trade mark four additional representations of the mark. The representation of the mark on the application and the additional representations shall correspond exactly. Additional forms and representations.

20. All representations of marks must be of a durable nature. Representations to be durable.

21. Each application for the registration of the same mark in a different class shall be treated as a separate and distinct application, and in all cases where a trade mark is registered under the same official number for goods in more than one class, the regis- Separate applications.

tration in respect of the goods included in each separate class shall be deemed to be a separate registration for all the purposes of the Act.

Representations to be satisfactory.

22. The Registrar, if dissatisfied with any representation of a mark, may at any time require another representation satisfactory to him to be substituted before proceeding with the application.

Specimens of trade marks in exceptional cases.

23. (1) Where a drawing or other representation or specimen cannot be given in manner mentioned above, a specimen or copy of the trade mark may be sent either of full size or on a reduced scale, and in such form as the Registrar may think most convenient.

(2) The Registrar may also, in exceptional cases, deposit in the Office a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the Register in such manner as he may think fit.

Series of trade marks.

24. Where application is made for the registration of a series of trade marks under section 26(3), a representation of each trade mark of the series shall be included, all as mentioned above, in the application form.

Transliteration and translation.

25. (1) Where a trade mark contains a word or words in characters other than Roman, there shall, unless the Registrar otherwise directs, be indorsed on the application form, a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such indorsement shall state the language to which the word belongs and shall be signed by the applicant or his agent.

(2) Where a trade mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof together with the name of the language, and such translation and name, if he so requires, shall be indorsed and signed as mentioned above.

PROCEDURE ON RECEIPT OF APPLICATION FOR REGISTRATION OF A TRADE MARK

Search.

26. Upon receipt of an application for the registration of a trade mark in respect of any goods the Registrar shall cause a search to be made, amongst the registered marks, and pending applications, for the purpose of ascertaining whether there are on record in respect of the same goods or description of goods any

marks identical with the mark applied for, or so nearly resembling it as to render the mark applied for likely to deceive or cause confusion, and the Registrar may cause the search to be renewed at any time before the acceptance of the application, but shall not be bound to do so.

Acceptance, absolute or conditional objection.

27. After such search, and consideration of the application, and of any evidence of use or of distinctiveness or of any other matter which the applicant may or may be required to furnish, the Registrar may accept the application absolutely, or he may object to it, or he may express his willingness to accept it subject to such conditions, amendments, disclaimer, modifications or limitations as he may think right to impose.

Registrar's objections. Hearing.

28. If the Registrar objects to the application, he shall inform the applicant of his objections in writing, and unless within one month the applicant applies for a hearing or makes a considered reply in writing to those objections he shall be deemed to have withdrawn his application.

Registrar's conditions, etc. Hearing.

29. (1) If the Registrar is willing to accept the application subject to any conditions, amendments, disclaimer, modifications or limitations, he shall communicate such willingness to the applicant in writing, and, if the applicant objects to such conditions, amendments, disclaimer, modifications, or limitations he shall, within one month from the date of the communication apply for a hearing or communicate his considered objections in writing, and if he does not do so he shall be deemed to have withdrawn his application.

(2) If the applicant does not object to such conditions, amendments, disclaimer, modifications or limitations, he shall forthwith notify the Registrar in writing, and alter his application accordingly.

Decision of Registrar.

30. (1) The decision of the Registrar, at a hearing as in rule 28 or rule 29, or without a hearing if the applicant has duly communicated his considered objections or considered reply, in writing, and has stated that he does not desire to be heard, shall be communicated to the applicant in writing, and if the applicant objects to such decision he may within one month by applying upon Form TM—No. 3 require the Registrar to state in writing the grounds of, and the materials used by him in arriving at, his decision.

(2) In a case where the Registrar makes any requirements

to which the applicant does not object, the applicant shall comply therewith before the Registrar issues such statement in writing. The date when such statement is sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

Disclaimer.

31. The Registrar may call on an applicant to insert in his application such disclaimer as the Registrar may think fit, in order that the public generally may understand what the applicant's rights, if his mark is registered, will be.

DEFENSIVE TRADE MARKS

Application under Section 36.

32. (1) An application for the registration of a defensive trade mark under section 36 shall be made, addressed and sent to the Registrar on Form TM—No. 26, and shall be accompanied by a statement of case setting forth full particulars of the facts on which the applicant relies in support of his application, verified by a statutory declaration made by the applicant or some other person approved for the purpose by the Registrar.

(2) The applicant may send with this declaration, or subsequently, such other evidence as he may desire to furnish, whether after request made by the Registrar or otherwise, and the Registrar shall consider the whole of the evidence before deciding on the application.

(3) In all other respects, and where they are appropriate and it is not otherwise stated, these Rules shall apply to such applications as they apply to applications for the registration of ordinary trade marks.

CERTIFICATION TRADE MARKS

Application under section 50.

33. An application for the registration of a certification trade mark under section 50 shall be made to the Registrar upon Form TM—No. 4, and shall be accompanied by two duplicates of the application on unstamped copies of Form TM—No. 4, and by six additional representations of the trade mark.

Authorisation to proceed.

34. (1) These Rules shall apply to such applications as they apply to applications for the registration of ordinary trade marks, except that for references therein to acceptance of an application there shall be substituted references to authorisation to proceed with the application, and that the applicant shall not be deemed

to have abandoned his application if in the circumstances of rule 28 or rule 29 he does not apply for a hearing or reply in writing.

(2) The address of an applicant to register a certification trade mark shall be deemed to be a trade or business address for all the purposes for which such an address is required by these Rules.

Case; draft regulations.

35. (1) The applicant shall send to the Registrar with his application or when required by the Registrar a case setting out the grounds on which he relies in support of his application together with draft regulations for governing the use of the mark and Form TM—No. 28, all being in duplicate.

(2) The Registrar may communicate to the applicant any observations he may have to make on the sufficiency of the case or the suitability of the draft regulations and the applicant may modify either of those documents.

ADVERTISEMENT OF APPLICATION

Advertisement of application.

36. (1) An application for the registration of a trade mark required or permitted to be advertised by section 20 or paragraph 2 of the Schedule to the Act shall be advertised in the *Gazette* during such times and in such manner as the Registrar may direct.

(2) In the case of an application with which the Registrar proceeds only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant, the words "By Consent" shall appear in the advertisement.

(3) If no representation of the trade mark be included in the advertisement of the application, the Registrar shall refer in such advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.

Wood block or electrotype printing.

37. For the purposes of such advertisement the applicant may, at the appropriate time, supply or be required to supply a printing block (or more than one, if necessary) of the trade mark satisfactory to the Registrar, of such dimensions as may from time to time be approved or directed by the Registrar, or shall supply such information or other means of advertising the trade mark as may be required by the Registrar; and the Registrar, if dissatisfied with the printing block supplied by the applicant or his agent, may require a fresh block before proceeding with the advertisement.

Advertisement of series.

38. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section 26(3), the applicant may be required to supply a printing block (or more than one if necessary) satisfactory to the Registrar of any or of each of the trade marks constituting the series; or the Registrar may, if he thinks fit, insert with the advertisement of the application a statement of the manner in which the several trade marks differ from one another.

Advertisement under section 22 or section 49.

39. Advertisements under sections 22(5), 49(2) and 49(4) shall *mutatis mutandis* be made in the same manner as advertisements relating to an application for registration.

OPPOSITION TO REGISTRATION

Opposition.

40. Any person may within three months from the date of any advertisement in the *Gazette* of an application for registration of a trade mark give notice on Form TM—No. 5 to the Registrar of opposition to the registration.

Notice of opposition.

41. (1) The notice shall include a statement of the grounds upon which the opponent objects to the registration.

(2) If registration is opposed on the ground that the mark resembles marks already on the Register, the numbers of such trade marks and the numbers of the *Gazette* in which they have been advertised shall be set out.

(3) The notice shall be accompanied by an unstamped duplicate which the Registrar will forthwith send to the applicant.

Counter-statement.

42. (1) Within one month from the receipt of such duplicate the applicant shall send to the Registrar a counter-statement on Form TM—No. 6 setting out the grounds on which he relies as supporting his application.

(2) The applicant shall also set out what facts, if any, alleged in the notice of opposition he admits.

(3) The counter-statement shall be accompanied by an unstamped duplicate.

Evidence in support of opposition.

43. Upon receipt of the counter-statement and duplicate the Registrar will forthwith send the duplicate to the opponent and within one month from the receipt of the duplicate the opponent shall leave with the Registrar such evidence by way of statutory

declaration as he may desire to adduce in support of his opposition and shall deliver to the applicant copies thereof.

Evidence in support of application.

44. If an opponent leaves no evidence, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition but, if he does leave evidence, then, within one month from the receipt of the copies of declarations the applicant shall leave with the Registrar such evidence by way of statutory declaration as he desires to adduce in support of his application and shall deliver to the opponent copies thereof.

Evidence in reply by opponent.

45. Within one month from the receipt by the opponent of the copies of the applicant's declarations the opponent may leave with the Registrar evidence by satutory declaration in reply, and shall deliver to the applicant copies thereof. This evidence shall be confined to matters strictly in reply.

Further evidence.

46. No further evidence shall be left on either side but, in any proceedings before the Registrar, he may at any time if he thinks fit give leave to either the applicant or the opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit.

Exhibits.

47. (1) Where there are exhibits to declarations filed in an opposition, copies or impressions of such exhibits shall be sent to the other party on his request and at his expense, or, if such copies or impressions cannot conveniently be furnished, the originals shall be left with the Registrar in order that they may be open to inspection.

(2) The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

Hearing.

48. (1) Upon completion of the evidence the Registrar shall give notice to the parties of a date when he will hear the arguments in the case.

(2) Such appointment shall be for a date at least fourteen days after the date of the notice, unless the parties consent to a shorter notice.

(3) Within seven days from the receipt of the notice any party who intends to appear shall so notify the Registrar on Form TM—No. 7.

(4) A party who receives notice as mentioned above and who does not, within seven days from the receipt thereof, so

notify the Registrar on Form TM—No. 7, may be treated as not desiring to be heard and the Registrar may act accordingly.

Extension of time.

49. Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, if he thinks fit, without giving the said party a hearing, grant any reasonable extension of time to any other party in which to take any subsequent step.

Security for costs.

50. Where a party giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such notice neither resides nor carries on business in Trinidad and Tobago, the Registrar may require him to give security, in such form as the Registrar may deem sufficient, for the costs of the proceedings before the Registrar, for such amount as to the Registrar may seem fit, and at any stage in the opposition proceedings may require further security to be given at any time before giving his decision in the case.

Costs in uncontested case.

51. In the event of an opposition being uncontested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was lodged.

Opposition to application under section 50.

52. Within three months from the date of any advertisement in the *Gazette* of an application for the registration of a certification trade mark, any person may give notice to the Registrar on Form TM—No. 5 of opposition under paragraph 2 of the Schedule to the Act, and rules 41 to 51 shall apply to the proceedings thereon; in any case of doubt any party may apply to the Registrar for directions.

NON-COMPLETION

Non-completion within twelve months.

53. (1) Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall on Form TM—No. 8 give notice in writing to the applicant at his trade or business address of the non-completion, but if the applicant has authorised an agent for the purpose of the application he shall instead send the notice to the agent and shall send a duplicate thereof to the applicant.

(2) If after fourteen days from the date when the notice was sent, or such further time as the Registrar may allow, the registration is not completed, the application shall be deemed to be abandoned.

ENTRY IN THE REGISTER, AND ASSOCIATED MARKS

Entry in register.

54. (1) As soon as may be after the expiration of three months from the date of the advertisement in the *Gazette* of any application for the registration of a trade mark, the Registrar shall, subject to any opposition and the determination thereof, and subject to the provisions of section 23, enter the trade mark in the Register.

(2) The entry of a trade mark in the Register shall give the date of the registration, the goods in respect of which it is registered, and all particulars mentioned in section 3(1), including both the trade or business address and the address for service (if an application on Form TM—No. 27 for the entry thereof has been approved), particulars of the trade, business, profession, occupation or other description of the proprietor, particulars of any undertakings by the proprietor entered on the form of application, particulars affecting the scope of the registration or the rights conferred by the registration, and such other particulars as are prescribed.

(3) In the case of an application as mentioned above which the Registrar accepts only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant for registration, the above-mentioned entry in the Register shall state that it is "By Consent" and shall give the number of the previous registration or the application for registration.

Associated marks.

55. (1) Where a mark is registered as associated with any other mark or marks the Registrar shall note in the Register in connection with the first-mentioned mark the numbers of the marks with which it is associated and shall also note in the Register in connection with each of the associated marks the number of the first-mentioned mark as being a mark associated therewith.

(2) An application by a registered proprietor under section 32(5) to the Registrar to dissolve the association between two or more associated trade marks shall be made on Form TM—No. 16, and shall include a statement of the grounds of the application.

Death of applicant before registration.

56. In case of the death of any applicant for the registration of a trade mark after the date of his application, and before the trade mark applied for has been entered in the Register, the Registrar, after the expiration of the prescribed period of advertisement and the determination of any opposition to the application, may, on being satisfied of the applicant's death, enter in the Register, in place of the name of such deceased applicant, the name, address and description of the person owning the trade mark, on such ownership being proved to the satisfaction of the Registrar.

RENEWAL

Renewal of registration.

57. (1) At any time not more than six months before the expiration of the last registration of a trade mark any person may leave at the Office a fee for the renewal of the registration of the mark upon Form TM—No. 9, and if he is not the registered proprietor, shall sign a statement on the Form that he is directed by the registered proprietor to pay the fee (if such be the case) and shall give his address.

Notification of receipt of renewal fee.

(2) Before taking any further step the Registrar may either *(a)* require the person leaving the fee to furnish within ten days an authority to pay the fee signed by the registered proprietor, and if he does not furnish such authority may return the fee and treat it as not received, or *(b)* communicate with the registered proprietor stating that the fee has been received and that the registration will in due course be renewed.

Notice before removal of trade mark from register.

58. At a date not less than one month and not more than two months before the expiration of the last registration of a mark, if no fee upon Form TM—No. 9 has been received, the Registrar shall notify the registered proprietor in writing of the approaching expiration.

Removal of trade mark from Register.

59. Where, at the expiration of the last registration of a trade mark the renewal fee has not been paid, the Registrar may remove the mark from the Register as of the date of the expiration of the last registration, but may, upon payment of the renewal fee upon Form TM—No. 9 together with a restoration fee upon Form TM—No. 10, restore the mark to the Register if satisfied that it is just to do so, and upon such conditions as he may think fit to impose.

Restoration.

Record of removal of mark.

60. Where a trade mark has been removed from the Register, the Registrar shall cause to be entered in the Register a record of the removal and of the cause thereof.

ASSIGNMENTS AND TRANSMISSIONS

Joint application for entry of assignment or transmission.

61. Where a person becomes entitled by assignment or transmission to a registered trade mark he may, jointly with the registered proprietor, make application to the Registrar on Form TM—No. 12 to register his title.

Application for entry of assignment or transmission by subsequent proprietor.

62. Where a person becomes entitled to a registered trade mark in the manner referred to in rule 61, and no joint application as therein mentioned is made, he shall make application to the Registrar on Form TM—No. 13 to register his title.

Particulars to be stated in application.

63. (1) An application under rule 61 or rule 62 shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims, and such instrument shall be produced for inspection by the Registrar, preferably at the time of application.

(2) The full names of all the partners in a partnership shall be given in the body of the application.

Copies of documents.

(3) The Registrar may in any case require and retain an attested copy of any instrument produced for inspection in proof of title, but such copy shall not be open to public inspection.

Case accompanying application.

64. (1) Where in the case of an application on Form TM—No. 12 or Form TM—No. 13 the person applying for registration of his title does not claim under any document or instrument which is capable in itself of furnishing proof of his title, he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be proprietor of the trade mark is based, and showing that the trade mark has been assigned or transmitted to him.

(2) If the Registrar so require, the case shall be verified by a statutory declaration on Form TM—No. 14.

Proof of title.

65. The Registrar may call on any person who applies to be registered as proprietor of a registered trade mark for such proof or additional proof of title as he may require for his satisfaction.

Application for entry of assignment without goodwill.

66. (1) An application under rule 61 or rule 62 relating to an assignment, on or after the commencement of the Act of a trade mark in respect of any goods shall state *(a)* whether the trade mark was, at the time of the assignment, used in a business in any

of those goods and *(b)* whether the assignment was made otherwise than in connection with the goodwill of that business, and, if both those circumstances subsisted, then the applicant shall leave with the Registrar a copy of the Registrar's directions, to advertise the assignment, obtained upon application under section 31 and rule 70, and such proof, including copies of advertisements or otherwise, as the Registrar may require that his directions have been fulfilled; and if the Registrar is not satisfied that the directions have been fulfilled, he shall not proceed with the application.

(2) For the purposes of section 43(3), the period within which a corporation may be registered as the subsequent proprietor of a registered trade mark, upon application made under rule 61 or rule 62, shall be six months from the date of advertisement in the *Gazette* of the registration of the trade mark or such further period not exceeding six months as the Registrar may allow, on application being made to him on Form TM—No. 11 by the applicant for registration of title or the registered proprietor, as the case may be, at any time before or during the period for which the extension can be allowed.

Entry in Register.

67. When the Registrar is satisfied as to the title of the person claiming to be registered, he shall cause him to be registered as proprietor of the trade mark in respect of the relevant goods, and shall enter in the Register his name, trade or business address and description and particulars of the assignment or transmission.

Separate registrations.

68. Where pursuant to an application under rule 61 or rule 62, and as the result of a division and separation of the goods of a registration or a division and separation of places or markets, different persons become registered separately under the same official number as subsequent proprietors of a trade mark, each of the resulting separate registrations in the names of those different persons shall be deemed to be a separate registration for all the purposes of the Act.

Registrar's certificate or approval as to certain assignments and transmissions.

69. (1) Any person who desires to obtain the Registrar's certificate under section 29(2), or his notification of approval under section 30(1), or under section 73, shall send to the Registrar, with his application on form TM—No. 31 or No. 32, as the case may be, a statement of case in duplicate setting out the circumstances, and a copy of any instrument or proposed instrument effecting the assignment or transmission.

(2) The Registrar may call for any evidence of further information that he considers necessary, and the statement of

case shall be amended if required to include all the relevant circumstances and shall if required be verified by a statutory declaration.

(3) The Registrar, after hearing if so required the applicant and any other person whom the Registrar may consider to be interested in the transfer, shall consider the matter and issue a certificate thereon or a notification in writing of approval or disapproval thereof, as the case may be.

(4) Where a statement of case is amended, two fair copies thereof in its final form shall be left with the Registrar.

(5) The Registrar shall seal a copy of the statement of case in its final form to the certificate or notification.

Registrar's directions for advertisement of assignment without goodwill of trade mark in use.

70. (1) An application to the Registrar under section 31(1) shall be made by the assignee on Form TM—No. 33 and shall state the date on which the assignment was made.

(2) The application shall give particulars of the registration in the case of a registered trade mark, and, in the case of an unregistered trade mark, shall show the mark and give particulars of the registered trade mark that has been assigned therewith in accordance with section 28.

(3) The Registrar may call for any evidence or further information, and if he is satisfied with regard to the various matters he shall issue directions in writing with respect to the advertisement of the assignment.

(4) The Registrar may refuse to consider such an application in a case to which section 30(1) applies unless his approval has been obtained under the said subsection and a reference identifying the Registrar's notification of approval is included in the application.

(5) A request to the Registrar for an extension of the period within which the application may be made, which shall be on Form TM—No. 34, may be made at any time before or during the period for which extension can be allowed. The extension of the period which the Registrar may allow shall not exceed three months.

ALTERATION OF ADDRESS

Alteration of address in Register.

71. (1) A registered proprietor or registered user of a trade mark whose trade or business address is changed so that the entry in the Register is rendered incorrect shall forthwith request the Registrar on Form TM—No. 15 to make the appropriate altera-

tion of the address in the Register, and the Registrar shall alter the Register accordingly if he is satisfied in the matter.

(2) A registered proprietor or registered user of a trade mark whose address for service in Trinidad and Tobago entered in the Register is changed, whether by discontinuance of the entered address or otherwise, so that the entry in the Register is rendered incorrect, shall forthwith request the Registrar on Form TM—No. 27 to make the appropriate alteration of the address in the Register, and the Registrar shall alter the Register accordingly if he is satisfied in the matter.

(3) A registered proprietor or registered user of a trade mark whose registered trade or business address or address for service is altered by a public authority, so that the changed address designates the same premises as before, may make the aforesaid request to the Registrar on an unstamped copy of Form TM—No. 15 or an unstamped copy of Form TM—No. 27, as the case may be, and if he does so he shall leave therewith a certificate of the alteration given by the said authority. If the Registrar is satisfied as to the facts of the case, he shall alter the Register accordingly, but shall not require the form to be stamped.

(4) In case of the alteration of the address of a person entered in the Register as the address for service of more than one registered proprietor or registered user of trade marks, the Registrar may, on proof that the said address is the address of the applicant and if satisfied that it is just to do so, accept an application from that person on a Form TM—No. 27 amended so as to suit the case for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given in the form, and may alter the entries accordingly.

(5) All applications under this rule on Form TM—No. 27 shall be signed by the registered proprietor or the registered user, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

APPLICATIONS TO THE REGISTRAR FOR RECTIFICATION

Application to rectify or remove a trade mark from the Register.

72. (1) An application to the Registrar under any of the sections 35, 36, 46 or 47 for the making, expunging or varying of any entry in the Register shall be made on Form TM—No. 23, and

shall be accompanied by a statement setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks.

(2) Where the application is made by a person who is not the registered proprietor of the trade mark in question it shall be accompanied by an unstamped copy of the application and a copy of the statement, and these copies will be transmitted forthwith by the Registrar to the registered proprietor.

Further procedure.

73. Upon such application being made, and copy thereof transmitted to the registered proprietor, if necessary, the provisions of rules 42 to 51 shall apply *mutatis mutandis* to the further proceedings thereon; but the Registrar shall not rectify the Register or remove the mark from the register merely because the registered proprietor has not filed a counter-statement. In any case of doubt any party may apply to the Registrar for directions.

Intervention by third parties.

74. (1) Any person other than the registered proprietor alleging interest in a registered trade mark in respect of which an application is made on Form TM—No. 23 may apply to the Registrar on Form TM—No. 24 for leave to intervene, stating thereon the nature of his interest, and the Registrar may refuse or grant such leave, after hearing (if so required) the parties concerned, upon such conditions and terms as he deems fit.

(2) Before dealing in any way with the application for leave to intervene the Registrar may require the applicant to give an undertaking to pay such cost as in the circumstances he may award to any party.

APPLICATIONS FOR ALTERATION OF THE REGISTER BY CORRECTION, CHANGE, CANCELLATION OR STRIKING OUT GOODS, OR FOR ENTRY OF DISCLAIMER, MEMORANDUM OR NOTE.

Application under section 48(1).

75. (1) An application to the Registrar under section 48(1) for the alteration of the Register by correction, change, cancellation or striking out goods, or for the entry of a disclaimer or memorandum, may be made by the registered proprietor of the trade mark or by such person as may satisfy the Registrar that he is entitled to act in the name of the registered proprietor.

(2) Such applications shall be made on Form TM—No. 15, TM—No. 17, TM—No. 18, TM—No. 19, TM—No. 20, TM—No. 21 or TM—No. 27 as may be appropriate; but an application

on Form TM—No. 19, or TM—No. 20, or TM—No. 27 shall be signed by the registered proprietor or other person entitled under this Rule unless in exceptional circumstances the Registrar otherwise allows or, in the case of Form TM—No. 27 only, it is signed by an agent expressly authorised for the purpose of such an application.

Evidence.

76. In the case of an application as in rule 75, the Registrar may require such evidence by statutory declaration or otherwise as he thinks fit as to the circumstances in which the application is made.

Advertisement of certain applications.

77. Where application is made, on Form TM—No. 21, to enter a disclaimer or memorandum relating to a trade mark, the Registrar, before deciding upon such application, shall advertise the application in the *Gazette* in order to enable any person desiring so to do to state, within one month of the advertisement, any reasons in writing against the making of the entry of the disclaimer or memorandum.

Certificates of validity to be noted.

78. (1) Where the Court has certified as provided in section 56 with regard to the validity of a registered trade mark, the registered proprietor thereof may request the Registrar on Form TM—No. 37 to add to the entry in the Register a note that the certificate of validity has been granted in the course of the proceedings which shall be named in the Form.

(2) An office copy of the certificate shall be sent with the request, and the Registrar shall so note the Register and publish the note in the *Gazette*.

APPLICATIONS TO ALTER REGISTERED TRADE MARKS

Alteration of registered mark.

79. Where a person desires to apply under section 49 that his registered trade mark may be added to or altered, he shall make his application in writing on Form TM—No. 22, and shall furnish the Registrar with four copies of the mark as it will appear when so added to or altered.

Advertisement before decision.

80. (1) The Registrar shall consider the application and shall, if it appears to him expedient, advertise the application in the *Gazette* before deciding it.

(2) Within one month from the date of such advertisement any person may give notice of opposition to the application, on Form TM—No. 35 accompanied by an unstamped duplicate of

the notice, and may also send therewith a further statement of his objections in duplicate.

(3) The Registrar shall send the duplicate notice, and the duplicate of any further statement of objections, to the applicant, and rules 41 to 52 shall apply *mutatis mutandis* to the further proceedings thereon.

(4) In any case of doubt any party may apply to the Registrar for directions.

Decision.

81. If the Registrar decides to allow the application he shall add to or alter the mark in the Register, and if the mark so added to or altered has not been advertised under rule 80, he shall advertise it in the *Gazette* and in any case shall insert in the *Gazette* a notification that the mark has been altered.

Advertisement.

Notification.

Advertisement illustration.

82. In connection with an application to alter a registered trade mark the Registrar may at any time call on the applicant to supply a printing block satisfactory to the Registrar and suitable for advertising the mark with the addition or alteration as mentioned above, if in the opinion of the Registrar an advertisement describing the addition or alteration in words would not be likely to be understood by persons interested in the matter.

RECTIFICATION AND ALTERATION OF CERTIFICATION TRADE MARK ENTRIES AND REGULATIONS

Rectification of certification Trade Mark entries by the Registrar.

83. An application on any of the grounds mentioned in paragraph 4 of the Schedule to the Act, made by an aggrieved person to the Registrar for an order expunging or varying an entry in the Register of or relating to a certification trade mark, or varying the relevant deposited regulations, shall be made on Form TM—No. 30 and shall include full particulars of the grounds on which the application is made.

ALTERATION OF CERTIFICATION TRADE MARK REGULATIONS

Alteration of regulations.

84. (1) An application by the registered proprietor of a certification trade mark for an alteration of the deposited regulations shall be made on Form TM—No. 29.

(2) Where the Registrar causes such an application to be advertised the time within which any person may give notice to

the Registrar of opposition to the application shall be one month from the date of the advertisement.

REGISTERED USERS

Application for entry of Registered User.

85. An application to the Registrar for the registration under section 37 of a person as a registered user of a registered trade mark shall be made by that person and the registered proprietor on Form TM—No. 38.

Entry and notification.

86. (1) The entry of a registered user in the Register shall state the date on which it was made.

(2) In addition to the trade or business address of the registered user it may include an address for service, if an application by him on Form TM—No. 27 therefor has been approved.

(3) A notification in writing of the registration of a registered user shall be sent to the registered proprietor of the trade mark, to the registered user, and to every other registered user whose name is entered in relation to the same registration of a trade mark, and shall be inserted in the *Gazette*.

Registered proprietor's application to vary entry.

87. An application by the registered proprietor of a trade mark for the variation of the registration of a registered user of that trade mark under section 41(1)*(a)* shall be made on Form TM—No. 39, and shall be accompanied by a statement of the grounds on which it is made and, where the registered user in question consents, by the written consent of that registered user.

Application by registered proprietor of user to cancel entry.

88. An application by the registered proprietor or any registered user of a trade mark for the cancellation of the registration of a registered user of that trade mark under section 41(1)*(b)* shall be made on Form TM—No. 40, and shall be accompanied by a statement of the grounds on which it is made.

Application under section 41(1)*(c)* to cancel entry.

89. An application by any person for the cancellation of the registration of a registered user under section 41(1)*(c)* shall be made on Form TM—No. 41, and shall be accompanied by a statement of the grounds on which it is made.

Notification and hearing.

90. (1) The Registrar shall notify in writing applications under rules 85, 86 and 87 to the registered proprietor and each registered user (not being the applicant) under the registration of the trade mark.

(2) Any person so notified who intends to intervene in the proceedings shall within one month of the receipt of such notification give notice to the Registrar on Form TM—No. 42 to that effect and shall send therewith a statement of the grounds of his intervention.

(3) The Registrar shall thereupon send copies of such notice and statement to the other parties, so that the intervention may be known to the applicant, the registered proprietor, the registered user whose registration is in suit, and any other registered user who intervenes.

(4) Any such party may, within such time or times as the Registrar may appoint, leave evidence in support of his case, and the Registrar after giving the parties an opportunity to be heard may accept or refuse the application or accept it subject to any conditions, amendments, modifications or limitations he may think right to impose.

Registered user's application under section 48(2).

91. (1) Applications under section 48(2) shall be made on Form TM—No. 15, or TM—No. 17, or TM—No. 18, or TM—No. 27 as may be appropriate, by a registered user of a trade mark, or by such person as may satisfy the Registrar that he is entitled to act in the name of a registered user; and the Registrar may require such evidence by statutory declaration or otherwise as he may think fit as to the circumstances in which the application is made.

Cancellation by Registrar.

(2) In case of the registration of a registered user for a period, in accordance with section 37(4)*(d)* the Registrar shall cancel the entry of the registered user at the end of the period.

(3) Where some or all of the goods are struck out from those in respect of which a trade mark is registered, the Registrar shall at the same time strike them out from those specifications of registered users of the trade mark in which they are comprised.

(4) The Registrar shall notify every cancellation or striking out under this subrule to the registered users whose permitted use is affected thereby and the registered proprietor of the trade mark.

EXTENSION OF TIME

Extension of time.

92. If in any particular case the Registrar is satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any proceeding under these Rules, not being a time expressly provided in the Act or prescribed by

rule 66 or rule 70, he may extend the time upon such notice to other parties, and proceedings thereon, and upon such terms as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceeding.

Excluded days.

93. Whenever the last day fixed by the Act, or by these Rules, for doing any act or thing at the Office shall fall on a day when the Office is not open or on a Saturday, which days shall be excluded days for the purposes of the Act and these Rules, it shall be lawful to do the act or thing on the first day following such excluded day which is not an excluded day.

DISCRETIONARY POWER

Hearing.

94. Before exercising adversely to any person any discretionary power given to the Registrar by the Act, or these Rules, the Registrar shall, if so required, hear a person thereon.

Application for hearing.

95. An application for a hearing shall be made within one month from the date of notification by the Registrar of any objection to an application or the date of any other indication that he proposes to exercise a discretionary power.

Notice of hearing.

96. (1) Upon receiving such application the Registrar shall give the person applying ten days' notice of a time when he may be heard.

(2) Within five days from the date when such notice would be delivered in the ordinary course of post the person applying shall notify the Registrar whether or not he intends to be heard on the matter.

Notification of decision.

97. The decision of the Registrar in the exercise of any such discretionary power as mentioned above shall be notified to the person affected.

POWER TO DISPENSE WITH EVIDENCE

Dispensing with evidence.

98. Where under these Rules any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the Office, and it is shown to the satisfaction of the Registrar that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or to make such declaration, or that such document or evidence cannot be pro-

duced or left as mentioned above, it shall be lawful for the Registrar, upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, signature, declaration, document or evidence.

AMENDMENTS

Amendment of documents.

99. Any document or drawing or other representation of a trade mark may be amended, and any irregularity in procedure which in the opinion of the Registrar may be excused without detriment to the interests of any person may be corrected, if the Registrar thinks fit, and on such terms as he may direct.

CERTIFICATES

Certificates by Registrar.

100. (1) The Registrar may give a certificate, as to any entry, matter or thing which he is authorised or required by the Act or these Rules to make or do, upon receipt of a request therefor on Form TM—No. 25 from any person who, if the Registrar thinks fit so to require, can show an interest in the entry, matter or thing to his satisfaction.

(2) Except in a case falling under rule 101 the Registrar shall not be obliged to include in the certificate a copy of any mark, unless he is furnished by the applicant with a copy thereof suitable for the purpose.

Marks registered without limitation of colour.

101. Where a mark is registered without limitation of colour the Registrar may grant a certificate of registration, for the purpose of obtaining registration abroad, either in the colour in which it appears upon the Register or in any other colour or colours; but in the last-mentioned case the certificate shall be marked: "For use in obtaining registration abroad only".

Certificates for use in obtaining registration abroad.

102. (1) Where a certificate or registration of a trade mark is desired for use in obtaining registration abroad, the Registrar shall include in the certificate a copy of the mark and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose and, if the applicant fails to do so, may refuse to issue the certificate.

(2) The Registrar may state in the certificate such particulars concerning the registration of the mark as to him may seem fit, and may omit therefrom reference to any disclaimers appearing in the Register; but in the last-mentioned case the certificate shall be marked: "For use in obtaining registration abroad only".

DECLARATIONS

Manner in which, and person before whom, declaration is to be taken.

103. The statutory declarations required by the Act and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows:

(a) in Trinidad and Tobago, before any Justice or any Commissioner of Affidavits or other officer authorised by law in any part of Trinidad and Tobago to administer an oath for the purpose of any legal proceeding;

(b) in any other part of the Commonwealth, before any Court, Judge, Justice or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and

(c) if made out of the Commonwealth, before a diplomatic agent or a consular officer of Trinidad and Tobago, or a notary public, or a Judge or Magistrate.

Notice of seal of officer taking declaration to prove itself.

104. Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by rule 103 to take a declaration in testimony that the declaration was made and subscribed before him, may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.

APPLICATIONS TO AND ORDERS OF THE COURT

Application to Court.

105. Every application to the Court under the Act shall be served on the Registrar.

Order of Court.

106. (1) Where an order has been made by the Court in any case under the Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the office an office copy of such order, together with Form TM—No. 36 if required.

(2) The Registrar may, if necessary, thereupon be rectified or altered by the Registrar.

Publication of Order of Court.

107. Whenever an order is made by the Court under the Act the Registrar may, if he thinks that the order should be made public, publish it in the *Gazette*.

FIRST SCHEDULE

Rule 3.
[45 of 1979
51/1980].

FEES

The following fees shall be paid in respect of applications, registrations and other matters under the Act. Such fees must in all cases be paid before or at the time of doing the matter in respect of which they are to be paid:

	Matter or Proceeding	Amount	Corresponding Form
		$ c.	
1.	On application not otherwise charged to register a trade mark for a specification of goods included in one class ...	150.00	TM—No. 2
1*a*.	On application to register a series of trade marks under section 26(3) for a specification of goods included in one class	150.00	TM—No. 2
1*b*.	On application to register a defensive trade mark for a specification of goods included in one class ...	150.00	TM—No. 26
1*c*.	On application under section 50 to register a certification trade mark for a specification of goods included in one class	150.00	TM—No. 4
1*d*.	On applications made at the same time under section 50 to register one certification trade mark for specification of goods not all included in one class— In respect of every class ... ... Total fee in no case to exceed $150 for any number of classes	150.00	TM—No. 4
2.	On a request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used	30.00	TM—No. 3
3.	On notice of opposition before the Registrar under section 21, for each application opposed, by opponent ...	40.00	TM—No. 5
3*a*.	On lodging a counter-statement in answer to a notice of opposition under section 21, for each application opposed, by the applicant; or in answer to an application under any of the sections 35, 36, 46 and 47, by the proprietor in respect of each trade mark; or in answer to a notice of opposition under section 49 for each application opposed, by the proprietor	40.00	TM—No. 6

	Matter or Proceeding	Amount	Corresponding Form
		$ c.	
3*b*.	On the hearing of each opposition under section 21, by applicant and by opponent respectively; or on the hearing of an application under any of the sections 35, 36, 46 and 47, by applicant and by proprietor respectively; or on the hearing of an opposition under section 49, by proprietor and by opponent respectively	100.00	TM—No. 7
4.	Upon each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark	10.00	—
4*a*.	On an application to dissolve the association between registered trade marks ...	60.00	TM—No. 16
5.	On application to register a registered user of a registered trade mark in respect of goods within the specification thereof	100.00	TM—No. 38
5*a*.	On application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case—		
	For the first mark	100.00	TM—No. 38
	And for every other mark of the proprietor included in the application and statement of case ...	10.00	—
5*b*.	On application by the proprietor of a single trade mark, under paragraph (*a*) of section 41(1)(*a*), to vary the entry of a registered user thereof	100.00	TM—No. 39
5*c*.	On application by the proprietor of more than one trade mark under paragraph (*a*) of section 41(1) to vary the entries of a registered user thereof:		
	For the first mark	100.00	TM—No. 39
	And for every other mark of the proprietor for which the same is registered, included in the application	10.00	—
5*d*.	On application by the proprietor or registered user of a single trade mark, under paragraph (*b*) of section 41(1)(*b*) for cancellation of the entry of a registered user thereof	60.00	TM—No. 40
5*e*.	On application by the proprietor or registered user of more than one trade mark under paragraph (*b*) of section		

	Matter of Proceeding	Amount	Corresponding Form
		$ c.	
	41(1)(*b*), for cancellation of the entries of a registered user thereof—		
	For the first mark ...	60.00	TM—No. 40
	And for every other mark of the same proprietor for which the same user is registered, included in the application	10.00	—
5*f*.	On application, under paragraph (*c*) of section 41(1), to cancel the entry of a registered user of a single trade mark ...	60.00	TM—No. 41
5*g*.	On application, under paragraph (*c*) of section 41(1) to cancel the entries of a registered user of more than one trade mark—		
	For the first mark	60.00	TM—No. 41
	And for every other mark of the same proprietor for which the same user is registered, included in the application	10.00	
5*h*.	On notice under section 41(3) and rule 89, of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks	30.00	TM—No. 42
6.	On request to enter in the register and advertise a certificate of validity, under section 56 and rule 78—		
	For the first registration certified ...	40.00	TM—No. 37
	And for every other registration certified in the same certificate	10.00	
6*a*.	On application under section 43(3) and rule 66 for extension of time for registering a corporation as subsequent proprietor of trade marks on one assignment—		
	Not exceeding two months ...	60.00	TM—No. 11
	Not exceeding four months ...	90.00	TM—No. 11
	Not exceeding six months ...	120.00	TM—No. 11
7.	On application for certificate of the Registrar, under section 29(2) and rule 69—		
	For the first mark proposed to be assigned	100.00	TM—No. 31
	And for every other mark of the same proprietor included in that assignment	10.00	
7*a*.	On application for approval of the Registrar, under section 30(1) or section 73 and rule 69—		
	For the first mark	60.00	TM—No. 32
	And for every other mark of the same proprietor included in the same transfer	10.00	

	Matter or Proceeding	Amount	Corresponding Form
		$ c.	
7*b*.	On application for directions by the Registrar for advertisement of assignment of trade marks in use, without goodwill—		
	For one mark assigned	60.00	TM—No. 33
	And for every other mark assigned with the same devolution of title	10.00	
7*c*.	On application for extension of time for applying for directions for advertisement of assignment of trade marks in use, without goodwill, in respect of one devolution of title—		
	Not exceeding one month ...	60.00	TM—No. 34
	Not exceeding two months ...	90.00	TM—No. 34
	Not exceeding three months ...	120.00	TM—No. 34
8.	On application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark—		
	If made within six months from the date of acquisition of proprietorship or the coming into force of these Rules	60.00	TM—No. 12 or 13
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship or the coming into force of these Rules	80.00	TM—No. 12 or 13
	If made after expiration of twelve months from the date of acquisition of proprietorship or the coming into force of these Rules	100.00	TM—No. 12 or 13
8*a*.	On application to register a subsequent proprietor of more than one trade mark standing in the same name, the devolution of title being the same in each case—		
	If made within six months from the date of acquisition of proprietorship or the coming into force of these Rules—		
	For the first mark	60.00	TM—No. 12 or 13
	And for every other mark ...	10.00	
8*b*.	On application to register a subsequent proprietor of more than one trade mark standing in the same name, the devolution of title being the same in each case—		
	If made after expiration of six		

	Matter or Proceeding	Amount	Corresponding Form
		$ c.	
	months but within twelve months from the date of acquisition of proprietorship or the coming into force of these Rules:		
	For the first mark	80.00	TM—No. 12 or 13
	And for every other mark ...	10.00	
	If made after expiration of twelve months from the date of acquisition of proprietorship or the coming into force of these Rules—		
	For the first mark	80.00	TM—No. 12 or 13
	And for every other mark ...	10.00	
9.	On application to change the name or description of a proprietor or a registered user of a single trade mark where there has been no change in the proprietorship or in the identity of the user	30.00	TM—No. 18
9*a*.	On application to change the name or description of a proprietor or a registered user of more than one trade mark standing in the same name, where there has been no change in the proprietorship or in the identity of the user, the change being the same in each case—		
	For the first mark	30.00	TM—No. 18
	And for every other mark ...	10.00	
10.	For renewal of registration of a trade mark at expiration of last registration	120.00	TM—No. 9
10*a*.	For renewal of registration of a series of trade marks under section 26(3) at expiration of last registration—		
	For the first mark of the series ...	120.00	TM—No. 9
	And for every other mark of the series	10.00	
10*b*.	For renewal of registration of the same certification trade mark with the same date for goods in more than one class—		
	In respect of every class	120.00	TM—No. 9
10*c*.	Restoration fee under rule 59	100.00	TM—No. 10
11.	On an application to the Registrar for leave to add to or alter a single registered trade mark	100.00	TM—No. 22
11*a*.	On an application to the Registrar for leave to add to or alter more than one registered trade mark of the same proprietor, being identical marks, the		

	Matter or Proceeding	Amount	Corresponding Form
		$ c.	
	addition or alteration to be made, in each case, being the same—		
	For the first mark	100.00	TM—No. 22
	And for every other mark ...	60.00	
11*b*.	On notice of opposition to application for leave to add to or alter registered trade marks, for each application opposed ...	60.00	TM—No. 35
12.	For altering one or more entries of the trade or business address of a registered proprietor or a registered user of a trade mark where the address in each case is the same and is altered in the same way (unless exempted from fee under rule 82)—		
	For the first entry	20.00	TM—No. 15
	And for every other entry ...	10.00	
13.	For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged ...	40.00	TM—No. 36
14.	For cancelling the entry or part of the entry of a trade mark upon the register of the application of the registered proprietor of the trade mark ...	30.00	TM—No. 19 or 20
15.	On application, under any of the sections 35, 36, 46 and 47, for rectification of the register or removal of trade mark from the register	100.00	TM—No. 23
15*a*.	On application for leave to intervene in proceedings under any of the sections 35, 36, 46 and 47 for rectification of the register or removal of trade mark from the register	100.00	TM—No. 24
16.	On request, not otherwise charged, for correction of clerical error or for permission to amend application ...	20.00	TM—No. 17
17.	On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register ...	20.00	TM—No. 21
18.	On application to the Registrar under rule 83 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of a certification trade mark or of certification trade marks of the same registered proprietor where the regulations are substantially the same ...	100.00	TM—No. 30
18*a*.	On request to the Registrar by the registered proprietor of a certification trade mark to permit alteration of the		

	Matter or Proceeding	Amount	Corresponding Form
		$ c.	
	deposited regulations thereof—		
	For the regulations of one such registration	60.00	TM—No. 29
	For the same or substantially the same regulations of each other registration proposed to be altered in the same way and included in the same request ...	6.00	
19.	For certificate of the Registrar of the registration of a trade mark ...	40.00	TM—No. 25
19*a*.	For certificate of the Registrar of the registration of a series of trade marks under section 26(3)	40.00	TM—No. 25
20.	For cancelling or making one or more entries of an address for service of a registered proprietor or a registered user of a trade mark where the address in each case is the same, on application made after the registration in each case—		
	For the first entry	10.00	TM—No. 27
	And for every other entry included in the application	6.00	
20*a*.	For altering one or more entries of an address for service in the register included in one application for alteration, where the address and the alteration in each case are the same—		
	For the first entry	10.00	TM—No. 27
	And for every other entry ...	6.00	
21.	For inspecting register or notice of opposition, counter-statement or decision in connection with any opposition or application for rectification of the register relating to any particular trade mark	4.00	—
22.	For office copy of documents, for every page or part thereof	2.00	—
23.	For certifying office copies M.S. or photographic or printed matter	20.00	—

For advertising according to advertisement rates.

For the purpose of these fees (except as specially provided above) every mark of a series under section 26 shall be deemed to be a mark separately registered.

SECOND SCHEDULE (Rule 4)

FORMS

FORM TM—No. 1 (Rule 10)

TRADE MARKS ACT

Form of Authorisation of Agent in a matter or proceeding under the Act

*I (or We) .....

.....

have appointed (*a*) .....

of .....

.....

to act as my (or our) agent for (*b*) .....

.....No. .....

and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.

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

I (or We) hereby declare that I am (or we are) a

(*c*) .....

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

(*d*) .....

Address (*e*) .....

[To be struck out if the person appointing the Agent desires his own address to be treated as the address for service after registration.]

I (or We) also authorise the said (*a*) .....

..... to complete Form TM—No. 27 requesting the entry of an address for service as part of any registration obtained under the above authorisation.

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

(*d*) .....

Address (*e*) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

*The full name of all the partners in a firm must be inserted, and the kind and country of incorporation of bodies corporate stated.

(*a*) Here insert name and address of agent.
(*b*) Here state the particular matter or proceeding for which the agent is appointed, giving the reference number, if known.

(*c*) Here state nationality.

(*d*) To be signed by the person appointing the agent.
(*e*) Here insert the full trade or business address of the person appointing the agent.

(rule 17)

TRADE MARKS $75

FORM TM—No. 2

TRADE MARKS ACT

*Application for Registration of Trade Mark in Part * of the Register*

*Write distinctly here "A" or "B", according to the registration desired.

One representation to be fixed within this space and four others to be supplied.

Representations of a large size may be folded, but must then be mounted upon linen or other suitable material and affixed hereto.

Application is hereby made for Registration in Part * of the Register of the accompanying Trade Mark in Class....., in respect of *(a)* .....

.....

.....

.....

in the name of *(b)* .....whose

trade or business address is *(c)* .....

.....

trading as *(d)* .....

by whom it is *(e)* proposed to be used and who claim(s) to be the proprietor(s) thereof.

(f) .....

.....

.....

.....

Dated the .....day of .....19....

(g) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(a) Here specify the goods. Only goods included in one and the same class should be specified. A separate application Form is required for each class.

(b) Here insert legibly the full name, description and nationality of 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.

(c) Here insert the full trade or business address of the applicant.

(d) Here insert the trading style (if any).

(e) If the mark is already in use, strike out the words: "proposed to be", and insert "being".

(f) For additional matter if required; otherwise to be left blank.

(g) Signature.

TRADE MARKS $15

(rule 30)

FORM TM—No. 3

TRADE MARKS ACT

Request for Statement of Grounds of Decision

(a) Insert words and number identifying the matter or proceeding.

IN THE MATTER OF *(a)* .....

the Registrar is hereby requested to state in writing the grounds of his decision, dated the .....day of .....19...., after the hearing on the .....day of....., 19...., and the materials used by him in arriving at the decision.

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

(b) Signature.

(b) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

If the Registrar has made any requirement to which the Applicant does not object, the Applicant shall comply therewith before the Registrar issues the grounds of his decision. [*See* rule 30]

(rules 17, 33)

TRADE MARKS Fee: $75

FORM TM—No. 4

TRADE MARKS ACT

Application for Registration of Certification Trade Mark under section 50

(To be accompanied by two unstamped duplicates.)

One representation to be fixed within this space, and six others to be supplied.

Representations of a larger size may be folded, but must then be mounted upon linen or other suitable material and affixed hereto.

Application is hereby made for Registration in Part A of the Register of the accompanying Certification Trade Mark in Class ....., in respect of *(a)* .....

in the name of *(b)* .....whose address is *(c)* .....

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

(d) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(a) Here specify the goods. Only goods included in one and the same class should be specified. A separate application Form is required for each class.
(b) Here insert the full name, description and nationality of the applicant. If the applicant is a body corporate, the kind and country of incorporation should be stated.
(c) Here insert the full address of the applicant.
(d) Signature.

(rules 40, 52)

TRADE MARKS $20

FORM TM—No. 5

TRADE MARKS ACT

Notice of Opposition to Application for Registration of a Trade Mark

(To be accompanied by an unstamped duplicate.)

IN THE MATTER OF an Application No .....by .....

of .....

(a) Here state full name and address.

(a) I (or We) .....

hereby give notice of my (or our) intention to oppose the Registration of the Trade Mark advertised under the above number for Class .....in the *Gazette* of the .....day of....., 19...., No. ....., page .....

(b) If registration is opposed on the ground that the mark resembles marks already on the Register, the numbers of those marks and of the *Gazettes* in which they have been advertised are to be set out. The numbers of any marks in the Collection of Refused Cotton Marks that are relied on should also be given.

The grounds of opposition are as follows:—

.....

.....

.....

(b) .....

Address for Service in Trinidad and Tobago in these proceedings:— .....

.....

.....

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

(c) Signature.

(c) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 42)

TRADE MARKS $20

FORM TM—No. 6

TRADE MARKS ACT

Form of Counter-Statement

(To be accompanied by an unstamped duplicate)

IN THE MATTER OF an Opposition No. .....

to Application No. .....

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

.....

.....

.....

I (or We) admit the following allegations in the notice of Opposition:

.....

.....

.....

Address for service in Trinidad and Tobago in these proceedings:

.....

.....

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

(a) ..... *(a)* Signature.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 48)

TRADE MARKS $50

FORM TM—No. 7

TRADE MARKS ACT

Notice to the Registrar of Attendance at Hearing

(a) Here insert name and address.

I (or We) *(a)* .....of .....

.....hereby give notice that the Hearing of the arguments in the Case of:

(b) Strike out words here that are not applicable, so as to state *one* of the cases (1) to (5) only.

(b) (1) Opposition No. .....to Application for registration of a Trade Mark No. .....

(2) Application that the entry in the Register in respect of Trade Mark No. .....may be removed.

(3) ..... may be amended by alteration of or addition to the Trade Mark,

(4) ..... may be amended by a conversion of the specification of goods,

(5) ..... may be amended otherwise than by any change in the mark or of the specification on conversion,

which, by the Registrar's Notice to me (*or* us) dated the .....day of .....19.... is fixed for .....a.m. *or* p.m. at the Registrar's Office on the .....day of .....19...., *will be attended* by me (*or* us) or by some person on my (*or* our) behalf.

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

(c) Signature. *(c)* .....

(d) Address. *(d)* .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 53)

FORM TM—No. 8

TRADE MARKS ACT

Notice of Non-completion of Registration

No. .....

The Registrar, as required by Section 24 of the Trade Marks Act and rule 53 of the Trade Marks rules made thereunder (copies of which are printed on the back hereof), has to point out that the registration of the trade mark, in respect of which your application

numbered as above was made on the .....day of .....19 .... has not been completed by reason of your default. Unless it is completed within fourteen days from this date the application will be treated as abandoned.

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

To .....

.....

.....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rules 57, 58, 59)

TRADE MARKS Fee: $60 10*a* or 10*b*

FORM TM—No. 9

TRADE MARKS ACT

**Renewal of Registration of Trade Mark*

(a) Insert here the name and address of the person leaving the fee.
† If the fee is left by the proprietor himself, this passage should be struck out.
(b) If the fee is *not* left by the proprietor himself, insert his name and address here.

(a) I, (or We) .....of ..... hereby leave the prescribed fee of .....for Renewal of Registration of the Trade Mark No.....in Class .....,† which I am directed by the proprietor of the Trade Mark, that is to say by *(b)* ....to pay.*

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

(c) Signature of the person leaving the fee.
(d) Address of the person signing.

(c) .....

(d) .....

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

To the Registrar,
Registrar General's Office,
Port-of-Spain.

---

*This form will be returned if it is filed more than *six months* before the expiration of the last registration.

[To appear on the back of the Form:]

(e) If the request is signed by the Registered Proprietor strike out here the words "the Registered Proprietor" and substitute the word "me".

The Registrar is requested to send notice of renewal of the registration to *(e)* the Registered Proprietor at the following address:—

.....

.....

(f) Signature.

(f) .....

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

(rule 59)

TRADE MARKS $50

FORM TM—No. 10

TRADE MARKS ACT

Restoration of Trade Mark removed from Register for Non-payment of Fee

(To accompany Form TM—No. 9)

I, (or we) hereby transmit the additional fee of $50 (along with Form TM—No. 9) for the restoration to the Register of the Trade Mark No. .....in Class .....

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

(a) ..... *(a)* Signature.

(b) ..... *(b)* Address.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

N.B. This Form must be signed by the person(s) signing the Form TM—No. 9 which accompanies it.

(rule 66)

TRADE MARKS Fee: 6*a*

FORM TM—No. 11

TRADE MARKS ACT

Application under rule 59 for extension of time, in accordance with section 43(3), for the registration of the name of a Corporation as Subsequent Proprietor of a Trade Mark in the Register.

(a) Here insert the name and address of the applicant.

Application is hereby made by *(a)* .....

.....of

.....for

(b) Here insert "two" or "four", or "six".

an extension of time by *(b)* .....months of the period of six months allowed by section 43(3) and rule 66 for registering its name, by force of one assignment, as proprietor of the following Trade Mark(s) registered upon application(s) conforming to paragraph *(a)* of section 43(1):—

(c) Additional numbers may be given in a signed schedule on the back of the Form.

(c) Registration Number	*Class*
.....	.....
.....	.....
.....	.....

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

(d) Signature.

(d) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 61)

TRADE MARKS Fee: 8 or 8*a*

FORM TM—No. 12

TRADE MARKS ACT

Joint Request to the Registrar by Registered Proprietor and Transferee to register the Transferee as subsequent Proprietor of Trade Marks upon the same devolution of title

We *(a)* .....

.....

and *(b)* .....

.....

hereby request, under rule 61, that the name of *(c)* .....

.....

carrying on business as *(d)* .....

at *(e)* ....., may be entered in the Register of Trade Marks as proprietor of the Trade Mark(s) No. .....* in Class ..... as from the *(f)* .....

by virtue of *(g)* .....

.....

.....

(h) The trade mark at the time of the assignment was *(h)* (not) used in a business in the goods in question, and the assignment (took) *(h)* (did not take) place on or after the appointed day otherwise than in connection with the goodwill of a business in the goods, *(h)* and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith, and a statement of the dates of issue of any publications containing them.

(a) Name and address of Registered Proprietor, or other Assignor or Transmitter.
(b) Full name, trade address and nationality of Transferee.
(c) Name of Transferee.
(d) Description of Transferee.
(e) Trade or business address of Transferee.
*Additional numbers may be given in a signed schedule on the back of the Form.
(f) Date of acquisition of proprietorship.
(g) Full particulars of the instrument of assignment or transmission, if any, or statement of case.
(h) Strike out any words not applicable (*See* rule 66).

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

(i) .....

(j) .....

(i) Signature of Assignor or Transmitter.
(j) Signature of Transferee.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

Note.—The instrument under which the Transferee claims should preferably accompany this Form.

A request for the entry of an address for service of the subsequent proprietor may be made on an *unstamped* copy of Form TM—No. 27 *if it accompanies this Form.*

(rules 62, 64)

TRADE MARKS Fee: 8 or 8*a*

FORM TM—No. 13

TRADE MARKS ACT

Request to the Registrar to register a subsequent Proprietor of a Trade Mark or Trade Marks upon the same devolution of title

(a) Here insert full name, trade or business address, nationality and description. *Additional numbers may be given in a signed schedule on the back of the Form.

I (or We) *(a)* .....

.....

.....

hereby request that my (or our) name .....may be entered in the Register of Trade Marks as proprietor .....of Trade Mark(s) No.....* in Class .....as from the *(b)* .....

(b) Date of acquisition of proprietorship.

(c) Here insert full particulars of the instrument of assignment or transmission, if any, or statement of case.

I am (or We are) entitled to the Trade Mark(s) by virtue of *(c)* .....

.....

.....

.....

.....

(d) Strike out any words not applicable (*see* rule 66).

(d) The trade mark at the time of the assignment was *(d)* (not) used in a business in the goods in question, and the assignment *(d)* (took) (did not take) place on or after the appointed day otherwise than in connection with the goodwill of a business in the goods, *(d)* and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith, and a statement of the dates of issue of any publications containing them.

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

(e) Signature.

(e) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

Note.—The instrument under which the Transferee claims should preferably accompany this Form.

A request for the entry of an address for service of the subsequent proprietor may be made on an *unstamped* copy of Form TM—No. 27 *if it accompanies this Form.*

(rule 64)

FORM TM—No. 14

TRADE MARKS ACT

Declaration (only to be furnished when requested by the Registrar) in support of Statement of Case accompanying Form TM—No. 12 *or TM—No.* 13

I, ...of.....
do hereby solemnly and sincerely declare that the particulars set out in the Statement of

Case, exhibit marked ....., and left by me in connection with my request to be registered as subsequent proprietor of

the Trade Mark No. .....in

Class....., are true and comprise every material fact and document affecting the present proprietorship of the Trade Mark.

(a) And I make this solemn declaration conscientiously believing the same to be true and according to the Statutory Declarations Act and I am aware that if there is any statement in this declaration which is false in fact, which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

(a) This paragraph is not required when the declaration is made out of Trinidad and Tobago.

(b) .....

Declared at .....

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

(b) To be signed here by the person making the declaration.

Before me *(c)* .....

.....

(c) Signature and title of Authority before whom the declaration is made.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rules 71, 75, 91)

TRADE MARKS †Fee: 12

FORM TM—No. 15

TRADE MARKS ACT

Request for Alteration of Trade or Business Address in Register of Trade Marks

*Additional numbers may be given in a signed schedule on the back of the Form.

IN THE MATTER OF the Trade Mark(s) No. .....

registered in Class .....

I (or We) .....

of ....., being

(a) Strike out one of these words.

the Registered *(a)* { Proprietor(s) / User(s) } of the Trade Mark(s) numbered as above, request that my (or our) trade address in the Register of Trade Marks be altered to .....

.....

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

(b) Signature.

(b) .....

Note—A Registered Proprietor or Registered User whose address has been altered by a public authority, so that the changed address designates the same premises as before, may make also the statement below in order to avoid payment of the stamp fee.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

[For use only in case of an address changed by a public authority, without change of premises:]

The change of address, for the entry of which application is made above, was ordered by

(a) Here insert the name of the public authority ordering the change, and the date thereof.

(a) .....

.....

.....

.....

on the .....day of .....19....

(b) Signature of the Registered Proprietor or User, as the case may be.

(b) .....

†*Note*—If the above statement be made, and a certificate of the alteration given by the named authority be supplied, the Registrar, if satisfied as to the facts of the case, will not require Form TM—No. 15 to be stamped (*see* rule 71).

(rule 55)

TRADE MARKS $30

FORM TM—No. 16

TRADE MARKS ACT

Application to the Registrar under section 32(5) and rule 55 to dissolve the Association between a registered Trade Mark and (an)other registered Trade Mark(s)

To be accompanied by a Statement of Case

IN THE MATTER OF a Trade Mark

No. . . . . .registered in Class . . . . . .

I (or We) . . . . . .

. . . . . .being the Registered Proprietor(s) of the above-numbered Trade Mark, hereby apply that the association of this Trade Mark with the following Trade Mark(s) registered in my (our) name:—

No. . . . . .registered in Class . . . . . .

No. . . . . .registered in Class . . . . . may be dissolved and the Register amended accordingly.

The grounds for this application are set forth in the accompanying Statement of Case.

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

(a) . . . . . *(a)* Signature.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 91)

TRADE MARKS $10

FORM TM—No. 17

TRADE MARKS ACT

Request for Correction of Clerical Error; or for permission to amend Application

IN THE MATTER OF *(a)* .....

(a) Here insert words and reference number identifying the entry or application.

I (or We), being the .....

hereby request that .....

.....

.....

.....

.....

.....

.....

.....

.....

.....

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

(b) Signature.

(b) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rules 75, 91)

TRADE MARKS
Fee: 9 or 9*a*.

FORM TM—No. 18

TRADE MARKS ACT

Request to enter Change of Name or Description of Registered Proprietor (or Registered User) of Trade Mark Upon the Register

I (or We,) *(a)* .....

.....

.....

hereby request that *(b)* .....name(s) and description(s) may be entered in the Register of Trade Marks as *(c)* { proprietor(s) of the / registered user(s) }

Trade Mark(s) No. .....* registered in Class .....

(d) ..... entitled to *(c)* { the said Trade Mark / use the said Trade Mark as registered user(s). }

There has been no change in the *(c)* { actual proprietorship / identity of the registered user(s) }

of the said Trade Mark, but *(e)* .....

.....

.....

.....

The entry at present standing in the Register gives my (or our) name(s) and description(s) all as follows .....

.....

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

(f) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(a) Here insert present name, address and description of Registered Proprietor or Registered User.

(b) My *or* our.

(c) Strike out the words that are not applicable.

*Additional numbers may be given on a signed schedule on the back of the Form.

(d) I am *or* We are.

(e) Here state the circumstances under which the change of name took place.

(f) Signature.

(rule 75)

TRADE MARKS $15

FORM TM—No. 19

TRADE MARKS ACT

Application by Registered Proprietor of Trade Mark for the cancellation of Entry thereof in Register

(Paragraph *(c)* of section 48(1)*(c)* and rules 75 and 76)

IN THE MATTER OF Trade Mark No. .....

Class .....

Name of Registered Proprietor .....

.....

Trade or business address .....

Description .....

Application is hereby made by .....

(a) Here insert the trade or business address and description of the applicant(s) or his (their) firm.

of *(a)* .....[*or* by .....

a member of the Firm of .....

of *(a)* .....

on behalf of my said Firm] .....

.....

that the entry in the Register of Trade Marks of the Trade Mark No. .....

in Class .....may be cancelled.

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

(b) Signature.

(b) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

Note—rule 75 requires that an application on Form TM—No. 19 shall be signed by the Registered Proprietor of the Trade Mark, or other person entitled under that Rule, unless in exceptional circumstances the Registrar otherwise allows.

(rule 75)

TRADE MARKS $15

FORM TM—No. 20

TRADE MARKS ACT

Application by Registered Proprietor of Trade Mark to the Registrar to strike out Goods from those for which the Trade Mark is Registered

(Paragraph *(d)* of section 48(1)*(d)* and rules 75 and 76)

IN THE MATTER OF Trade Mark No. .....

registered in Class .....

Name of Registered Proprietor .....

.....

Trade or business address .....

Description .....

Application is hereby made by .....

of *(a)* .....[*or* by .....

a member of the Firm of .....

of *(a)* .....

on behalf of my said Firm] .....

.....

for the striking out of *(b)* .....

from the goods for which the Trade Mark No. .....is

registered in Class .....

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

(c) .....

(a) Here insert the trade or business address and description of the applicant(s) or his (their) firm.

(b) Here designate the goods to be struck out.

(c) Signature.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

Note—Rule 75 requires that an application on Form TM—No. 20 shall be signed by the Registered Proprietor of the Trade Mark, or other person entitled under that rule, unless in exceptional circumstances the Registrar otherwise allows.

(rules 75, 77)

TRADE MARKS $10

FORM TM—No. 21

TRADE MARKS ACT

Request by Registered Proprietor of a Trade Mark that a Disclaimer or Memorandum relating thereto may be registered

Request is hereby made by *(a)* .....

of .....

for the addition to the entry in the Register in connection with Trade Mark No. .....in Class .....of the following .....

namely— .....

.....

.....

.....

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

(b) .....

(a) Here insert the name, trade, or business address and description of the Registered Proprietor.

(b) Signature.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 79)

TRADE MARKS
Fee: 11 or 11*a*

FORM TM—No. 22

TRADE MARKS ACT

Application by Registered Proprietor under section 49 for an addition to or alteration of a Registered Trade Mark. (rules 79 and 82)

IN THE MATTER OF the Trade Mark

No. .....in Class .....

Application is hereby made by *(a)* ..... of .....being the Registered Proprietor(s) of the Registered Trade Mark numbered as above, that the Registrar shall add to it or alter it in the following particulars, that is to say—*(b)*

(a) Here insert name, trade or business address and description.

(b) Here fill in full particulars.

Four copies of the mark as it will appear when so altered are filed herewith.

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

(c) .....

(c) Signature.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

TRADE MARKS $50

(rules 72, 74)

FORM TM—No. 23

TRADE MARKS ACT

Application to the Registrar for the Rectification of the Register or the Removal of a Trade Mark from the Register

(To be accompanied by an unstamped copy and a Statement of Case in duplicate.)

IN THE MATTER OF the Trade Mark

No. .....registered in the name of

.....in Class.....

(a) Here state full name and address.

I (or We) *(a)* .....

.....

hereby apply that the entry in the Register in respect of the above-mentioned Trade Mark may be removed *(b)* rectified in the following manner:

(b) Strike out the word (or words) that is (are) not applicable.

.....

.....

The grounds of my (our) application are as follows:—

.....

.....

.....

No action concerning the Trade Mark in question is pending in the Court.
Address for service in Trinidad and Tobago in these proceedings:

.....

.....

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

(c) Signature.

(c) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 74)

FORM TM—No. 24

TRADE MARKS $50

TRADE MARKS ACT

Application to the Registrar for Leave to intervene in Proceedings relating to the Rectification of the Register or the Removal of a Trade Mark from the Register

IN THE MATTER OF Trade Mark

No .....registered in the name of

.....in Class .....

I (or We) *(a)* ..... *(a)* Here state full name and address.

.....

hereby apply for leave to intervene in the proceedings relating to the rectification or removal of the entry in the Register in respect of the above-mentioned Trade Mark.

My (our) interest in the Trade Mark is .....

.....

.....

.....

Address for Service in Trinidad and Tobago in these proceedings:

.....

.....

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

(b) ..... *(b)* Signature.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 100)

TRADE MARKS Fee: 19 or 19*a*

FORM TM—No. 25

TRADE MARKS ACT

Request for General Certificate of the Registrar (including Certificate of Registration of a Trade Mark)

(rule 100)

... These words may be varied to suit other cases.

IN THE MATTER OF* the Trade Mark No. ....., registered as

Class .....*

I (or We) .....

of .....
hereby request the Registrar to furnish me (us) with

(a) Here set out the particulars which the Registrar is requested to certify.

(b) his Certificate that *(a)* .....

.....

.....

(b) Strike out words that are not applicable.

(b) a Certificate of registration of the Trade Mark *(b)* for use in obtaining registration abroad.

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

(c) Signature.

(c) .....

(d) Address.

(d) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

"rule 102.—(1) Where a certificate of registration of a trade mark is desired for use in obtaining registration abroad, the Registrar shall include in the certificate a copy of the mark and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose and if the applicant fails to do so, may refuse to issue the certificate.

(2) The Registrar may state in the certificate such particulars concerning the registration of the mark as to him may seem fit, and may omit therefrom reference to any disclaimers appearing in the register, but in the last-mentioned case the certificate shall be marked: 'For use in obtaining registration abroad only'."

(rules 17, 32)

TRADE MARKS Fee: $75

FORM TM—No. 26

TRADE MARKS ACT

Application under section 36 and rule 32 for Registration of an Invented Word (or Words) in Part † of the Register as a Defensive Trade Mark.

†Write distinctly here "A" or "B", according to the registration desired.

One representation to be fixed within this space, and * four others to be supplied.

Application is hereby made for Registration in Part† of the Register of the above word(s) as a Defensive Trade Mark in Class .....in respect of *(a)* .....

.....

.....

.....

in the name of *(b)* .....

.....

of *(c)* .....

.....

trading as *(d)* .....

who is (are) the proprietor(s) of the same Trade Mark registered in Class *(e)* .....in respect of .....under No.....

According to my (our) information and belief, the word(s) is (are) invented.

The particulars of the facts on which I (we) rely in support of this application are set forth in the accompanying Statement of Case *(f)*.

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

(g) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(a) Here specify the goods. Only goods included in one and the same class should be specified.
(b) Here insert legibly the full name, description and nationality of 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.
(c) Here insert the full trade or business address of the applicant.
(d) Here insert the trading style (if any).
(e) Here insert particulars of the Applicant's registration of the Trade Mark.
(f) To be furnished in duplicate.
(g) Signature.

TRADE MARKS
If left after registration: Fee 20 or 20*a*.
If left at the time of registration: No Fee.

(rules 9, 54, 71, 75, 86, 91)

FORM TM—No. 27

TRADE MARKS ACT

Form of Request to the Registrar by a Registered Proprietor or a Registered User of a Trade Mark, or a person about to be so registered, to enter, alter, or substitute an Address for Service as part of his Registration (rules 9, 71).

Request is made by *(a)* .....

.....

.....who is about to be registered as (or) who is

the Registered *(b)* Proprietor (User) of Trade Mark(s) No. .....

*registered in Class .....for the *(c)* inclusion, addition, alteration or substitution of an address for service in the United Kingdom in or to the entry thereof so that the address for

service in Trinidad and Tobago may read: *(d)* .....

.....

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

(e) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

Note:—A Registered Proprietor or Registered User whose address for service in Trinidad and Tobago has been altered by a public authority, so that the changed address designates the same premises as before, may make also the statement for which there is provision on the back of this Form in order to avoid payment of the stamp fee.

Note:—By rules 9 and 71 an application on Form TM—No. 27 must be signed by the Applicant for registration or the Registered Proprietor or Registered User, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

[To appear on the back of the Form:—]

(For use only in case of an address for service changed by a public authority, without change of premises.)

The change of address, for the entry of which application is made on the other side of

this Form, was ordered by *(a)* .....

.....

.....

on the .....day of .....19....

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

(b) .....

Note:—If the above statement be made, and a certificate of the alteration given by the named authority be supplied, the Registrar, if satisfied as to the facts of the case, will not require Form TM—No. 27 to be stamped. (*See* rule 71).

---

†*Note:*—A request on Form TM—No. 27 to enter an initial address for service as part of a registration may be unstamped if it accompanies one of the Forms TM—No. 12, No. 13 or No. 38.

(a) Here insert the full name and trade or business address of the person making the request.

(b) Strike out from the underlined words those that are not applicable and strike out one of the words "Proprietor" or "User" as the case may be.
*Additional numbers may be given in a signed schedule on the back of the Form.
(c) Cancel words that are not applicable.
(d) State here the precise entry or changed entry desired.
(e) Signature.

(a) Here insert the name of the public authority ordering the change, and the date thereof.

(b) Signature of the Registered Proprietor or Registered User, as the case may be.

(rule 35)

FORM TM—No. 28

TRADE MARKS ACT

section 50—Schedule of the Act

Regulations for governing the use of Certification Trade Mark No. .....

in Class .....in respect of *(a)* ..... *(a)* Here specify the goods of the registration.

.....

[For Official Use.]

Advertised in *Gazette* No.....at page .....on

the .....day of .....

[Date of Application and Registration .....19....]

(rule 84)

TRADE MARKS Fee: 18*a*

FORM TM—No. 29

TRADE MARKS ACT

Request for the consent of the Board of Trade to alteration of the deposited Regulations for use of a Certification Trade Mark

section 50—Schedule of the Act—rule 84

Application is hereby made by *(a)* .....

.....

.....

who is (or are) the Proprietor(s) of the Certification Trade Mark(s) No. *(b)* .....* registered in Class .....* in respect of *(c)* .....

.....*

that the deposited Regulations for governing the use of the Mark may be altered in the manner shown in red in the accompanying copies *(d)* of the Regulations as proposed to be altered, and for the consent of the Registrar to such alteration.

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

(e) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(a) Here state name and address of the proprietor(s) as registered.

(b) If the same Regulations apply to more than one registration, the numbers of all registrations should be stated.

(c) Here state the specifications of the respective registrations.

(d) Three copies should be furnished.

(e) Signature.

*Additional numbers and Specifications may be given in a signed schedule on the back of the Form.

(rule 83)

TRADE MARKS $50

FORM TM—No. 30

TRADE MARKS ACT

section 50—Schedule of the Act—rule 83

Application to the Board of Trade for an order Expunging or Varying an entry in the Register relating to a Certification Trade Mark or Varying the deposited Regulations

---

[To be accompanied by an unstamped copy and a Statement of Case in duplicate.]

IN THE MATTER OF Certification Trade Mark No. ..... registered in the name of .....in Class .....

I (or We) *(a)* ..... *(a)* Here state full name and address.

.....

being an aggrieved person(s), hereby apply for an order of the Board of Trade that:

1. *(b)*The Entry in the Register in respect of the above-mentioned Trade Mark may be *(c)* { expunged. / varied in the following manner: ..... *(b)* Strike out either paragraph that is not applicable. *(c)* Strike out one of these lines.

.....

.....

2. *(b)* The deposited Regulations governing the use of the above-mentioned Trade Mark may be varied in the following manner: .....

.....

.....

The grounds of my (our) application are as follows:

.....

.....

Address for Service in Trinidad and Tobago in these proceedings:

.....

.....

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

(d) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(d) Signature.

(rule 69)

TRADE MARKS Fee: 7.

FORM TM—No. 31

TRADE MARKS ACT

Application for the Certificate of the Registrar under section 29(2) and rule 69 with reference to a proposed Assignment of a Registered Trade Mark

---

(To be accompanied by a Statement of Case in duplicate and a copy of the proposed assignment.)

IN THE MATTER OF Trade Mark(s) No.(s).....registered in the name of .....

in Class(es).....

(a) Here insert the name and trade or business address of the Registered Proprietor.

Application is hereby made by *(a)* .....

.....

.....

of .....

being the Registered Proprietor(s) of the above-numbered registered trade mark(s), for the Registrar's Certificate under section 29(2) with reference to a proposed assignment of the registered trade mark(s)

(b) Here insert the name and trade or business address of the proposed assignee.

No.(s).....to *(b)* .....

.....

of .....

.....

in circumstances that are stated fully in the accompanying Statement of Case.

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

(c) Signature.

(c) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

FORM TM—No. 32 (rule 69)

TRADE MARKS Fee: 7*a*

TRADE MARKS ACT

Application for the Approval by the Registrar under section 30 and rule 69 of a proposed assignment, or of a transmission (since the commencement of the Act), of a Trade Mark resulting in exclusive rights in different persons for different parts of Trinidad and Tobago.

(To be accompanied by a Statement of Case in duplicate and a Copy of the Instrument proposed for the Assignment or effecting the Transmission.)

IN THE MATTER OF a Trade Mark(s)

*Registered under No.(s) .....in

Class(es).....,* the property of.....

.....

Application is hereby made by .....

(1) *(a)* .....

of .....

the Proprietor of the trade mark(s) shown in the accompanying Statement of Case *(b)* [registered in his name] and *(b)* [used by him] in respect of the following goods: .....

for the approval by the Registrar of a proposed assignment of the trade mark(s) to *(c)* .....of .....

in respect of the following goods: .....

to be sold or otherwise traded in in *(d)* .....

†[and to *(c)* .....of .....

.....in respect of the following goods..... .....to be sold or otherwise traded in in *(d)* .....] in circumstances that are stated fully in the accompanying Statement of Case.

(2) *(e)* .....

who claims that the trade mark(s) shown in the accompanying Statement of Case was (were), in respect of the following goods, namely .....

and on the *(f)* .....day of .....19....; transmitted to *(g)* him (to *(h)* .....of .....

.....(who was his predecessor in title)), by or from *(i)* .....

of .....

by whom the Trade Mark was then used in respect of the following goods, namely .... all in circumstances that are stated fully in the accompanying Statement of Case, *for the approval by the Registrar* of the aforesaid transmission.

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

(j) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

*Strike out either paragraph (1) or paragraph (2).

(a) Insert here the name and trade or business address of the Proprietor.

(b) Strike out either if not applicable.

(c) Insert here the names and trade or business addresses of the proposed assignee or assignees.

(d) Insert the name of the place or places in Trinidad and Tobago.

†Strike out the bracketed passage if not required.

(e) Insert here the name and trade or business address of the person who claims a transmission to him.

(f) Insert here the date of the transmission, which must not precede the appointed day.

(g) Strike out the words that are not applicable.

(h) Insert here the name and trade or business address of the predecessor in title, if any.

(i) Insert here the name and trade or business address of the person who transmitted.

(j) Signature.

(rule 70)

TRADE MARKS Fee: 7*b*

FORM TM—No. 33

TRADE MARKS ACT

Application to the Registrar under section 31(1) and rule 70 for Directions for the Advertisement of an Assignment of Trade Marks otherwise than in connection with the goodwill of the business.

[To be accompanied by an unstamped duplicate.]

(a) Here insert the name and trade or business address of the assignee (applicant).

Application is hereby made by *(a)* .....

.....

of .....

for the Registrar's Directions with respect to the advertisement of an assignment to him (them) of the following Trade Marks otherwise than in connection with the goodwill of the business in which they were used at the time of assignment, namely:—

(1) Registered Trade Marks:

Registration Number †	*Class*	*Goods in respect of which the Mark has been used and is assigned.*

(b) Here insert the name and trade or business address of the proprietor (assignor).

all of which are or were registered in the name of *(b)* .....

of ..... who is the assignor;

(c) Only those unregistered trade marks passing by the one assignment and used in the same business and for the same goods as those for which one or more of the registered marks are registered *may be stated here.*

(2) Unregistered Trade Marks *(c)*, all being Marks used in his business at the time of the assignment in respect of the goods stated below, by *(b)*

.....

of .....

who is the assignor:

Representation of Mark †	*Goods in respect of which the Mark has been used and is assigned.*

The date of assignment was the .....day of .....19....

The instrument effecting the assignment is sent herewith, together with a copy thereof.

It is suggested that advertisement shall be directed as follows, namely, in .....

.....

.....

†Additional Marks and numbers may be given in a signed schedule on the back of the Form.

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

(d) Signature.

(d) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 70)

TRADE MARKS Fee: 7*c*.

FORM TM—No. 34

TRADE MARKS ACT

Application for Extension of Time in which to apply for the Registrar's Directions for the advertisement of an assignment of Trade Marks otherwise than in connection with the goodwill of the business (section 31(1) and rule 70).

Application is hereby made by *(a)* .....

.....of

.....for

extension of time of *(b)* .....month(s) in which to apply for the Registrar's Directions for the advertisement of an assignment to him (them) of the following Trade Marks otherwise than in connection with the goodwill of the business in which they were used at the time of assignment, namely:—

(a) Here insert the name and trade or business address of the assignee (applicant).

(b) Here insert "one", or "two", or "three".

(1) Registered Trade Marks:

Registration Number †	*Class*	*Goods in respect of which the Mark has been used and is assigned*

all of which are or were registered in the name of *(c)* .....

of .....
who is the assignor:

(c) Here insert the name and trade or business address of the proprietor (assignor).

(2) Unregistered Trade Marks, all being Marks used in his business at the time of assignment and in respect of the goods stated below, by *(c)* .....

of .....who is the assignor:

Representation of Mark †	*Goods in respect of which the Mark has been used and is assigned*

The date of assignment was the .....day of .....19....

†Additional Marks and numbers may be given in a signed schedule on the back of the Form.

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

(d) .....

(d) Signature.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 80)

TRADE MARKS $30

FORM TM—No. 35

TRADE MARKS ACT

Notice of Opposition to Application under section 49 for addition to or alteration of a Registered Trade Mark

(To be accompanied by an unstamped duplicate.)

IN THE MATTER OF the Trade Mark No. .....registered in the name of .....in Class .....

(a) Here state full name and address.

I (or We,) *(a)* .....

.....

hereby give notice of my (or our) intention to oppose the addition to or alteration of the Trade Mark numbered and registered as above, so that it shall be in the form shown in the application advertised in the Trade Marks Journal of the .....day of .....

19...., No....., page .....

The grounds of opposition are as follows:

.....

.....

.....

.....

Address for Service in Trinidad and Tobago in these proceedings:

.....

.....

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

(b) Signature.

(b) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 106)

TRADE MARKS $20

FORM TM—No. 36

TRADE MARKS ACT

Notice of Order of Court for Alteration or Rectification of Register of Trade Marks

IN THE MATTER OF the Trade Mark, No. . . . . .registered in Class . . . . . .in the name of . . . . . .

Notice is hereby given to the Registrar that, by an Order of the Court made on the . . . . . .day of . . . . . .19 . . . ., it was directed that . . . . . .

. . . . . .

. . . . . .

. . . . . .

. . . . . .

An Office Copy of the Order of the Court is enclosed herewith.

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

* . . . . . *To be signed by the person interested or his agent.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 78)

TRADE MARKS Fee: $20

FORM TM—No. 37

TRADE MARKS ACT

Request to the Registrar for entry on the Register and advertisement of a note of a Certificate of Validity by the Court under section 56.

IN THE MATTER OF Trade Mark(s) No.(s)....., registered in .....Class.....in the name of .....

(a) Here state the name and address of the Registered Proprietor.

I (or We), *(a)* .....

.....

.....

hereby request the Registrar to add to the above-numbered entry(ies) of a Trade Mark in the Register, and to advertise in the *Gazette,* a note that in

(b) Here state the nature of the proceedings, with the names of the parties to them, in which the Certificate was given.

(b) .....

.....

the Court certified that the validity of the said registration(s) came into question and was decided in favour of the proprietor of the Trade Mark in the terms of the accompanying Office Copy of the certificate of validity.

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

(c) Signature.

(c) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 85)

TRADE MARKS
Fee: 5 or 5*a*

FORM TM—No. 38

TRADE MARKS ACT

Application for Registration of Registered User

[To be accompanied by a Statement of Case giving particulars and stating as required by section 37(4), verified by a Statutory Declaration made by the Proprietor, or by some person authorised to act on his behalf and approved by the Registrar.]

Application is hereby made by *(a)* .....

.....

.....

who is (or are) the registered proprietor(s) of Trade Mark(s) No.(s) .....

.....* registered in Class .....in respect of *(b)* ... .

.....that *(c)* .....

.....

of *(d)* .....

.....trading as *(e)* .....

.....

who hereby joins in the application, may be registered as a registered user of the above-numbered registered trade mark(s) in respect of *(f)* .....

.....

subject to the following conditions or restrictions:—

(g) .....

.....

(h) The proposed permitted use is to end on the .....day of ..... 19..... The proposed permitted use is without limit of period.

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

(i) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

[A request for the entry of an address for service of the registered user may be made on an *unstamped* copy of Form TM—No. 27 *if it accompanies this Form.*]

*Additional numbers may be given in a signed Schedule on the back of the Form.

(a) Here insert full name, trade or business address and description of the registered proprietor(s).

(b) Here insert the specification in the register.

(c) Here insert the full name, description and nationality of the individual, firm, or body corporate, proposed as registered user. The names of all partners in a firm must be given in full. In the case of a body corporate brief particulars of the kind and country of incorporation should be stated.

(d) Here insert the full trade or business address of the proposed registered user.

(e) Here insert trading style (if any).

(f) Here insert designation of goods (which must be comprised within the specification).

(g) Write *None* if there are no conditions or restrictions.

(h) Strike out the words that are not applicable.

(i) Signature.

(rule 87)

TRADE MARKS Fee: 5*b* or 5*c*.

FORM TM—No. 39

TRADE MARKS ACT

Application by the Registered Proprietor of a Trade Mark for variation of the registration of a Registered User thereof with regard to the goods or the conditions or restrictions (Section 41(1)(a); *rule 87).*

[To be accompanied by a Statement of the Grounds for the application and the written consent (if given) of the Registered User.]

Application is hereby made by *(a)* .....

.....

.....

the proprietor of trade mark(s) No. .....* registered in Class .....in respect of *(b)* .....

.....

that the registration of *(c)* .....

.....

.....

as a registered user of the above-numbered trade mark(s) in respect of *(d)* .....

.....

may be varied in the following manner: *(e)* .....

.....

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

(f) .....

(a) Here insert the full name, description and trade or business address of the registered proprietor.
*Additional numbers may be given in a signed schedule on the back of the Form.
(b) Here insert the specification in the register.
(c) Here insert the full name, description and trade or business address of the registered user.
(d) Here insert the goods in respect of which the user is registered.
(e) Here state in terms the manner in which it is requested that the entry should be varied.

(f) Signature.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 88)

TRADE MARKS Fee: 5*d* or 5*e*

FORM TM—No. 40

TRADE MARKS ACT

Application by the Registered Proprietor of a Trade Mark or by any of the Registered Users of the Trade Mark for the cancellation of entry of a Registered User thereof (Section 41(1)(b)*; rule 88).*

(To be accompanied by a Statement of the Grounds for the application)

Application is hereby made by *(a)* .....

.....

.....

being *(b)* the Registered Proprietor (a Registered User) of trade mark(s) No. .....*

registered in Class .....in respect of *(c)* .....

.....

.....

for the cancellation of the entry under the above-mentioned registration(s) of *(d)* .....

.....

as a registered user of the trade mark(s) in respect of *(e)* .....

.....

The grounds for this application are set forth in the accompanying statement.

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

(f) .....

.....

.....

(a) Here insert the full name, description and trade or business address of the applicant or of the applicants.

(b) Strike out the words that are not applicable.

*Additional numbers may be given in a signed schedule on the back of the Form.

(c) Here insert the specification in the register.

(d) Here insert the full name, description and trade or business address of the registered user whose entry is sought to be cancelled.

(e) Here insert goods in respect of which that registered user is entered.

(f) Signature(s).

To the Registrar,
Registrar General's Office,
Port-of-Spain.

(rule 89)

TRADE MARKS Fee: 5*f* or 5*g*

FORM TM—No. 41

TRADE MARKS ACT

Application for cancellation of entry of a Registered User of a Trade Mark (Section 41(1)(c)*; rule 89).*

(To be accompanied by a Statement of the Grounds for the application.)

IN THE MATTER OF Trade Mark(s) No.(s) .....*

registered in Class .....in the name of *(a)* .....

.....

Application is hereby made by *(b)* .....

.....

(whose address for service in Trinidad and Tobago in these proceedings is .....

.....)

for the cancellation of the entry under the above-mentioned registration(s) of

(c) .....

.....

as the registered user thereof in respect of *(d)* .....

.....

.....

The grounds of this application, particulars of which are given in detail in the accompanying statement of case, are *(e)* .....

.....

.....

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

(f) .....

To the Registrar,
Registrar General's Office,
Port-of-Spain.

*Additional numbers may be given in a signed schedule on the back of the Form.

(a) Here insert the name, trade or business address and description of the registered proprietor as entered in the register.

(b) Here insert the name and address of the applicant for cancellation.

(c) Here insert the name, trade or business address and description of the registered user as entered in the register.

(d) Here insert the goods in respect of which the registered user is entered.

(e) Here insert one or more of the sub-paragraphs of paragraphs *(c)* of section 41(1) numbered (i), (ii), (iii).

(f) Signature.

(rule 90)

TRADE MARKS $15

FORM TM—No. 42

TRADE MARKS ACT

Notice to the Registrar under section 41(3) and rule 90 of intention to intervene in proceedings for the variation or cancellation of an entry of a registered User of a Trade Mark.

(To be accompanied by a Statement of the Grounds for intervention.)

IN THE MATTER OF a Trade Mark No. .....registered in

Class .....in the name of *(a)* ..... *(a)* Insert here the name of the Registered Proprietor.

and

IN THE MATTER OF a registration of *(b)* ..... *(b)* Insert here the name and trade or business address of the Registered User.

.....

thereunder as a Registered User of the Mark.

In reply to the Registrar's Notification, dated the ..... day .....

of .....19...., notice is hereby given of my intention to intervene in the proceedings in the above matter.

My address for service in Trinidad and Tobago for the purpose of these proceedings is

.....

.....

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

(c) ..... *(c)* Signature.

To the Registrar,
Registrar General's Office,
Port-of-Spain.

THIRD SCHEDULE (rules 5, 17)

CLASSIFICATION OF GOODS

Class 1

Chemical substances used in manufactures, photography or philosophical research, and anti-corrosives.

Class 2

Chemical substances used for agricultural, horticultural, veterinary and sanitary purposes.

Class 3

Chemical substances prepared for use in medicine and pharmacy.

Class 4

Raw, or partly prepared, vegetable, animal and mineral substances used in manufactures, not included in other Classes.

Class 5

Unwrought and partly wrought metals used in manufacture.

Class 6

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines and their parts included in Class 7.

Class 7

Agricultural and horticultural machinery, and parts of such machinery.

Class 8

Philosophical instruments, scientific instruments, and apparatus for useful purposes: instruments and apparatus for teaching.

Class 9

Musical instruments.

Class 10

Horological instruments.

Class 11

Instruments, apparatus, and contrivances, not medicated for surgical and curative purposes, or in relation to the health of men or animals.

Class 12

Cutlery and edge tools.

Class 13

Metal goods, not included in other Classes.

Class 14

Goods of precious metals (including aluminium, nickel, Brittania metal, etc.) and jewellery, and imitations of such goods and jewellery.

Class 15

Glass.

Class 16

Porcelain and earthenware.

Class 17

Manufactures from mineral and other substances for building or decoration.

Class 18

Engineering, architectural, and building contrivances.

Class 19

Arms, ammunition, and stores, not included in Class 20.

Class 20

Explosive substances.

Class 21

Naval architectural contrivances and naval equipments not included in other Classes.

Class 22

Carriages.

Class 23

(a) Cotton yarn.
(b) Sewing cotton.

Class 24

Cotton piece goods.

Class 25

Cotton goods not included in other Classes.

Class 26

Linen and hemp yarn and thread.

Class 27

Linen and hemp piece goods.

Class 28

Linen and hemp goods not included in other Classes.

Class 29

Jute yarns and tissues, and other articles made of jute, not included in other Classes.

Class 30

Silk, spun, thrown or sewing.

Class 31

Silk piece goods.

Class 32

Silk goods not included in other Classes.

Class 33

Yarns of wool, worsted or hair.

Class 34

Cloths and stuffs of wool, worsted or hair.

Class 35

Woollen and worsted and hair goods, not included in other Classes.

Class 36

Carpets, floor-cloth, and oil-cloth.

Class 37

Leather, skins unwrought and wrought, and articles made of leather not included in other Classes.

Class 38

Articles of clothing.

Class 39

Paper (except paper hangings), stationery and bookbinding.

Class 40

Goods manufactured from india-rubber and gutta-percha not included in other Classes.

Class 41

Furniture and upholstery.

Class 42

Substances used as food or as ingredients in food.

Class 43

Fermented liquors and spirits.

Class 44

Mineral and aerated waters, natural and artificial, including ginger beer.

Class 45

Tobacco, whether manufactured or unmanufactured.

Class 46

Seeds for agricultural and horticultural purposes.

Class 47

Candles, common soap, detergents; illuminating, heating or lubricating oils; matches; and starch, blue and other preparations for laundry purposes.

Class 48

Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).

Class 49

Games of all kinds and sporting articles not included in other Classes.

Class 50

Miscellaneous:—

(1) Goods manufactured from ivory, bone or wood, not included in other Classes.
(2) Goods manufactured from straw or grass, not included in other Classes.
(3) Goods manufactured from animal and vegetable substances, not included in other Classes.
(4) Tobacco pipes.
(5) Umbrellas, walking sticks, brushes and combs.
(6) Furniture cream, plate powder.
(7) Tarpaulins, tents, rick-cloths, rope (jute or hemp), twine.
(8) Buttons of all kinds other than of precious metal or imitations thereof.
(9) Packing and hose.
(10) Other goods not included in the foregoing Classes.