

BELIZE:

ADMINISTRATIVE INSTRUCTIONS

No. 1 of 2005

ADMINISTRATIVE INSTRUCTIONS made by the Registrar of Intellectual Property in exercise of the powers conferred upon him by section 69 of the Patents Act, Chapter 253 of the Substantive Laws of Belize, Revised Edition 2000.

PART I

PRELIMINARY

Short title.

1. These Administrative Instructions may be cited as the **TRADEMARKS (GENERAL PROCEDURES) ADMINISTRATIVE INSTRUCTIONS, 2005.**

PART II

WITHDRAWAL AND RESTRICTON OF APPLICATION

Withdrawal of application.

2. When an applicant wishes to withdraw an application, he must submit to the Registrar an application to withdraw in Form No. 8A, together with the prescribed fee.

Restriction of application.

3.(1) When an applicant wishes to restrict the goods or services covered by the application pursuant to section 17 of the Act, he must submit to the Registrar an application to restrict in Form No. 8B, together with the prescribed fee.

(2) The Registrar on receipt of a restriction application shall record the restriction in the Register for the goods or services as set out in the restriction application.

PART III
OPPOSITION

Evidence in support of opposition.

4. Upon receipt of an answer to opposition and duplicate, the Registrar shall 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 affidavit as he may desire to adduce in support of his opposition and shall deliver to the applicant a copy of the affidavit.

Evidence in support of application.

5. 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 copy of the affidavit the applicant shall leave with the Registrar such evidence by way of affidavit as he desires to adduce in support of his application and shall deliver to the opponent a copy of the affidavit.

Evidence in reply by opponent.

6. Within one month from the receipt by the opponent of the copy of the applicant's affidavit, the opponent may leave with the Registrar evidence by affidavit in reply, and shall deliver to the applicant a copy of the affidavit. This evidence shall be confined to matters strictly in reply.

Further evidence.

7. 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.

8.(1) Where there are exhibits to affidavits 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.

9.(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 No. 7A.

(4) A party who receives notice as mentioned above and who does not, within seven days from the receipt of such notice, so notify the Registrar on Form No. 7A, may be treated as not desiring to be heard and the Registrar may act accordingly.

Extension of time.

10. 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.

11. Where a party giving notice of opposition or an applicant sending an answer to opposition after receipt of a copy of such notice neither resides nor carries on business in Belize, 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 the Registrar may deem fit, and at any stage in the proceedings may require further security to be given at any time before giving his decision in the case.

Costs in uncontested case.

12. 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.

PART IV
REVOCATION AND INVALIDATION

Application for Revocation

Required
revocation
form.

13.(1) Any person who wishes to have a mark revoked under section 46 of the Act, may so inform the Registrar by submitting a notice of revocation in Form No. 17A, together with the prescribed fee.

(2) The applicant's answer to a notice of revocation under sub-paragraph (1) must be submitted in Form No. 17B, together with the prescribed fee, and the answer must indicate the grounds on which the applicant relies and any facts alleged in the notice of revocation that the applicant admits.

(3) Part III shall apply, with the necessary modifications, to this Part.

Application for Invalidation

Required
invalidation
form.

14.(1) Any person who wishes to have a mark invalidated under section 47 of the Act, may so inform the Registrar by submitting a notice of invalidation in Form No. 17C, together with the prescribed fee.

(2) The applicant's answer to a notice of invalidation under sub-paragraph (1) must be submitted in Form No. 17D, together with the prescribed fee, and the answer must indicate the grounds on which the application relies and any facts alleged in the notice of invalidation that the applicant admits.

(3) Part III shall apply, with the necessary modifications, to this Part.

PART V
FEEES AND FORMS

Fees and
payment.
Schedule I.

15. The fees to be paid in relation to the relevant applications are those prescribed in Schedule I.

Forms
required.
Schedule II.

16. The forms required for the relevant applications are those prescribed in Schedule II.

MADE by the Registrar of Intellectual Property this 7th day of March, 2005.

(ELSON KASEKE)
Registrar of Intellectual Property

SCHEDULE I

FEES

	\$	c.
On submitting a withdrawal of application	50.00	
Rebate on withdrawal of application		relevant registra- tion/recordal fee (plus publication fee if application is unpublished)
On submitting a notice of revocation of registration	50.00	
On submitting an answer to a notice of revocation	50.00	
On submitting a notice of invalidation of registration... ..	50.00	
On submitting an answer to a notice of invalidation of registration	50.00	
For participating in revocation or invalidation proceedings	350.00	
For publication of notice of renewal of registration	250.00	
For all other publications	100.00	
For cancellation of a sub-licence-contract	50.00	
For recording the transfer of a sub-licence-contract	50.00	
On application for restriction of application for registration of a mark	50.00	
For an electronic search of the Register	20.00	
For requesting that the Registrar extend the time limit for doing any thing	50.00	

SCHEDULE II

TRADE MARKS ACT (CAP. 257)

FORM No. 4A

APPLICATION FOR OTHER CHANGE TO APPLICATION
FOR REGISTRATION OF A MARK

I/We¹

.....

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

.....

Dated this day of, 20

4

The Registrar
Intellectual Property Office
BELIZE.

-
1. Name of present applicant.
 2. Insert Trade, Collective or Certification, if appropriate.
 3. State other change (apart from change in applicant's name, address or his address for service in Belize).
 4. Signature.

TRADE MARKS ACT (CAP. 257)

FORM NO. 7A

NOTICE TO THE REGISTRAR OF ATTENDANCE OF HEARING

I/We¹of
.....hereby give notice that the Hearing of the
arguments in the matter of

.....
Which, by the Registrar's Notice to me (or us) dated theday
of....., 20..... is fixed fora.m. or p.m. at the
Registrar's Office on theday of, 20....., will be
attended by me (or us) or by some person on my (or our) behalf.

DATED thisday of....., 20.....

²
.....

To the Registrar
Intellectual Property Office
BELIZE.

-
1. Here insert name and address.
 2. Signature.

TRADE MARKS ACT (CAP. 257)

FORM No. 8A

WITHDRAWAL

I/We¹.....

.....
the owner(s) of the Trade Mark Application No.....hereby withdraws
such application for².....

Dated this day of 20.....

³.....

The Registrar
Intellectual Property Office
BELIZE.

-
1. Name of applicant.
 2. Insert "all of the goods or services for which the application is made".
 3. Signature.

TRADE MARKS ACT (CAP. 257)

FORM No. 8B

RESTRICTION

I/We¹

.....
the owner(s) of the Trade Mark Application No.....hereby restricts such
application for²

Dated this day of 20.....
³
.....

The Registrar
Intellectual Property Office
BELIZE.

-
1. Name of applicant.
 2. Insert "all of the goods or services for which the restriction is made".
 3. Signature.

TRADE MARKS ACT (CAP.257)

FORM No. 16A

APPLICATION TO CANCEL RECORD IN REGISTER
OF A SUB-LICENCE-CONTRACT

I/We¹

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

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

Dated this day of 20

³

To the Registrar
Intellectual Property Office
BELIZE.

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

TRADE MARKS ACT (CAP. 257)

FORM No. 16B

APPLICATION TO RECORD TRANSFER OF
SUB-LICENCE-CONTRACT

I/We¹

.....
a registered sub-licensee in respect of the Trade Mark registered under No.
..... hereby apply to transfer the Sub-Licence-Contract
to².....
by virtue of the authority vested in me pursuant to³
and to have such person entered in the record in the registration in my/our stead.

Dated this day of 20

⁴

To the Registrar
Intellectual Property Office
BELIZE.

-
1. Name of sub-licensee recorded in the register.
 2. Name and address of person to whom Sub-Licence-Contract transferred and if he resides outside Belize, an address for service within Belize.
 3. Here identify authority.
 4. Signature.

TRADE MARKS ACT (CAP. 257)

FORM No. 17A

NOTICE OF APPLICATION FOR REVOCATION OF REGISTRATION OF A MARK

(To be submitted in duplicate)

IN THE MATTER OF an application for revocation by..... to Trade Mark No. of I/We¹ hereby give notice of my/our application for revocation of the registration of the Mark registered under the above number in the Register.

The grounds for revocation are as follows:

.....

Address for service in Belize in these proceedings:

.....

Dated the day of, 20
2

To the Registrar
Intellectual Property Office
BELIZE.

- 1. Here state full name and address of the person who wishes to revoke the application.
- 2. Signature.

TRADE MARKS ACT (CAP. 257)

FORM No. 17B

FORM OF ANSWER TO REVOCATION APPLICATION

(To be submitted in duplicate)

IN THE MATTER OF an application for revocation by
to Trade Mark No.

I/We
the owner of the above Mark, hereby give notice that the following are the grounds
on which I/we rely as supporting my/our application:

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

I/We admit the following allegations in the Revocation Application:

.....
.....

Address for service in Belize in these proceedings:

.....
.....

Dated this day of 20

Signature

To the Registrar
Intellectual Property Office
BELIZE.

TRADE MARKS ACT (CAP. 257)

FORM No. 17C

NOTICE OF APPLICATION FOR INVALIDATION OF REGISTRATION OF A MARK

(To be submitted in duplicate)

IN THE MATTER OF an application for invalidation by..... to Trade Mark No. of I/We¹ hereby give notice of my/our application for invalidation of the registration of the Mark registered under the above number in the Register.

The grounds for invalidation are as follows:

.....

Address for service in Belize in these proceedings:

.....

Dated the day of, 20
2

To the Registrar
Intellectual Property Office
BELIZE.

1. Here state full name and address of the person who wishes to invalidate the application.
2. Signature.

TRADE MARKS ACT (CAP. 257)

FORM No. 17D

FORM OF ANSWER TO INVALIDATION APPLICATION

(To be submitted in duplicate)

IN THE MATTER OF an application for invalidation by
to Trade Mark No.

I/We
the owner of the above Mark, hereby give notice that the following are the grounds
on which I/we rely as supporting my/our application:

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

I/We admit the following allegations in the Invalidation Application:

.....
.....

Address for service in Belize in these proceedings:

.....
.....

Dated this day of 20

Signature

To the Registrar
Intellectual Property Office
BELIZE.