

LEGAL NOTICE NO. 197

REPUBLIC OF TRINIDAD AND TOBAGO

THE TRADE MARKS ACT, CHAP. 82:81

RULES

MADE BY THE MINISTER UNDER SECTION 51 OF THE
TRADE MARKS ACT

THE TRADE MARKS (AMENDMENT) RULES, 1997

1. These Rules may be cited as the Trade Marks (Amendment) Rules, 1997. Citation

2. In these Rules, "the Rules" means the Trade Marks Rules.

Interpretation
Chap. 82:81

3. The Rules are amended by inserting after rule 6, the following rule: Rule 6A
inserted

"Communica-
tion by tele-
facsimile

6A. (1) Documents required or authorised by the Act or these Rules to be sent to the Registrar may be transmitted by telefacsimile, provided that the original of the document so transmitted shall be filed with the Registrar within one month of such transmission.

(2) Where any form under these Rules are transmitted by telefacsimile, the paper copy resulting from such transmittal shall correspond to the form.

(3) The date of transmission of an application for registration transmitted by telefacsimile shall be the date of application provided that the original of such application is received by the Registrar within one month.

(4) The Registrar shall consider documents transmitted by telefacsimile signed if, on the print out produced by the telefacsimile, the reproduction of the signature appears."

4. Rule 9 of the Rules is amended by revoking subrules (2) and (3). Rule 9
amended

5. The Rules are amended by inserting after rule 10 the following rule: Rule 10A
inserted

"Acts of agent
or represen-
tative

10A. (1) This rule shall apply where an application for registration of a trade mark is made by a person who is an agent or representative of a person who is the proprietor of the mark in a Convention country.

(2) Where the proprietor opposes the application, registration shall be refused.

(3) Where the application is granted without being opposed by the proprietor, the proprietor may—

(a) apply for a declaration of the invalidity of the registration; or

(b) apply for the rectification of the register so as to substitute his name as the proprietor of the registered trade mark.

(4) The proprietor may, notwithstanding the rights conferred by this Act in relation to a registered trade mark, by injunction restrain any use of the trade mark which is not authorized by him.

(5) Subrules (2), (3) and (4) do not apply if, or to the extent that, the agent or representative justifies his action.

(6) An application under subrule (3)(a) or (b) shall be made within three years of the proprietor becoming aware of the registration, and no injunction shall be granted under subrule (4) in respect of a use in which the proprietor has acquiesced for a continuous period of three years or more.”.

Rule 12
revoked and
substituted

6. Rule 12 of the Rules is revoked and the following rules are substituted:

“National
emblems, etc.
of Convention
countries

12. (1) A trade mark which consists of or contains the flag of a Convention country shall not be registered without the authorization of the competent authorities of that country, unless it appears to the Registrar that use of the flag in the manner proposed is permitted without such authorization.

(2) A trade mark which consists of or contains the armorial bearings or any other state emblem of a Convention country which is protected under the Paris Convention shall not be registered without the authorization of the competent authorities of that country.

(3) A trade mark which consists of or contains an official sign or hallmark adopted by a Convention country and indicating control and warranty shall not, where the sign or hallmark is protected under the Paris Convention, be registered in relation to goods or services of the same, or a similar kind, as those in relation to

which it indicates control and warranty, without the authorization of the competent authorities of the country concerned.

(4) The provisions of this section as to national flags and other state emblems, and official signs of hallmarks, apply equally to anything which from a heraldic point of view imitates any such flag or other emblem, or sign or hallmark.

(5) Nothing in this section prevents the registration of a trade mark on the application of a national of a country who is authorized to make use of a state emblem, or official sign or hallmark, of that country, notwithstanding that it is similar to that of another country.

(6) Where by virtue of this section the authorization of the competent authorities of a Convention country is or would be required for the registration of a trade mark, those authorities are entitled to restrain by injunction any use of the mark in Trinidad and Tobago without their authorization.

Emblems, etc.
of certain
international
organizations

12A. (1) This section applies to—

- (a) the armorial bearings, flags or other emblems; and
- (b) the abbreviations and names,

of international inter-governmental organizations of which one or more Convention countries are members.

(2) A trade mark which consists of or contains any such emblem, abbreviation or name which is protected under the Paris Convention shall not be registered without the authorization of the international organization concerned, unless it appears to the Registrar that the use of the emblem, abbreviation or name in the manner proposed—

- (a) is not such as to suggest to the public that a connection exists between the organization and the trade mark; or
- (b) is not likely to mislead the public as to the existence of a connection between the user and the organization.

(3) The provisions of this rule as to emblems of an international organization apply equally to anything which from a heraldic point of view imitates any such emblem.

(4) Where by virtue of this rule the authorization of an international organization is or would be required for the registration of a trade mark, that organization is entitled to restrain by injunction any use of the mark in Trinidad and Tobago without its authorization.

(5) Nothing in this section affects the rights of a person whose *bona fide* use of the trade mark in question began before 1st August, 1964 (when the relevant provisions of the Paris Convention entered into force in relation to Trinidad and Tobago).

"Notification
under Article
6ter of the
Convention

12B. (1) For the purposes of rule 12 state emblems of a Convention country (other than the national flag), and official signs or hallmarks, shall be regarded as protected under the Paris Convention only if, or to the extent that—

- (a) the country in question has notified Trinidad and Tobago in accordance with Article 6ter(3) of the Convention that it desires to protect that emblem, sign or hallmark;
- (b) the notification remains in force; and
- (c) Trinidad and Tobago has not objected to it in accordance with Article 6ter(4) or any such objection has been withdrawn.

(2) For the purposes of rule 12A the emblems, abbreviations and names of an international organization shall be regarded as protected under the Paris Convention only if or to the extent that—

- (a) the organization in question has notified Trinidad and Tobago in accordance with Article 6ter(3) of the Convention that it desires to protect that emblem, abbreviation or name;
- (b) the notification remains in force; and
- (c) Trinidad and Tobago has not objected to it in accordance with Article 6ter(4) or any such objection has been withdrawn.

(3) Notification under Article 6ter(3) of the Paris Convention shall have effect only in relation to applications for registration made more than two months after receipt of the notification.

(4) The Registrar shall keep and make available for public inspection by any person, at all reasonable hours and free of charge, a list of—

(a) the state emblems and official signs or hallmarks; and

(b) the emblems, abbreviations and names of international organizations, which are for the time being protected under the Paris Convention by virtue of notification under Article 6ter(3).”.

7. Rule 17 of the Rules is amended—

Rule 17
amended

(a) in subsection (1)—

(i) by deleting the words “or Defensive”; and

(ii) by deleting the words “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”;

(b) in subsection (3), by deleting the words “all the goods included in a class, or of”.

8. Rule 21 of the Rules is revoked and the following rules are substituted:

Rule 21
revoked and
substituted

“Single applications for goods and services in several classes

21. (1) One and the same application may relate to several goods, services, or goods and services irrespective of whether they belong to one class or to several classes of the Nice Classification.

(2) Goods or services may not be considered as being similar to each other on the ground that in any registration or publication by the office, they appear in the same class of the Nice Classification.

(3) Goods or services may not be considered as being dissimilar to each other on the ground that in any registration or publication by the office, they appear in different classes of the Nice Classification.

Division of application or registration

21A. (1) Any application listing several goods, services or goods and services may—

(a) at least until the decision by the Registrar on the registration of the mark;

(b) during any opposition proceedings against the decision of the Registrar to register the mark; and

(c) during any appeal proceedings against the decision on the registration of the mark, be divided by the applicant or at his request into two or more applications (hereinafter referred to as "divisional applications") by distributing among the latter goods, services or goods and services listed in the initial application.

(2) The divisional applications shall preserve the filing date of the initial application and the benefit of the right of priority, if any.

(3) Subrules (1) and (2) shall apply, *mutatis mutandis*, with respect to a division of a registration.

(4) A division of a registration shall be permitted—

(a) during any proceedings in which the validity of the registration is challenged before the Registrar by a third party; or

(b) during any appeal proceedings against a decision taken by the Registrar during the former proceedings."

Rule 32
revoked

9. The Rules are amended by deleting the heading "DEFENSIVE TRADE MARKS" and by revoking rule 32.

Rule 53
revoked and
substituted

10. Rule 53 of the Rules is revoked and the following rule is substituted:

"Filing
require-
ments

53. (1) Where an application does not, at the time of its receipt by the Registrar, comply with any of the following requirements:

(a) an express or implicit indication that the registration of a mark is sought;

(b) indications allowing the identity of the applicant to be established;

(c) indications sufficient to contact the applicant or his representative, if any, by mail;

(d) a sufficiently clear reproduction of the trade mark whose registration is sought;

(e) the list of the goods or services for which the registration is sought,

the Registrar shall invite the applicant to comply with such requirements within one month from the date of the invitation where the applicant's address is in Trinidad and Tobago and two months where the

applicant's address is outside Trinidad and Tobago, but if the Registrar fails to send the invitation the above requirements shall remain unaffected.

(2) Where, within the time limit indicated in the invitation, the applicant complies with the invitation and pays the prescribed fees, the filing date shall be the date on which all the requirements referred to in subsection (1) have been received by the Registrar and the prescribed fee has been paid to the office and, if the applicant does not comply with the invitation or pay the prescribed fees within the time, then such application shall be treated as if it has not been filed.

(3) The Registrar may accord as the filing date of the application the date on which the Registrar received only some, rather than all, of the indications and elements referred to in subsection (1) or received them in a language other than English.”.

11. Rule 54(2) of the Rules is amended by deleting the words “(if an application on Form TM—No. 27 for the entry thereof has been approved)”.

Rule 54
amended

12. Rule 57 of the Rules is revoked and the following rule is substituted:

Rule 57
revoked and
substituted

“Application for renewal” 57. An application for the renewal of the registration of a trade mark under section 25A of the Act shall be made on Form TM—No. 9.”.

13. Rules 58 and 59 of the Rules are revoked.

Rules 58 and
59 revoked

14. Rules 61 to 65 of the Rules are revoked and the following rule is substituted:

Rules 61 to 65
revoked and
substituted

“Registration of assignment” 61. Where a person becomes entitled by assignment or transmission to a registered trade mark he may, jointly with the proprietor, make application to the Registrar on Form TM—No. 12 together with a certificate on Form TM—No. 13 or a transfer document on Form TM—No. 14 to register his title.”.

15. Rule 66 of the Rules is amended—

Rule 66
amended

- (a) in subrule (1), by deleting from the words “An application” to the words “subsisted, then” and substituting the words “Where an application under rule 61 is made,”; and
- (b) in subrule (2), by deleting the words “or rule 62”.

Rule 68
amended

16. Rule 68 of the Rules is amended by deleting the words "or rule 62".

Rule 71
revoked and
substituted

17. Rule 71 of the Rules is revoked and the following rule is substituted:

"Alteration of
address in
Register

71. (1) A registered proprietor of a trade mark—
- (a) whose trade or business relation is changed so that the entry in the Register is rendered incorrect;
 - (b) 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;
 - (c) 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,

shall forthwith request the Registrar on Form TM—No. 15 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.

(2) 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 Form TM—No. 15 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.

(3) All applications made under this rule on Form TM—No. 15 shall be signed by the registered proprietor, or by an agent expressly authorized by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows."

18. Rule 79 of the Rules is revoked and the following rule is substituted: Rule 79
revoked and
substituted

“Alteration
of registered
trade mark

79. (1) A registered trade mark shall not be altered in the register, during the period of registration or on renewal.

(2) Notwithstanding subrule (1), the Registrar may, at the request of the proprietor, allow the alteration of a registered trade mark where the mark includes the proprietor’s name or address and the alteration is limited to alteration of that name or address and does not substantially affect the identity of the trade mark.”

19. The First Schedule to the Rules is amended—

First
Schedule
amended

(a) in item 1—

- (i) by inserting after the words “one class”, the words “or to register a series of trade marks under section 26(3) for a specification of goods included in one class”; and
 - (ii) by deleting the word “150.00” and substituting the words 300.00 for an application in one class and 100.00 for each additional class;
- (b) in item 1c, by deleting the word “150.00” and substituting the word “300.00”;
- (c) in item 1d, by deleting the word “150.00” and substituting the word “300.00”;
- (d) in item 2, by deleting the word “30.00” and substituting the word “60.00”
- (e) by deleting items 1a and 1b;
- (f) in item 3, by deleting the word “40.00” and substituting the word “100.00”;
- (g) in item 3a, by deleting the word “40.00” and substituting the word “100.00”;
- (h) in item 5d, by deleting the word “60.00” and substituting the word “100.00”;
- (i) in item 5e, by deleting the words “60.00” and “10.00” and substituting the words “100.00” and “20.00” respectively;
- (j) in item 5f, by deleting the word “60.00” and substituting the word “100.00”;
- (k) in item 5g, by deleting the words “60.00” and “10.00” and substituting the words “100.00” and “20.00” respectively;
- (l) in item 9a, by deleting the words “30.00” and “10.00” and substituting the words “40.00” and “20.00” respectively;

- (m) in item 10, by deleting the word "120.00" and substituting the word "200.00";
- (n) in item 10a, by deleting the word "120.00" and substituting the word "200.00";
- (o) by deleting item 10c and substituting the following:
"10c. Late renewal fee (in addition to renewal fee) 200.00";
- (p) in item 14, by deleting the word "30.00" and substituting the word "100.00";
- (q) in item 19, by deleting the word "40.00" and substituting the word "150.00";
- (r) in item 19a, by deleting the word "40.00" and substituting the word "150.00";
- (s) in item 20, by deleting the words "10.00" and "6.00" and substituting the words "40.00" and "20.00" respectively;
- (t) in item 20a, by deleting the words "10.00" and "6.00" and substituting the words "40.00" and "20.00" respectively;
- (u) by inserting after item 23, the following items:

"24. Recordal of an
assignment 100.00 TM—No. 12

"25. Recordal of change of
name or address 40.00 TM—No. 15".

Second
Schedule
amended

20. The Second Schedule to the Rules is amended—

- (a) by deleting Forms TM—Nos. 8, 10, 11, 18 and 27;
- (b) by deleting Forms TM—Nos. 1, 2, 9, 12, 13, 14, 15 and 17 and substituting respectively the following forms:

FORM TM—No. 1

TRADE MARKS ACT

Authorisation of Agent

For Office use only

Reference number of person making the appointment:*

1. Appointment

The undersigned hereby appoints as his representative the person identified in item 3, below.

2. Name of the Person Making the Appointment†

3. Representative

3.1 Name:

3.2 Address (including postal code and country):

Telephone number(s):
(with the area code)

Telefacsimile number(s):
(with the area code)

*The reference number allotted by the person making the appointment to this authorisation of agent may be indicated in this space.

†If the person making the appointment is the applicant (or one of the applicants), the name to be indicated is that of that applicant, as indicated in the application(s) to which this authorisation relates. If the said person is the holder (or one of the holders), the name to be indicated is that of that holder, as recorded in the register of marks. If the said persons or an interested person other than an applicant or holder, the name to be indicated is the full name of that person or the name customarily used by that person.

4. Application(s) and/or Registration(s) Concerned

This authorisation of agent concerns:

- 4.1 all existing and future applications and/or registrations of the person making the appointment, subject to any exception indicated on an additional sheet.
- 4.2 the following application(s) and/or registration(s):
- 4.2.1 the application(s) concerning the following mark(s)*:
- 4.2.2 the application(s) having the following application number(s)† as well as any registration(s) resulting therefrom:
- 4.2.3 the registration(s) having the following registration number(s):
- 4.2.4 If the spaces under 4.2.1, or 4.2.2 or 4.2.3 are not sufficient, check this box and provide the information on an additional sheet.
-

*Complete this item if the authorisation of agent is filed with the Office together with the application(s).

†Where the application number of an application has not yet been issued or is not known to the applicant or his representative, that application may be identified by furnishing either: (i) the provisional application number, if any, given by the Office; or (ii) a copy of the application; or (iii) a reproduction of the mark, accompanied by an indication of the date on which, to the best knowledge of the applicant or his representative, the application was received by the Office and an identification number given to the application by the applicant or his representative.

5. Scope of the Authorisation of Agent

5.1 Check this box if the representative has the right to act as representative for all purposes, including, where the person making the appointment is an applicant or a holder, the following purposes:

5.1.1 withdrawal of the applications(s)

5.1.2 surrender of the registration(s)

5.2 Check this box if the representative does not have the right to act as representative for all purposes and indicate here or on an additional sheet purposes excluded from the powers of the representative:

6. Signature

6.1 Name of the natural person who signs:

6.2 Date of signature:

6.3 Signature:

7. Additional Sheets and Attachments

Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:

FORM TM—No. 2

TRADE MARKS ACT

APPLICATION FOR THE REGISTRATION OF A TRADE MARK

For Office use only

Reference number of applicant:*

Reference number of representative:*

1. Request for Registration

Registration of the mark reproduced in the present application is hereby requested in Part† of the Register.

*The reference number allotted by the applicant and/or the reference number allotted by the representative to the present application may be indicated in this space.

†Write here "A" or "B" according to registration desired.

FORM TM—No. 2, Page 2

2. Applicant(s)

2.1 If the applicant is a natural person, the person's

(a) family or principal name:*

(b) given or secondary name(s):*

2.2 If the applicant is a legal entity, the entity's full official designation:

2.3 Address (including postal code and country):

Telephone number(s):
(with the area code)Telefacsimile number(s):
(with the area code)

2.4 State of nationality:

State of establishment:†

2.5 Where the applicant is a legal entity, indicate

the legal nature of the legal entity:

the State, and, where applicable, the territorial unit within that State, under the law of the legal entity is organized:

2.6 Check this box if there is more than one applicant: in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 2.1 or 2.2, 2.3, 2.4 and 2.5. ‡

*The name to be indicated under (a) and (b) are either the full name of the applicant or the names customarily used by the applicant.

† "Establishment" means a real and effective industrial or commercial establishment.

‡Where several applicants are listed on the additional sheet with different addresses and there is no representative, the address for correspondence must be underlined on the additional sheet.

3. Representative

3.1 The applicant is not represented.3.2 The applicant is represented.

3.2.1 identification of the representative

3.2.1.1 Name:

3.2.1.2 Address (including postal code and country)

Telephone number(s):
(with the area code)Telefacsimile number(s):
(with the area code)3.2.2 The authorization of agent is already in the possession of the
Office. Serial number: *3.2.3 The authorisation of agent is attached.3.2.4 The authorisation of agent will be furnished at a later date.3.2.5 No authorization of agent is needed.

4. Address for Service†

*To be left blank if the authorization of agent has not, or has not yet, been allotted a serial number or if the serial number is not yet known to the applicant or the representative.

†An address for service must be indicated in the space available under the title of item 4 where the applicant does not have or, if there is more than one applicant, where none of the applicants has a domicile or a real and effective industrial or commercial establishment in Trinidad and Tobago, except where a representative is indicated in item 3.

FORM TM—No. 2, Page 4

5. Claiming of Priority

The applicant hereby claims the following priority:

5.1 Country (Office) of first filing:*

5.2 Date of first filing:

5.3 Application number of first filing (if available):

5.4 The certified copy of the application the priority of which is claimed†

5.4.1 is attached.

5.4.2 will be furnished within three months from the filing date of the present application.

5.5 The translation of the certified copy

5.5.1 is attached.

5.5.2 will be furnished within three months from the filing date of the present application.

5.6 Check this box if there is more than one filing whose priority is claimed; in that case, list them on an additional sheet and indicate, in respect of each of them, the information referred to in items 5.1, 5.2, 5.3, 5.4 and 5.5 and the goods and/or services mentioned in each of them.

*Where the application the priority of which is claimed was filed with an Office other than a national Office (e.g., OAPI, the Benelux Trademark Office and the Office for Harmonization in the Internal Market (trade marks and designs), the name of that Office has to be indicated instead of the name of a country. Otherwise, not the name of the Office but the name of the country must be indicated.

†“Certified copy” means a copy of the application the priority of which is claimed, certified as being in conformity with the original by the Office which received such application.

6. Registration(s) in the Country (Office) of Origin*

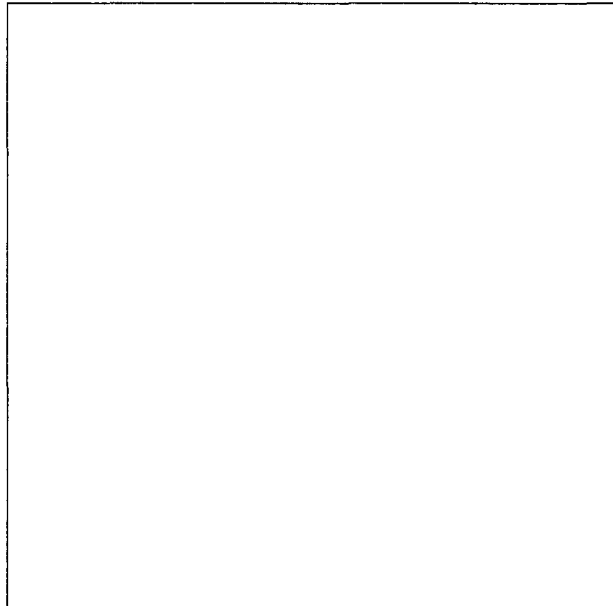
- The certificate(s) of registration in the country (Office) or origin is (are) attached.
-

7. Protection Resulting From Display in an Exhibition

- Check this box if the applicant wishes to take advantage of any protection resulting from the display of goods and/or services in an exhibition. In that case, give the details on an additional sheet.
-

8. Reproduction of the Mark

(8 cm x 8 cm)



*To be filled in where the applicant wishes to furnish evidence under Article 6 *quinquies* A(1) of the Paris Convention when filing the application.

FORM TM—No. 2, Page 6

8.1 The applicant wishes that the Office register and publish the mark in the standard characters used by it.*

8.2 Colour is claimed as a distinctive feature of the mark.

8.2.1 Name(s) of the colour(s) claimed:

8.2.2 Principal parts of the mark which are in that (those) colour(s):

8.3 The mark is three-dimensional.

†different views of the mark are attached.

8.4 ‡reproduction(s) of the mark in black and white is (are) attached.

8.5 ‡reproduction(s) of the mark in colour is (are) attached.

9. Transliteration of the Mark

The mark or part of the mark is transliterated as follows:

10. Translation of the Mark

The mark or part of the mark is translated as follows:

*Such a wish cannot be expressed in respect of marks which contain or consist of figurative elements. If, in the opinion of the Office, they do contain such elements, the Office will ignore the wish of the applicant and will register and publish the mark as appearing in the square.

†If several different views of the mark are not included in the square provided in item 8 but are attached, check this box and indicate the number of those different views.

‡Indicate the number of reproduction in black and white and/or colour.

11. Goods and/or Services

Names of the goods and/or services:*

- Check this box if the space above is not sufficient; in that case, give the names of the goods and/or services on an additional sheet.
-

12. Declaration Concerning Intention to Use or Actual Use: Evidence of Actual Use

12.1 Check this box if a declaration is attached.

12.2 Check this box if evidence of actual use is attached.

*Where the goods and/or services belong to more than one class of the Nice Classification, they must be grouped according to the classes of that Classification. The number of each class must be indicated and the goods and/or services belonging to the same class must be grouped following the indication of the number of that class. Each group of goods or services must be presented in the order of the classes of the Nice Classification. Where all the goods or services belong to one class of the Nice Classification, the number of that class must be indicated.

FORM TM—No. 2, Page 8

13. Signature

13.1 Name of the natural person who signs:

13.2 Check the appropriate box according to whether the signature is given of the

13.2.1 applicant.

13.2.2 representative.

13.3 Date of signature:

13.4 Signature:

14. Fee(s)

14.1 Amount(s) of the fee(s) paid in connection with the present application:

14.2 Method of payment:

15. Additional Sheets and Attachments

Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:

FORM TM—No. 9

TRADE MARKS ACT

REQUEST FOR THE RENEWAL OF A REGISTRATION

For Office use only

Reference number of holder:*
Reference number of representative:*.....

1. Indication That a Renewal Is Sought

The renewal of the registration identified in the present request is hereby requested.

2. Registration Concerned

2.1 Registration number:

2.2 Filing date of the application which resulted in the registration:

Registration date:

*The reference number allotted by the holder and/or the reference number allotted by the representative to the present request for renewal may be indicated in this space.

3. Holder(s)

3.1 If the holder is a natural person, the person's

(a) family or principal name:*

(b) given or secondary name(s):*

3.2 If the holder is a legal entity, the entity's full official designation:

3.3 Address (including postal code and country):

Telephone number(s):
(with the area code)

Telefacsimile number(s):
(with the area code)

3.4 Check this box if there is more than one holder; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 3.1 or 3.2 and 3.3.

*The names to be indicated under (a) and (b) are those which are recorded in respect of the registration to which the present request relates.

4. Representative of the Holder

4.1 Name:

4.2 Address (including postal code and country):

Telephone number(s):
(with the area code)Telefacsimile number(s):
(with the area code)

4.3 Serial number of the authorisation of agent:*

5. Address for Service of the Holder

*To be left blank if the authorisation of agent has not, or has not yet, been allotted a serial number or if the serial number is not yet known to the holder or the representative.

FORM TM—No. 9, Page 4

6. Goods and Services*

- 6.1 Renewal is requested for all the goods and/or services covered by the registration.
- 6.2 Renewal is only requested for the following goods and/or services covered by the registration:†
- 6.3 Renewal is requested for all the goods and/or services covered by the registration except the following:‡
- 6.4 Check this box if the above space is insufficient and use an additional sheet.

*Check only one of boxes 6.1, 6.2 or 6.3.

†The list of the goods and/or services for which renewal is requested must be presented in the same way as it appears in the registration (grouping according to the classes of the Nice Classification, starting with an indication of the number of the relevant class and, where the goods or services belong to more than one class, presentation in the order of the classes of that Classification).

‡The goods and/or services for which renewal is not requested must, where they belong to more than one class of the Nice Classification, be grouped according to the classes of that Classification, starting with an indication of the number of the relevant class and presented in the order of the classes of the said Classification.

7. Person, Other Than the Holder or the Representative of the Holder, who Files the Present Request For Renewal

IMPORTANT: A person other than the holder or the representative of the holder may file a request for renewal only where the Contracting Party concerned allows it. Consequently, the present item cannot be completed if the Contracting Party whose Office is the Office identified on the first page of the present request for renewal does not allow a request for renewal to be filed by a person other than the holder or the representative of the holder.

Check this box if the present request for renewal is filed by a person other than the holder or the representative of the holder.

7.1 If the person is a natural person, the person's

(a) family or principal name:

(b) given or secondary name(s):

7.2 If the person is a legal entity, the entity's full official designation:

7.3 Address (including postal code and country):

Telephone number(s):
(with the area code)

Telefacsimile number(s):
(with the area code)

8. Signature

8.1 Name of the natural person who signs:

8.2 Check the appropriate box according to whether the signature is given by the

8.2.1 holder.

8.2.2 representative of the holder.

8.2.2 person referred to in item 7.

8.3 Date of signature:

8.4 Signature:

9. Fee

9.1 Amount of the fee paid in connection with the present request for renewal:

9.2 Method of Payment:

10. Additional Sheets

Check this box if additional sheets are enclosed and indicate the total number of such sheets.

Form TM—No. 12

TRADE MARKS ACT

REQUEST FOR THE RECORDAL OF A CHANGE IN OWNERSHIP

In respect of registration(s) and/or application(s) for registration of marks

For Office use only

Reference number of holder and/or applicant:*

Reference number of representative:*

1. Request for Recordal

The recordal of the change in ownership indicated in the present request is hereby requested.

2. Registration(s) and/or Application(s) Concerned

The present request concerns the following registration(s) and/or application(s):

2.1 Registration number(s):

2.2 Application number(s):†

2.3 If the spaces under 2.1 or 2.2 are not sufficient, check this box and provide the information on an additional sheet.

*The reference number allotted by the holder and/or applicant and/or the reference number allotted by the representative to the present request may be indicated in this space.

†Where the application number of an application has not yet been issued or is not known to the applicant or his representative, that application may be identified by furnishing either: (i) the provisional application number, if any, given by the Office, or (ii) a copy of the application, or (iii) a reproduction of the mark, accompanied by an indication of the date on which, to the best knowledge of the applicant or his representative, the application was received by the Office and an identification number given to the application by the applicant or his representative.

3. Goods and/or Services Affected by the Change

3.1 Check this box where all the goods and/or services listed in the application(s) and/or registration(s) referred to in item 2 are affected by the change.

3.2 Check this box where item 2 mentions only one application or registration and where only some of the goods and/or services listed in that application or registration are affected by the change and indicate the goods and/or services that should appear in the application or registration of the new owner (in which case the goods and/or services not indicated will remain in the application or registration of the applicant or holder):

3.3 Check this box where item 2 mentions more than one application or registration and if in respect of at least one of them the change affects less than all the goods and/or services listed. In this case, indicate on an additional sheet, separately in respect of each application and/or registration, whether the change affects all the goods and/or services or only some of them. In respect of any application or registration where only some of the goods and/or services are affected by the change, make the indication in the way specified in item 3.2.

4. Basis for the Change in ownership

4.1 The change in ownership results from a contract. One of the following documents is enclosed:

4.1.1 a copy, certified as being in conformity with the original, of the contract.

4.1.2 an extract, certified as being a true extract, of the contract.

4.1.3 a certificate of transfer.

4.1.4 a transfer document.

4.2 The change in ownership results from a merger.

A copy, certified as being in conformity with the original, of the following document, evidencing the merger, is enclosed:

4.2.1 extract from the register of companies.

4.2.2 other document originating from the competent authority.

4.3 The change in ownership does not result from the contract or a merger.

4.3.1 A copy, certified as being in conformity with the original, of a document evidencing the change is enclosed.

FORM TM—No. 12, Page 4

5. Holder(s) and/or Applicant(s)

5.1 If the holder and/or applicant is a natural person, the person's

(a) family or principal name:*

(b) given or secondary name(s):*

5.2 If the holder and/or applicant is a legal entity, the entity's full official designation:

5.3 Address (including postal code and country):

Telephone number(s):
(with the area code)Telefacsimile number(s):
(with the area code)5.4 Check this box if there is more than one holder and/or applicant affected by the change; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in item 5.1 or 5.2 and 5.3.5.5 Check this box if the holder and/or applicant, or one of the holders and/or applicants, has changed names and/or addresses without requesting the recordal of that change, and enclose a document evidencing that the person having transferred the ownership and the holder and/or applicant are the same person.

6. Representative of the Holder and/or Applicant

6.1 Name:

6.2 Address (including postal code and country):

Telephone number(s):
(with the area code)Telefacsimile number(s):
(with the area code)

6.3 Serial number of the authorisation of agent:†

*The names to be indicated under (a) and (b) are those which were indicated in the application(s), or are recorded in respect of the registration(s), to which the present request relates.

†To be left blank if the authorisation of agent has not, or has not yet, been allotted a serial number or if the serial number is not yet known to the holder and/or applicant or the representative.

7. Address for Service of the Holder and/or Applicant

8. New Owner(s)

8.1 If the new owner is a natural person, the person's

(a) family or principal name:*

(b) given or secondary name(s):*

8.2 If the new owner is a legal entity, the entity's full official designation:

8.3 Address (including postal code and country):

Telephone number(s):
(with the area code)

Telefacsimile number(s):
(with the area code)

8.4 State of nationality:

State of establishment:†

8.5 Where the new owner is a legal entity, indicate

—the legal nature of the legal entity:

—the State, and, where applicable, the territorial unit within that State, under the law of which the legal entity is organised:

8.6 Check this box if there is more than one new owner; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 8.1 or 8.2, 8.3, 8.4 and 8.5.‡

*The names to be indicated under (a) and (b) are either the full names of the new owner or the names customarily used by the new owner.

†"Establishment" means a real and effective industrial or commercial establishment.

‡Where several new owners are listed on the additional sheet with different addresses and there is no representative, the address for correspondence must be underlined on the additional sheet.

9. Representative of the New Owner

9.1 The new owner is not represented.

9.2 The new owner is represented.

9.2.1 Identification of the representative

9.2.1.1 Name:

9.2.1.2 Address (including postal code and country):

Telephone number(s):
(with the area code)

Telefacsimile number(s):
(with the area code)

9.2.2 The authorisation of agent is already in the possession of the Office.

Serial number:*

9.2.3 The authorisation of agent is attached.

9.2.4 The authorisation of agent will be furnished at a later date.

9.2.5 No authorisation of agent is needed.

10. Address for Service of the New Owner†

*To be left blank if the authorisation of agent has not, or has not yet, been allotted a serial number or if the serial number is not yet known to the new owner or the representative.

†An address for service must be indicated in the space available under the title of item 10 where the new owner does not have or, if there is more than one new owner, where none of the new owners has a domicile or a real and effective industrial or commercial establishment on the territory of the Contracting Party whose Office is the Office named on the first page of the present request, except where a representative is indicated in item 9.

11. Signature

11.1 Name of the natural person who signs:

11.2 Check the appropriate box according to whether the signature is given by

11.2.1 holder and/or applicant11.2.2 new owner11.2.3 representative

11.3 Date of signature:

11.4 Signature:

12. Fee

12.1 Amount of the fee paid in connection with the present request for the recordal of a change in ownership:

12.2 Method of payment:

13. Additional Sheets and Attachments

 Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:

FORM TM—No. 13

TRADE MARKS ACT

CERTIFICATE OF TRANSFER

In respect of registration(s) and/or application(s) for registration of marks

For Office use only

1. Certification

The undersigned transferor(s) and transferee(s) hereby certify that the ownership of the registration(s) and/or application(s) identified below has been transferred by contract.

2. Registration(s) and/or Application(s) Concerned

The present certificate concerns the transfer of the following registration(s) and/or application(s):

2.1 Registration number(s):

2.2 Application number(s):*

2.3 If the spaces under 2.1 or 2.2 are not sufficient, check this box and provide the information on an additional sheet.

*Where the application number of an application has not yet been issued or is not known to the transferor or his representative, that application may be identified by furnishing either: (i) the provisional application number, if any, given by the Office, or (ii) a copy of the application, or (iii) a reproduction of the mark, accompanied by an indication of the date on which, to the best knowledge of the transferor or his representative, the application was received by the Office and an identification number given to the application by the transferor or his representative.

3. Goods and/or Services Affected by the Transfer

3.1 Check this box where all the goods and/or services listed in the application(s) and/or registration(s) referred to in item 2 have been affected by the transfer.

3.2 Check this box where item 2 mentions only one application or registration and where only some of the goods and/or services listed in that application or registration have been affected by the transfer and indicate the goods and/or services that have been affected by the transfer.

3.3 Check this box where item 2 mentions more than one application or registration and if in respect of at least one of them the transfer has affected less than all the goods and/or services listed. In this case, indicate on an additional sheet, separately in respect of each application and/or registration, whether the transfer affected all the goods and/or services or only some of them. In respect of any application or registration where only some of the goods and/or services were affected by the transfer, make the indication in the way specified in item 3.2.

4. Transferor(s)

4.1 If the transferor is a natural person, the person's

(a) family or principal name:*

(b) given or secondary name(s):*

4.2 If the transferor is a legal entity, the entity's full official designation:

4.3 Address (including postal code and country):

Telephone number(s):
(with the area code)

Telefacsimile number(s):
(with the area code)

4.4 Check this box if there is more than one transferor; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 4.1 or 4.2 and 4.3.

*The names to be indicated under (a) and (b) are those which were indicated in the application(s), or are recorded in respect of the registration(s), to which the present certificate relates.

5. Transferee(s)

5.1 If the transferee is a natural person, the person's

(a) family or principal name:*

(b) given or secondary name(s):*

5.2 If the transferee is a legal entity, the entity's full official designation:

5.3 Address (including postal code and country):

Telephone number(s):
(with the area code)Telefacsimile number(s):
(with the area code)5.4 Check this box if there is more than one transferee; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 5.1 or 5.2 and 5.3.

*The names to be indicated under (a) and (b) are either the full names of the transferee or the names customarily used by the transferee.

6. Signatures

6.1 Signature(s) of the transferor(s)

6.1.1 Name(s) of the natural person(s) who sign(s):

6.1.2 Date of signature(s):

6.1.3 Signature(s):

6.2 Signature(s) of the transferee(s):

6.2.1 Name(s) of the natural person(s) who sign(s):

6.2.2 Date of signature(s):

6.2.3 Signature(s):

7. Additional Sheets and Attachments

Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:

FORM TM—No. 14

TRADE MARKS ACT

TRANSFER DOCUMENT

in respect of registration(s) and/or
application(s) for registration of marks

For Office use only

1. Declaration of Transfer

The undersigned transferor(s) transfers (transfer) to the undersigned transferee(s) the ownership of the registration(s) and/or application(s) identified below.

2. Registration(s) and/or Application(s) Concerned

The present document concerns the transfer of the following registration(s) and/or application(s):

2.1 Registration number(s):

2.2 Application number(s):*

2.3 If the spaces under 2.1 or 2.2 are not sufficient, check this box and provide the information on an additional sheet.

*Where the application number of an application has not yet been issued or is not known to the transferor or his representative, that application may be identified by furnishing either: (i) the provisional application number, if any, given by the Office, or (ii) a copy of the application; or (iii) a reproduction of the mark, accompanied by an indication of the date on which, to the best knowledge of the transferor or his representative, the application was received by the Office and an identification number given to the application by the transferor or his representative.

3. Goods and/or Services Affected by the Transfer

3.1 Check this box where all the goods and/or services listed in the application(s) and/or registration(s) referred to in item 2 are affected by the transfer.

3.2 Check this box where item 2 mentions only one application or registration and where only some of the goods and/or services listed in that application or registration are affected by the transfer and indicate the goods and/or services that are affected by the transfer:

3.3 Check this box where item 2 mentions more than one application or registration and if in respect of at least one of them the transfer affects less than all the goods and/or services listed. In this case, indicate on an additional sheet, separately in respect of each application and/or registration, whether the transfer affects all the goods and/or services or only some of them. In respect of any application or registration where only some of the goods and/or services are affected by the transfer, make the indication in the way specified in item 3.2.

4. Transferor(s)

4.1 If the transferor is a natural person, the person's

(a) family or principal name:*

(b) given or secondary name(s):*

4.2 If the transferor is a legal entity, the entity's full official designation:

4.3 Address (including postal code and country):

Telephone number(s):
(with the area code)Telefacsimile number(s):
(with the area code)4.4 Check this box if there is more than one transferor; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 4.1 or 4.2 and 4.3.

*The names to be indicated under (a) and (b) are those which were indicated in the application(s), or are recorded in respect of the registration(s), to which the present document relates.

5. Transferee(s)

5.1 If the transferee is a natural person, the person's

(a) family or principal name:*

(b) given or secondary name(s):*

5.2 If the transferee is a legal entity, the entity's full official designation:

5.3 Address (including postal code and country):

Telephone number(s):
(with the area code)Telefacsimile number(s):
(with the area code)5.4 Check this box if there is more than one transferee; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 5.1 or 5.2 and 5.3.

6. Additional Indications [see the Annex to this Form (attached)]
(the furnishing of any of those indications is optional for the purposes of recordal of the change in ownership) Check this box if the Annex is used.

*The names to be indicated under (a) and (b) are either the full names of the transferee or the names customarily used by the transferee.

7. Signatures**7.1 Signature(s) of the transferor(s)****7.1.1 Name(s) of the natural person(s) who sign(s):****7.1.2 Date of signature(s):****7.1.3 Signature(s):****7.2 Signature(s) of the transferee(s)****7.2.1 Name(s) of the natural person(s) who sign(s):****7.2.2 Date of signature(s):****7.2.3 Signature(s):**

8. Additional Sheets, Attachments and Annex

Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:

Check this box if an Annex is enclosed and indicate the number of the pages of the Annex and the number of any additional sheets to the Annex:

ANNEX TO FORM TM—No. 14

Additional Indications Relating
to a Transfer Document (Item 6)

A. Transfer of Goodwill or Business

- (a) Check this box where the transfer is made with the relevant goodwill or the business in respect of all the goods and/or services listed in the application(s) and/or registration(s) referred to in item 2 of the transfer document.
- (b) Check this box where item 2 of the transfer document mentions only one application or registration and where the transfer is made with the relevant goodwill or the business in respect of only some of the goods and/or services listed in that application or registration and indicate the goods and/or services in respect of which the transfer is made with the relevant goodwill or the business:
- (c) Check this box where item 2 of the transfer document mentions more than one application or registration and if in respect of at least one of them the transfer is made with the relevant goodwill or the business in respect of less than all the goods and/or services listed. In this case, indicate on an additional sheet, separately in respect of each application and/or registration, whether the transfer is made with the relevant goodwill or the business in respect of all the goods and/or services or only some of them. In respect of any application or registration where the transfer is made with the relevant goodwill or the business in respect of only some of the goods and/or services, make the indication in the way specified in item (b).

B. Transfer of Rights Resulting from Use

The rights, arising from the use of the mark, are transferred in respect of

- (a) all registration(s) and/or application(s)
- (b) only the following registration(s) and/or application(s)

C. Transfer of the Right to Sue

- The transferee shall have the right to sue for past infringements.

D. Consideration

- (a) The transfer is effected in consideration for money received.
- (b) The transfer is effected in consideration for money received and other good and valuable consideration.
- (c) The transferor hereby acknowledges receipt of the above-mentioned consideration

E. Effective Date of the Transfer

- (a) The transfer is effective as of the date of signature of the present transfer document.
- (b) The transfer is effective as of the following date:

FORM TM—No. 15

TRADE MARKS ACT

Request for the Recordal or Change(s) in
Name(s) or Address(es)

in respect of registration(s) and/or
application(s) for registration
of mark(s)

For Office use only

Reference number of holder and/or applicant:*
Reference number of representative:*

1. Request for Recordal

The recordal of the change(s) indicated in the present request is hereby requested.

2. Registration(s) and/or Application(s) Concerned

The present request concerns the following registration(s) and/or application(s):

2.1 Registration number(s):

2.2 Application number(s):†

2.3 If the spaces under 2.1 or 2.2 are not sufficient, check this box and provide the information on an additional sheet.

*The reference number allotted by the holder and/or applicant and/or the reference number allotted by the representative to the present request may be indicated in this space.

†Where the application number of an application has not yet been issued or is not known to the applicant or his representative, that application may be identified by furnishing either: (i) the provisional application number, if any, given by the office, or (ii) a copy of the application, or (iii) a reproduction of the mark, accompanied by an indication of the date on which, to the best knowledge of the applicant or his representative, the application was received by the Office and an identification number given to the application by the applicant or his representative.

3. Holder(s) and/or Applicant(s)**3.1** If the holder and/or applicant is a natural person, the person's*(a)* family or principal name:**(b)* given or secondary name(s):***3.2** If the holder and/or applicant is a legal entity, the entity's full official designation:**3.3** Address (including postal code and country):Telephone number(s):
(with the area code)Telefacsimile number(s):
(with the area code)**3.4** Check this box if there is more than one holder and/or applicant; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 3.1 or 3.2 and 3.3.

4. Representative**4.1** Name:**4.2** Address (including postal code and country):Telephone number(s):
(with the area code)Telefacsimile number(s):
(with the area code)**4.3** Serial number of the authorisation of agent:†

5. Address for Service

*The names to be indicated under *(a)* and *(b)* are those which were indicated in the application(s), or are recorded in respect of the registration(s), to which the present request relates.

†To be left blank if the authorisation of agent has not, or has not yet, been allotted a serial number or if the serial number is not yet known to the holder and/or applicant or the representative.

6. Indication of the Change(s)

6.1 Data to be changed:

Data as changed:*

6.2 Check this box if the above space is insufficient; in that case, indicate on an additional sheet the data to be changed with the data as changed

7. Signature

7.1 Name of the natural person who signs:

7.2 Check the appropriate box according to whether the signature is given by the

7.2.1 holder and/or applicant

7.2.2 representative

7.3 Date of signature:

7.4 Signature:

*Indicate the name(s) and/or address(es) as changed

FORM TM—No. 15, Page 4

8. Fee

8.1 Amount of the fee paid in connection with the present request for the recordal of change(s):

8.2 Method of payment:

9. Additional Sheets and Attachments

 Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:

FORM TM—No. 17

TRADE MARKS ACT

REQUEST FOR THE CORRECTION OF MISTAKES(S)

in registration(s) and/or application(s)
for registration of marks

For Office use only

Reference number of holder and/or applicant:*
Reference number of representative:*

1. Request for Correction

The correction(s) identified in the present request is (are) hereby requested.

2. Registration(s) and/or Application(s) Concerned

The present request concerns the following registration(s) and/or application(s):

2.1 Registration number(s):

2.2 Application number(s):†

2.3 If the spaces under 2.1 or 2.2 are not sufficient, check this box and provide the information on an additional sheet.

*The reference number allotted by the holder and/or applicant and/or the reference number allotted by the representative to the present request may be indicated in this space.

†Where the application number of an application has not yet been issued or is not known to the applicant or his representative, that application may be identified by furnishing either: (i) the provisional application number, if any, given by the Office, or (ii) a copy of the application, or (iii) a reproduction of the mark, accompanied by an indication of the date on which to the best knowledge of the applicant or his representative, the application was received by the Office and an identification number given to the application by the applicant or his representative.

3. Holder(s) and/or Applicant(s)

3.1 If the holder and/or applicant is a natural person, the person's

(a) family or principal name:*

(b) given or secondary name(s):*

3.2 If the holder and/or applicant is a legal entity, the entity's full official designation:

3.3 Address (including postal code and country):

Telephone number(s):
(with the area code)

Telefacsimile number(s):
(with the area code)

3.4 Check this box if there is more than one holder and/or applicant: in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 3.1 or 3.2 and 3.3.

4. Representative

4.1 Name:

4.2 Address (including postal code and country):

Telephone number(s):
(with the area code)

Telefacsimile number(s):
(with the area code)

4.3 Serial number of the authorisation of agent:†

*The names to be indicated under (a) and (b) are those which were indicated in the application(s), or are recorded in respect of the registration(s), to which the present request relates.

†To be left blank if the authorisation of agent has not, or has not yet, been allotted a serial number or if the serial number is not yet known to the holder and/or applicant or the representative.

FORM TM—No. 17, Page 3

5. Address for Service

6. Indication of Mistake(s) and Correction(s)

6.1 Data to be corrected:

Data as corrected:

6.2 Check this box if the above space is insufficient; in that case, indicate on an additional sheet the data to be corrected with the data as corrected.

7. Signature

7.1 Name of the natural person who signs:

7.2 Check the appropriate box according to whether the signature is given, by the

7.2.1 holder an/or applicant.

7.2.2 representative.

7.3 Date of signature:

7.4 Signature:

8. Fee

8.1 Amount of the fee paid in connection with the present request for correction:

8.2 Method of payment:

9. Additional Sheets and Attachments

- Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments.

21. The Rules are amended by deleting the words “Form TM—No. 18” and the words “Form TM—No. 27” wherever they occur and substituting in each place the words “Form TM—No. 15”. Consequential
Amendments

22. The Third Schedule to the Rules is repealed and replaced by the following Schedule: Third
Schedule
Repealed

“THIRD SCHEDULE

(Rules 5, 17)

LIST OF CLASSES OF GOODS AND SERVICES

Goods

- Class 1* Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.
- Class 2* Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.
- Class 3* Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
- Class 4* Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.
- Class 5* Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
- Class 6* Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.
- Class 7* Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements; incubators for eggs.
- Class 8* Hand tools and implements (hand-operated); cutlery; side arms; razors.
- Class 9* Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.
- Class 10* Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

Goods—Continued

- Class 11* Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
- Class 12* Vehicles; apparatus for locomotion by land, air or water.
- Class 13* Firearms; ammunition and projectiles; explosives; fireworks.
- Class 14* Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
- Class 15* Musical instruments.
- Class 16* Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding materials; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.
- Class 17* Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.
- Class 18* Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
- Class 19* Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.
- Class 20* Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.
- Class 21* Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware porcelain and earthenware not included in other classes.
- Class 22* Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.
- Class 23* Yarns and threads, for textile use.
- Class 24* Textiles and textile goods, not included in other classes; bed and table covers.
- Class 25* Clothing, footwear, headgear.
- Class 26* Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Goods—Continued

- Class 27* Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).
- Class 28* Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
- Class 29* Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.
- Class 30* Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice.
- Class 31* Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.
- Class 32* Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
- Class 33* Alcoholic beverages (except beers).
- Class 34* Tobacco; smokers' articles; matches.

Services

- Class 35* Advertising; business management; business administration; office functions.
- Class 36* Insurance; financial affairs; monetary affairs; real estate affairs.
- Class 37* Building construction; repair; installation services.
- Class 38* Telecommunications.
- Class 39* Transport; packaging and storage of goods; travel arrangement.
- Class 40* Treatment of materials.
- Class 41* Education; providing of training; entertainment; sporting and cultural activities.
- Class 42* Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; services that cannot be classified in other classes."

23. The Rules are amended by inserting after the Third Schedule the following Schedule: Fourth
Schedule
inserted

"Fourth Schedule

(Section 71A-71F)

BORDER MEASURE FORMS

THE TRADE MARKS ACT
(Section 71A)

FORM BM—No. 1

NOTICE OF OBJECTION TO IMPORTATION

To: the Comptroller of Customs and Excise

I/We*

of
Being the owner/registered user of the trade mark mentioned in the Schedule to this Notice under the Trade Marks Act, Chap. 81:01 and that the owner/registered user of the trade mark objects to the importation into Trinidad and Tobago for sale by anyone other than their authorized agent of any goods made outside of Trinidad and Tobago being goods to which section 71B of the Trade Marks Act, Chap. 81:01 applies.

I hereby give to the Comptroller of Customs and Excise, and its agents for the purposes of section 71A of the Trade Marks Act, Chap. 81:01 security by way of† in respect of any, liability or expense that may be incurred by the Comptroller and its agents as a result of seizure under section 71B of the Trade Marks Act, Chap. 81:01 of any goods to which this notice relates.

Date Signature‡

.....

*If a natural person, insert the person's full name. If a legal entity, insert the legal entity's full official designation.

†Insert form in which security is given.

‡If the notice is given by a legal entity, insert also the name and status of the signatory to the legal entity.

THE TRADE MARKS ACT
(Section 71A)

FORM BM—No. 2

REVOCATION OF NOTICE OF OBJECTION TO IMPORTATION

To: the Comptroller of Customs and Excise:

RE: Notified trade mark(s).....

Pursuant to notice dated

I/We*

of

being the registered owner/registered user named in the above notice hereby revokes the said notice in relation to the above mentioned trade mark(s).

Date

Signature†

.....

*If a natural person, insert the person's full name. If a legal entity, insert the legal entity's full official designation.

†If the notice is given by a legal entity, insert also the name and status of the signatory to the legal entity.

THE TRADE MARKS ACT
[Section 71C(a)]

FORM BM—No. 3

No.

Date

NOTICE OF SEIZURE OF INFRINGING GOODS

To:

of
(designated owner)

Notice is hereby given that the undermentioned goods have been seized under section 71B of the Trade Marks Act, Chap. 81:01.

The Comptroller of Customs and Excise

THE TRADE MARKS ACT
[Section 71C(b)]

FORM BM—No. 4

No.

Date.....

NOTICE OF SEIZURE OF INFRINGING GOODS

To:
(objector)

Notice is hereby given that the undermentioned goods have been seized under section 71B of the Trade Marks Act, Chap. 81:01

The designated owner(s) of the goods is /are
.....
.....

of.....

Take notice that the said goods will be released to the designated owner unless you or one of the objectors bring an action for infringement of the notified trade mark and give notice under section 71C(b) (iii) of the Trade Marks Act, Chap. 81:01 within ten days of this notice or if the period of notice has been extended under Section 71F, the extended period.

The Comptroller of Customs and Excise

THE TRADE MARKS ACT
[Section 71D(1)]

FORM BM—No. 5

NOTICE OF CONSENT TO GOODS BEING FORFEITED TO THE STATE

To: the Comptroller of Customs and Excise:

I/We*

ofbeing
the designated owner(s) of goods seized pursuant to notice of the Comptroller of Customs

and Excise numberdated.....
hereby consent to the goods mentioned in the above notice to be forfeited to the State.

Date Signature†

*If a natural person, insert the person's full name. If a legal entity, insert the legal entity's full official designation.

†If the notice is given by a legal entity, insert also the name and status of the signatory to the legal entity.

THE TRADE MARKS ACT
[Section 71F(1)]

FORM BM—No. 6

NOTICE OF ACTION FOR INFRINGEMENT OF NOTIFIED TRADE MARK

To: the Comptroller of Customs and Excise:

RE: Notified trade mark

Pursuant to notice dated

I/We*
.....

of being
the objector(s) in relation to goods seized pursuant to notice of the Comptroller of Customs
and Excise number dated

hereby give notice that action No. has been commenced
on in† with
respect to the infringement of the notified trade mark.

Date Signature‡

.....

*If a natural person insert the person's full name. If a legal entity, insert the legal entity's full of official designation.

†Insert the full name of the Court and jurisdiction in which the action has been commenced.

‡If the notice is given by a legal entity, insert also the name and status of the signatory to the legal entity.

THE TRADE MARKS ACT
(Section 71E)

FORM BM—No. 7

NOTICE OF CONSENT TO THE GOODS BEING RELEASED TO
THE DESIGNATED OWNER

To: the Comptroller of Customs and Excise:

I/We*

of

being the objector(s) in relation to goods seized pursuant to notice of the Comptroller of

Customs and Excise number..... dated

hereby consent to the goods mentioned in the above notice/the goods listed hereunder† to
be released to the designated owner.

Date

Signature‡

.....

*If a natural person, insert the person's full name. If a legal entity insert the legal entity's full official designation.

†If this notice of consent relates to only some of the goods seized and listed in the Notice of the Comptroller list those goods to which this notice of consent applies.

‡If the notice is given by a legal entity, insert also the name and status of the signatory to the legal entity.

THE TRADE MARKS ACT
[Section 71F(1)]

FORM BM—No. 8

APPLICATION FOR EXTENSION OF TIME IN WHICH TO BRING ACTION

To: the Comptroller of Customs and Excise:

RE: Notified trade mark

Pursuant to notice of objection to importation dated

I/We*.....

of.....
being the objector(s) in relation to goods seized pursuant to notice of the Comptroller of

Customs and Excise number..... date

hereby request an extension of time for a period of days in which
to bring that action with respect to the infringement of the notified trade mark. The
reason for this request is as stated hereunder:

Date Signature†

.....

*If a natural person, insert the person's full name. If a legal entity, insert the legal entity's full official designation.

†If the notice is given by a legal entity, insert also the name and status of the signatory to the legal entity."

Dated this 11th day of September, 1997.

K. PERSAD-BISSESSAR
Minister of Legal Affairs