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*“Protect Your Creation”*

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FREQUENTLY ASKED QUESTIONS

September 13<sup>th</sup>, 2007

## **BELIPO'S MISSION STATEMENT**

*“Our mission is to create an efficient and modern intellectual property system leading to the emergence of a vibrant intellectual property culture in Belize.”*

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## WHAT IS A TRADE MARK?

A trade mark is a sign which is capable of distinguishing the goods or services of one undertaking from those of other undertakings and which is also capable of being represented graphically. The sign may consist of words (including personal names), designs, letters, numerals or the shape of goods or their packaging. The definition of a trade mark also includes a collective mark or a certification mark. The following are examples of trade marks -

### BRODIES

Word Mark



Word and Figurative Mark

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## WHAT IS A COLLECTIVE MARK?

A collective mark is used to distinguish the goods or services of members of an association from the goods or services of non-members. The following is an example of a collective mark –



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## WHAT IS A CERTIFICATION MARK?

A certification mark is used to distinguish goods or services certified by the proprietor in respect of quality or some other characteristic. The following is an example of a certification mark –



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## WHAT ARE THE BENEFITS OF TRADE MARK PROTECTION?

A trade mark provides protection to the owner of the mark by ensuring the exclusive right to use it to identify goods or services, or to authorize another to use it in return for payment. Trade mark protection is enforced by the Supreme Court of Belize. Trade mark protection promotes enterprise by hindering the efforts of unfair competitors, such as counterfeiters, who use similar distinctive signs to market inferior or different products or services.

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## HOW DO I APPLY FOR REGISTRATION OR RESTORATION (RE-REGISTRATION) OF A TRADE MARK (INCLUDING COLLECTIVE OR CERTIFICATION MARK)?

You apply for registration or restoration (re-registration) of a trade mark (including collective or certification mark) –

- (a) by filing the following forms –
  - (i) Application for Registration of a Mark ([Form No. 3](#) of Schedule II to the Trade Marks Rules, CAP. 257S). The instructions for completing this form are listed in the footnotes to the form. In the case of a collective or certification mark, the application shall be accompanied by regulations conforming with the Schedules of the Trade Marks Act (CAP. 257);
  - (ii) Fee for Registration of a Mark ([Form No. 9](#) of Schedule II to the Trade Marks Rules, CAP. 257S);
  - (iii) Application for an Address for Service ([Form No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form;
  - (iv) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying

through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND

- (b) by paying the following fees –
  - (i) BZ\$75.00 - fee for application to register a mark. This fee is paid for each International Class contained in your application. A multi-class application shall only contain five International Classes;
  - (ii) BZ\$250.00 – fee for publication of the notice of application for registration in the Intellectual Property Journal;
  - (iii) BZ\$75.00 – fee for registration of a mark;
  - (iv) BZ\$25.00 – fee for application for address for service. This fee is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney.

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### **CAN I APPLY ONLINE FOR TRADE MARK REGISTRATION?**

Yes. You can apply online for trade mark registration by clicking on the QUICKMARK link on [www.belipo.bz](http://www.belipo.bz). This link contains electronic forms for application for registration of a trade mark, application for an address for service, form of authorization of agent and the fees required for trade mark registration.

The electronic forms may be signed by using any combination of letters, numbers, spaces or punctuation marks placed between two forward slash (“/”) symbols. Examples of acceptable password signatures for electronic application forms include /ramses/, /drl/, and /577-34567/. The electronic forms may also be signed by printing, completing and faxing or emailing the Facsimile Signature Form. An applicant must notify the Office of his particular method of electronic signature.

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### **HOW ARE GOODS AND/OR SERVICES CLASSIFIED IN A TRADE MARK APPLICATION?**

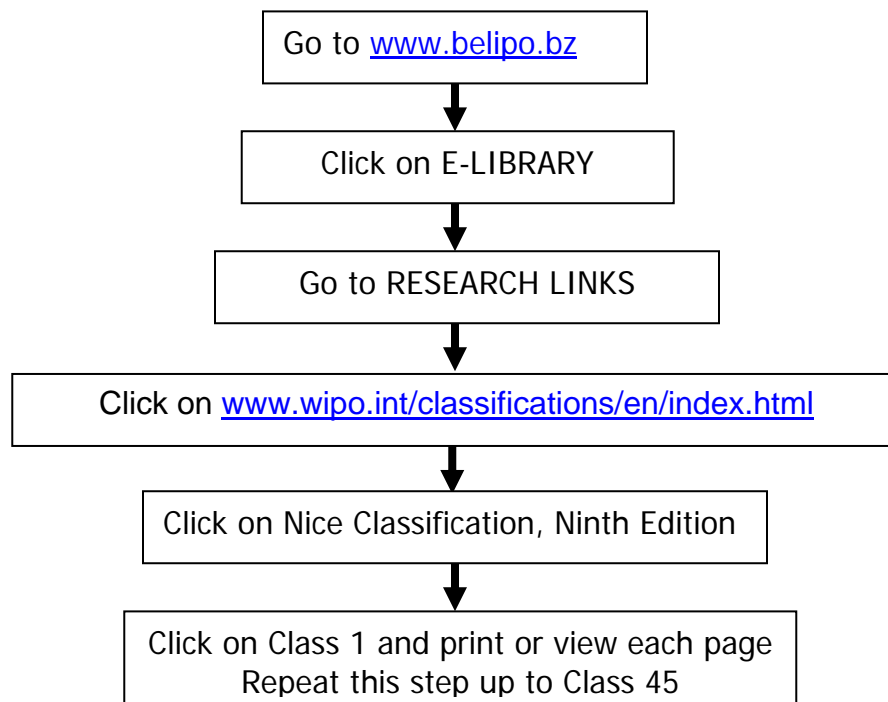
Goods and services are classified in accordance with the 9<sup>th</sup> Edition of the International Classification of Goods and Services for the Purposes of the Registration of Trade Marks under the Nice Agreement (Nice Classification), including the attached explanatory notes and Alphabetical Lists of Goods and

Services. Under the Nice Classification, all goods and services fall under forty-five classes.

The Alphabetical List of Goods and Services and the Explanatory Notes of the Nice Classification, shall be consulted when classifying each individual product or service. The class headings in Schedule III of the Trade Marks Act (CAP. 257) only indicate in a general manner the fields to which the goods and services in principle belong.

The ninth edition of the Nice Classification may be ordered from the World Intellectual Property Organization (WIPO), 34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20, or from the Electronic Bookshop on the website of WIPO at the following address: <http://www.wipo.int/ebookshop>.

The ninth edition is also available on [www.belipo.bz/e\\_library](http://www.belipo.bz/e_library), under the 'Research Links' section. To print or view the Alphabetical List of Goods and Services -



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### **CAN AN APPLICANT FOR REGISTRATION OF A TRADE MARK CLAIM PRIORITY FROM AN EARLIER APPLICATION FILED IN A COUNTRY WHICH IS A PARTY TO THE PARIS CONVENTION?**

Yes. An applicant for registration can claim priority from an earlier application filed in a country which is party to the Paris Convention for the Protection of



Industrial Property. The priority claim must be made within six months of the earlier application. The date of filing of such an application for the purposes of priority shall be the date of filing of the first Paris Convention application.

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## **HOW DO I APPLY FOR A WITHDRAWAL OR RESTRICTION OF A TRADEMARK APPLICATION?**

You apply for a withdrawal or restriction of a trade mark application –

- (a) by filing the following forms –
  - (i) Withdrawal ([Form No. 8A](#) of Schedule to the Trade Marks (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form; OR
  - (ii) Restriction ([Form No. 8B](#) of Schedule to the Trade Marks (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees -
  - (i) BZ\$50.00 – fee for withdrawal or restriction of application;
  - (ii) BZ\$100.00 – fee for publication of the notice of withdrawal or restriction of application in the Intellectual Property Journal.

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## **WHAT ARE THE GROUNDS FOR REFUSING OR OPPOSING A TRADE MARK APPLICATION OR FOR INVALIDATING A TRADE MARK REGISTRATION?**

An application for registration of a trade mark can be refused or opposed or invalidated on several absolute and relative grounds.

The absolute grounds are that the mark –

- (a) does not satisfy the requirements of the definition of a trade mark;
- (b) is devoid of any distinctive character;
- (c) consists exclusively of signs or indications that designate the characteristics of goods or services;

- (d) consists exclusively of signs or indications that are customary in the current language or established practices of the trade;
- (e) consists exclusively of the natural or technical shape of the goods or the shape that gives substantial value to the goods;
- (f) is contrary to public policy or morality;
- (g) is capable of deceiving the public;
- (h) is prohibited by law;
- (i) is a specially protected emblem; or
- (j) is applied for in bad faith.

It must be noted that a trade mark shall not be refused registration by virtue of paragraph (b), (c) or (d) above, if, before the date of application for registration, it has in fact acquired a distinctive character through use.

The relative grounds are that the mark –

- (a) is identical in a confusing manner with an earlier mark and the goods or services are identical with those for which the earlier mark is protected;
- (b) is identical in a confusing manner with an earlier mark and the goods or services are similar to those for which the earlier mark is protected;
- (c) is similar in a confusing manner with an earlier mark and the goods or services are identical with or similar to those for which the earlier mark is protected;
- (d) is identical with or similar to a famous and earlier mark, and the goods or services are not similar to those for which the earlier mark is protected;
- (e) conflicts with any rule of law (in particular, the law of passing off) protecting an unregistered mark or other sign used in the course of trade;
- (f) or conflicts with an earlier right (in particular, the law of copyright, design right or registered designs).

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## HOW DO I OPPOSE A TRADE MARK APPLICATION?

You oppose a trade mark application –

- (a) by filing the following forms –
  - (iii) Notice of Opposition to Application for Registration of a Mark ([Form No. 6](#) of Schedule II to the Trade Marks Rules, CAP. 257S). The instructions for completing this form are listed in the footnotes to the form. This form shall be submitted in duplicate;
  - (ii) Application for an Address for Service ([Form No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form;
  - (iii) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an opponent whose residence or principal place of business is outside Belize or for a local opponent who is opposing through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees -
  - (i) BZ\$50.00 – fee for submitting a notice of opposition to an application for registration of a mark;
  - (ii) BZ\$100.00 – fee for publication of the notice of opposition in the Intellectual Property Journal;
  - (iii) BZ\$25.00 – fee for application for address for service. This fee is only required for an opponent whose residence or principal place of business is outside Belize or for a local opponent who is opposing through an attorney.

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## **WHAT IS THE PRESCRIBED TIME FOR SUBMISSION OF A NOTICE OF OPPOSITION TO A TRADE MARK APPLICATION?**

The prescribed time for submitting a notice of opposition to a trade mark application is twelve weeks from the date of first publication of the notice of application for registration of a mark. The notice of application for registration of a mark is published in three consecutive fortnightly issues of the Intellectual Property Journal.

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## **HOW DO I ANSWER A NOTICE OF OPPOSITION?**

You answer a notice of opposition –

- (a) by filing the following form –

Form of Answer to Opposition Application ([Form No. 7](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form shall be submitted in duplicate; AND

- (b) by paying the following fees -

- (i) BZ\$25.00 – fee for submitting an answer to opposition;
- (ii) BZ\$100.00 – fee for publication of the answer to opposition in the Intellectual Property Journal.

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## **WHAT IS THE PRESCRIBED TIME FOR SUBMISSION OF AN ANSWER TO A NOTICE OF OPPOSITION?**

The prescribed time for submitting an answer to a notice of opposition to a trade mark application is thirty days from the date of publication of the notice of opposition to registration of a mark. The notice of opposition to registration of a mark is published in one issue of the Intellectual Property Journal.

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## **WHAT IS THE DATE OF REGISTRATION OF A TRADE MARK?**

The date of registration of a trade mark is the date of filing of the application for registration.

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## WHAT IS THE TERM OF PROTECTION OF A TRADE MARK?

The term of protection of a trade mark is ten years from the date of registration. The term of protection may be extended for further periods of ten years.

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## HOW DO I APPLY FOR A DECLARATION OF INVALIDITY?

You apply for a declaration of invalidity –

- (a) by filing the following forms –
  - (i) Notice of Application for Invalidation of Registration of a Mark ([Form No. 17C](#) of Schedule II to the Trade Marks (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form. This form shall be submitted in duplicate;
  - (ii) Application for an Address for Service ([Form. No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form;
  - (iii) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees -
  - (i) BZ\$50.00 – fee for submitting a notice of invalidation of registration of a mark;
  - (ii) BZ\$100.00 – fee for publication of the notice of invalidation in the Intellectual Property Journal;
  - (iii) BZ\$25.00 – fee for application for address for service. This fee is only required for an applicant whose residence or

principal place of business is outside Belize or for a local applicant who is applying through an attorney.

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## HOW DO I ANSWER AN INVALIDATION APPLICATION?

You answer an invalidation application –

- (a) by filing the following forms –
  - (i) Form of Answer to Invalidation Application ([Form No. 17D](#) of Schedule II to the Trade Marks (General Procedures) Administrative Instructions, 2005). This form shall be submitted in duplicate;
  - (ii) Application for an Address for Service ([Form. No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form;
  - (iii) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for a registered trade mark owner whose residence or principal place of business is outside Belize or for a local registered trade mark owner who is answering through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees -
  - (i) BZ\$50.00 – fee for submitting an answer to a notice of invalidation of registration of a mark;
  - (ii) BZ\$100.00 – fee for publication of the answer to invalidation in the Intellectual Property Journal;
  - (iii) BZ\$25.00 – fee for application for address for service. This fee is only required for a registered trade mark owner whose residence or principal place of business is outside Belize or for a local registered trade mark owner who is answering through an attorney.

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## **WHAT IS THE PRESCRIBED TIME FOR SUBMISSION OF AN ANSWER TO AN INVALIDATION APPLICATION?**

The prescribed time for submitting an answer to an application for invalidation of registration is thirty days from the date of publication of the notice of application for invalidation of registration. The notice of application for invalidation of registration is published in one issue of the Intellectual Property Journal.

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## **WHAT ARE THE GROUNDS FOR REVOKING A TRADE MARK REGISTRATION?**

A trade mark registration may be revoked on any of the following grounds –

- (a) that within the period of five years following the date of completion of the registration procedure it has not been put to genuine use in Belize by the proprietor or with his consent, in relation to the goods or services for which it is registered, and there are no proper reasons for non-use;
- (b) that such use has been suspended for an uninterrupted period of five years, and there are no proper reasons for non-use;
- (c) that, in consequence of the acts or inactivity of the proprietor, it has become the common name in the trade for a product or service for which it is registered;
- (d) that in consequence of the use made of it by the proprietor or with his consent in relation to the goods or services for which it is registered, it is liable to mislead the public, particularly as to the nature, quality or geographical origin of those goods or services.

The registration of a trade mark shall not be revoked on the ground mentioned in paragraph (a) or (b) above if such use as is referred to in those paragraphs is commenced or resumed after the expiry of the five year period and before the application for revocation is made:

Provided that, any such commencement or resumption of use after the expiry of the five year period but within the period of three months before the making of the application shall be disregarded unless preparations for the commencement or resumption began before the proprietor became aware that the application might be made.

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## HOW DO I APPLY FOR REVOCATION OF A TRADEMARK REGISTRATION?

You apply for the revocation of a trade mark registration –

- (a) by filing the following forms –
  - (i) Notice of Application for Revocation of Registration of a Mark ([Form No. 17A](#) of Schedule II to the Trade Marks (General Procedures) Administrative Instructions, 2005). The instructions for completing this form are listed in the footnotes to the form. This form shall be submitted in duplicate;
  - (ii) Application for an Address for Service ([Form No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form;
  - (iii) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees -
  - (i) BZ\$50.00 – fee for submitting a notice of revocation of registration of a mark;
  - (ii) BZ\$100.00 – fee for publication of the notice of revocation in the Intellectual Property Journal;
  - (iii) BZ\$25.00 – fee for application for address for service. This fee is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney.

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## HOW DO I ANSWER A REVOCATION APPLICATION?

You answer a revocation application –

- (a) by filing the following forms –
  - (i) Form of Answer to Revocation Application ([Form No. 17B](#) of Schedule II to the Trade Marks (General Procedures) Administrative Instructions, 2005). This form shall be submitted in duplicate;
  - (ii) Application for an Address for Service ([Form No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form;
  - (iii) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for a registered trade mark owner whose residence or principal place of business is outside Belize or for a local registered trade mark owner who is answering through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees -
  - (i) BZ\$50.00 – fee for submitting an answer to a notice of revocation of registration of a mark;
  - (ii) BZ\$100.00 – fee for publication of the answer to revocation in the Intellectual Property Journal;
  - (iii) BZ\$25.00 – fee for application for address for service. This fee is only required for a registered trade mark owner whose residence or principal place of business is outside Belize or for a local registered trade mark owner who is answering through an attorney.

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## **WHAT IS THE PRESCRIBED TIME FOR SUBMISSION OF AN ANSWER TO A REVOCATION APPLICATION?**

The prescribed time for submitting an answer to a revocation application is thirty days from the date of publication of the notice of application for revocation of registration. The notice of application for revocation of registration is published in one issue of the Intellectual Property Journal.

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## **HOW DO I SURRENDER A TRADE MARK REGISTRATION?**

You surrender a trade mark registration –

- (a) by filing the following forms –
  - (i) Surrender ([Form No. 19](#) of Schedule II to the Trade Marks Rules, CAP. 257S). The instructions for completing this form are listed in the footnotes to the form;
  - (ii) Application for an Address for Service ([Form No. 1](#)) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form;
  - (iii) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an opponent whose residence or principal place of business is outside Belize or for a local opponent who is opposing through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees -
  - (i) BZ\$75.00 – fee for surrender of trademark registration;
  - (ii) BZ\$100.00 – fee for publication of the notice of surrender of trade mark registration in the Intellectual Property Journal;
  - (iii) BZ\$25.00 – fee for application for address for service. This fee is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney.

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## HOW DO I APPLY FOR RENEWAL OF AN EXISTING TRADE MARK?

You apply for renewal of an existing trade mark –

- (a) by filing the following forms –
  - (i) Renewal of Registration of a Mark ([Form No. 11](#) of Schedule II to the Trade Marks Rules, CAP. 257S). The instructions for completing this form are listed in the footnotes to the form;
  - (ii) Fee for Renewal ([Form No. 12](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant for late renewal. The instructions for completing this form are listed in the footnotes to the form;
  - (iii) Application for an Address for Service ([Form. No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form;
  - (iv) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees –
  - (i) BZ\$50.00 – fee for renewal of registration of a mark before expiry of registration;
  - (ii) BZ\$100.00 – fee for renewal of registration of a mark after expiry of registration (late renewal);
  - (iii) BZ\$25.00 – fee for each additional class processed in respect of the renewal;
  - (iv) BZ\$250.00 – fee for publication of the notice of renewal in the Intellectual Property Journal;

- (v) BZ\$25.00 – fee for application for address for service. This fee is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney.

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## **WHEN DOES A RENEWAL OF A TRADE MARK TAKE EFFECT?**

A trade mark renewal shall take effect from the expiry of the previous registration.

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## **WHAT HAPPENS TO MY TRADE MARK IF I FAIL TO APPLY FOR RENEWAL WITHIN SIX MONTHS FROM THE DATE OF EXPIRATION OF THE REGISTRATION?**

Your trade mark shall be removed from the Register of Trade Marks. However, you can restore the registration of your trade mark by applying to the Intellectual Property Office for re-registration, using the same forms and fees relating to an application for registration of a trade mark. The prescribed time for submitting a restoration or re-registration application is twelve months from the date of expiry of registration.

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## **HOW DO I APPLY FOR RECORDAL OF A TRANSFER OR ASSIGNMENT OF A TRADE MARK?**

You can apply for recordal of a transfer or assignment –

- (a) by filing the following forms –
  - (i) Application to Recognise Transfer of **Application for Registration of Trade Mark** ([Form No. 5](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form shall only be completed by an applicant for a recordal of a transfer of a trade mark application. The instructions for completing this form are listed in the footnotes to the form. Attach copy of document, Deed of Assignment or Articles of Merger, by which mark was transferred; OR
  - (ii) Application to Record Transfer of Trade Mark ([Form No. 20](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form shall only be completed by an applicant for a recordal of a transfer of a **registered trade mark**. The instructions for completing this form are listed in the footnotes to the form. Attach copy of document, Deed of Assignment or Articles of Merger, by which mark was transferred; AND

- (iii) Application for an Address for Service ([Form No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. This form is not required by an applicant for a recordal of any change to a trade mark application or any change to an application for renewal/recordal. The instructions for completing this form are listed in the footnotes to the form; AND
  - (iv) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. This form is not required by an applicant for a recognition of a transfer of an application for registration of a trade mark. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees –
- (i) BZ\$25.00 – fee for recognizing the transfer of an **application for registration of a mark**;
  - (ii) BZ\$50.00 – fee for transferring **application for registration of a mark**; OR
  - (iii) BZ\$50.00 – fee for recording the transfer of a **registered trade mark**; AND
  - (iv) BZ\$100.00 – fee for publication of the notice of recordal in the Intellectual Property Journal; AND
  - (v) BZ\$25.00 – fee for application for address for service. This fee is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. This fee does not apply to an applicant for a recognition of a transfer of an application for registration of a trade mark.

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## HOW DO I APPLY FOR RECORDAL OF A CHANGE OF NAME OR ADDRESS OR OTHER CHANGE (AMENDMENT)?

You can apply for recordal of a change of name or address or other change (amendment) –

- (a) by filing the following forms –
- (i) Application for Change to Application for Registration of a Mark ([Form No. 4](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form shall only be completed by an applicant for a recordal of a change of name or address in a trade mark application. The instructions for completing this form are listed in the footnotes to the form. In case of change of name, attach copy of document evidencing such change; OR
  - (ii) Application for Other Change to Application for Registration of a Mark ([Form No. 4A](#) of Schedule II to the Trade Marks (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for a recordal of any other change (amendment) to a trade mark application (apart from change in applicant's name, address or his address for service in Belize). The instructions for completing this form are listed in the footnotes to the form; OR
  - (iii) Application for Amendment to Application for Renewal/Recordal ([Form No. 26](#) of Schedule to the Trade Marks (General Procedures) (Amendment) Administrative Instructions, 2006). This form shall only be completed by an applicant for an amendment to a renewal or recordal application. The instructions for completing this form are listed in the footnotes to the form; OR
  - (iv) Application to Record Change in Register ([Form No. 17](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form shall only be completed by an applicant for a recordal of a change of name or address in the Register. The instructions for completing this form are listed in the footnotes to the form. In case of change of name, attach copy of document evidencing such change; AND
  - (v) Application for an Address for Service ([Form. No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local

applicant who is applying through an attorney. This form is not required by an applicant for a recordal of any change to a trade mark application or any change to an application for renewal/recordal. The instructions for completing this form are listed in the footnotes to the form; AND

- (vi) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. This form is not required by an applicant for a recordal of any change to a trade mark application or any amendment to an application for renewal/recordal. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees –
- (i) BZ\$50.00 – fee for recording a change to a trade mark application or registration; OR
  - (ii) BZ\$50.00 – fee for amending an application for renewal/recordal; AND
  - (iii) BZ\$100.00 – fee for publication of the notice of recordal in the Intellectual Property Journal; AND
  - (iv) BZ\$25.00 – fee for application for address for service. This fee is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. This fee does not apply to an applicant for a recordal of any change to a trade mark application or any amendment to an application for renewal/recordal.

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## **HOW DO I APPLY FOR RECORDAL OF A LICENCE-CONTRACT OR CANCELLATION OF A RECORD OF A LICENCE-CONTRACT OR RECORDAL OF A TRANSFER OF A LICENCE-CONTRACT?**

You can apply for recordal of a licence-contract or cancellation of a record of a licence-contract or recordal of a transfer of a licence-contract –

- (a) by filing the following forms –

- (i) Application to Record a Licence-Contract ([Form No. 13](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form shall only be completed by an applicant for a recordal of a licence-contract. The instructions for completing this form are listed in the footnotes to the form. Attach copy of Licence-Contract; OR
  - (ii) Application to Cancel Record in Register of a Licence-Contract ([Form No. 14](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form shall only be completed by an applicant for a cancellation of a record of a licence-contract. The instructions for completing this form are listed in the footnotes to the form; OR
  - (iii) Application to Record Transfer of Licence-Contract ([Form No. 15](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form shall only be completed by an applicant for a recordal of a transfer of a licence-contract. The instructions for completing this form are listed in the footnotes to the form. Attach copy of document, Deed of Assignment or Transfer, by which licence-contract was transferred; AND
  - (iv) Application for an Address for Service ([Form No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
  - (v) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees –
- (i) BZ\$50.00 – fee for recording a licence-contract; OR
  - (ii) BZ\$50.00 – fee for cancellation of a licence-contract; OR
  - (iii) BZ\$50.00 – fee for recording the transfer of a licence-contract; AND



- (iv) BZ\$100.00 – fee for publication of the notice of recordal in the Intellectual Property Journal; AND
- (v) BZ\$25.00 – fee for application for address for service. This fee is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney.

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### **HOW DO I APPLY FOR RECORDAL OF A SUB-LICENCE-CONTRACT OR CANCELLATION OF A RECORD OF A SUB-LICENCE-CONTRACT OR RECORDAL OF A TRANSFER OF A SUB-LICENCE-CONTRACT?**

You can apply for recordal of a sub-licence-contract or cancellation of a record of a sub-licence-contract or recordal of a transfer of a sub-licence-contract –

- (a) by filing the following forms –
  - (i) Application to Record a Sub-Licence-Contract ([Form No. 16](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form shall only be completed by an applicant for a recordal of a sub-licence-contract. The instructions for completing this form are listed in the footnotes to the form. Attach copy of Sub-Licence-Contract; OR
  - (ii) Application to Cancel Record in Register of a Sub-Licence-Contract ([Form No. 16A](#) of Schedule to the Trade Marks (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for a cancellation of a record of a sub-licence-contract. The instructions for completing this form are listed in the footnotes to the form; OR
  - (iii) Application to Record Transfer of Sub-Licence-Contract ([Form No. 16B](#) of Schedule to the Trade Marks (General Procedures) Administrative Instructions, 2005). This form shall only be completed by an applicant for a recordal of a transfer of a sub-licence-contract. The instructions for completing this form are listed in the footnotes to the form. Attach copy of document, Deed of Assignment or Transfer, by which sub-licence-contract was transferred; AND
  - (iv) Application for an Address for Service ([Form. No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local

applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND

- (v) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees –
- (i) BZ\$50.00 – fee for recording a sub-licence-contract; OR
  - (ii) BZ\$50.00 – fee for cancellation of a sub-licence-contract; OR
  - (iii) BZ\$50.00 – fee for recording the transfer of a sub-licence-contract; AND
  - (iv) BZ\$100.00 – fee for publication of the notice of recordal in the Intellectual Property Journal; AND
  - (v) BZ\$25.00 – fee for application for address for service. This fee is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney.

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## HOW DO I CHANGE AN AGENT?

You can change an agent –

- (a) by filing the following forms -
  - (i) Form of Authorisation of Agent in a Matter or Proceeding under the Act ([Form No. 2](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form;

- (ii) Application for an Address for Service ([Form. No. 1](#) of Schedule II to the Trade Marks Rules, CAP. 257S). This form is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney. The instructions for completing this form are listed in the footnotes to the form; AND
- (b) by paying the following fees –
  - (i) BZ\$25.00 – fee for application for address for service. This fee is only required for an applicant whose residence or principal place of business is outside Belize or for a local applicant who is applying through an attorney;
  - (ii) BZ\$100.00 – fee for publication of the notice of change of agent in the Intellectual Property Journal.

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## **HOW DO I APPLY FOR AN EXTENSION OF TIME?**

You can apply for an extension of time –

- (a) by filing the following document -
  - Affidavit setting forth the relevant facts that caused the delay; AND
- (b) by paying the following fee -
  - BZ\$50.00 – fee for requesting that the Registrar extend the time limit for doing anything.

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## **WHAT IS THE STATUS OF TRADE MARKS REGISTERED UNDER THE UNITED KINGDOM TRADE MARKS ACT AND THE MERCHANDISE MARKS ACT?**

The United Kingdom Trade Marks Act and the Merchandise Marks Act were repealed by the present Trade Marks Act. However, marks registered under the United Kingdom Trade Marks Act are now regarded as being registered under the present Act. The transitional period for filing trade marks originally filed in the United Kingdom has expired.

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## WHAT ARE THE PHYSICAL REQUIREMENTS FOR TRADE MARK APPLICATIONS?

### FORMS

- In submitting a document for any purpose of the Trade Marks Act or the Trade Mark Rules, the person submitting the document must use the Form set out in *Schedule II* to the Trade Marks Rules that is applicable.
- All applications, notice, statements, papers having representations affixed, or other documents authorized or required by the Trade Marks Act or the Trade Marks Rules to be made, left with or sent to the Registrar must be on strong, durable white paper and, except in the case of statutory documents and affidavits, must be written on one side of the paper only.
- Each sheet of paper (other than representations) must have its short sides at the top and bottom of the sheet.
- Each sheet of paper must be of the same size and on A-4 paper or such other size as the Registrar may permit.
- The papers of documents, other than representations, must be numbered consecutively, preferably at the top of the page.
- Page margins must be approximately 2 cm.
- Except for representations, pages must be typed or printed preferably with one and a half spacing or double spacing.

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### LANGUAGE/FILING BY FAX/FEE DEADLINE

- All documents for filing shall be in English. Where a different language is used the documents shall be accompanied by an English translation.
- Filing by fax is acceptable on condition that the original copies are received within 30 days of filing date.
- Time limit for payment of application fees – within 30 days of filing date.

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## WHAT ARE THE TIMELINES FOR PROCESSING TRADE MARK APPLICATIONS?

TRADEMARKS	
<ul style="list-style-type: none"><li>• issue filing date stamp for trade mark applications meeting filing requirements</li></ul>	within 1 week of filing date
<ul style="list-style-type: none"><li>• approve acceptable applications/issue first examination reports for unacceptable applications</li></ul>	within 2 months of filing date
<ul style="list-style-type: none"><li>• issue a trademark registration certificate</li></ul>	within 6 months of filing date

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## HOW CAN I CONTACT BELIPO?

You can contact BELIPO through the following -

Belize Intellectual Property Office (BELIPO)  
Habet Building (2<sup>nd</sup> Floor)  
P.O. Box 592  
Constitution Drive  
Belmopan, Belize  
Phone: 501-822-1381/822-2073  
Fax: 501-822-1382  
E-mail: [belipo@btl.net](mailto:belipo@btl.net) / [belipobz@lycos.com](mailto:belipobz@lycos.com) / [info@belipo.bz](mailto:info@belipo.bz)  
Website: [www.belipo.bz](http://www.belipo.bz)

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