

THE TRADE MARKS ACT

RULES
(*under section 78*)

The Trade Marks Rules, 2001

L.N. 127/2001

THE TRADE MARKS RULES, 2001

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THE TRADE MARKS ACT

RULES
(under section 78)

THE TRADE MARKS RULES, 2001

(Made by the Minister on the 16th day of August, 2001)

L.N. 127/2001

Preliminary

1. These Rules may be cited as the Trade Marks Rules, 2001.

Citation.

2.—(1) In these Rules unless the context otherwise requires—

Interpretation.

“appointed day” means the 24th day of August, 2001.

“Convention Country” means a country other than Jamaica which is a party to the Paris Convention for the Protection of Industrial Property, March 20, 1883 as revised or amended from time to time;

“former Act” means the Trade Marks Act in force immediately before the 3rd day of September, 2001;

“the Office” means the Office of the Registrar of Companies;

“the old law” means the former Act and any other enactment or rule of law applying, immediately before the appointed day, to trade marks registered under the former Act;

“proprietor” means the person registered as the proprietor of a trade mark;

“specification” means the designation of goods or services in respect of which a trade mark, or a licensee of a trade mark, is registered or proposed to be registered.

(2) In these Rules references to the filing of any application, notice or other document shall be construed as references to their being sent or delivered to the Registrar at the Office.

3.—(1) The fees to be paid in respect of applications, registrations or other matters under these Rules shall be those specified, in relation to such matter, in the First Schedule.

Fees.

First
Schedule.

(2) Any form required to be filed with the Registrar in respect of any specified matter shall be subject to the payment of the fee (if any) specified, in respect of that matter, in the First Schedule.

Forms
Second
Schedule.

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

Registration

Application
for
registration of
trade mark.
First
Schedule.

5.—(1) An application for the registration of a trade mark shall be filed on Form TM1 and fees therefor paid in the manner specified in the First Schedule.

(2) Where an application relates to a trade mark which—

- (a) is three dimensional, the application shall contain a description of the mark in graphic form; or
- (b) has colour, the application shall contain a description of the colour and a specimen thereof shall be submitted with the application.

(3) An application to register a word as a trade mark shall be treated as an application to register that word without regard to its graphic form shown in the application, unless the applicant includes a statement that the application is for registration of the word in the graphic form.

Claim to
priority.

6.—(1) Where, pursuant to section 19 of the Act, a right to priority is claimed by reason of an application for protection of a trade mark duly filed in a Convention country, particulars of that claim shall be included in the application for registration under rule 5.

(2) There shall be filed with the application, a certificate by the registering or other competent authority of a Convention country certifying, or verifying to the satisfaction of the Registrar—

- (a) the date of the filing of the application in that country;
- (b) the registering or competent authority;
- (c) the representation of the mark; and
- (d) the goods or services covered by the application.

(3) Where a certificate is not filed pursuant to paragraph (2) the applicant shall file the certificate within three months of filing the application.

(4) Where an applicant fails to file a certificate pursuant to paragraph (3), the claim to priority shall not be considered.

Classification of
goods and services.
Third
Schedule.
Fourth
Schedule.

7.—(1) For the purposes of trade mark registration in respect of goods dated before the 1st day of December, 1958, goods are classified in accordance with the Third Schedule except where a specification has been converted to the Fourth Schedule, whether under the old law or under

rule 35.

(2) For the purposes of—

- (a) trade mark registrations in respect of goods dated on or after the 1st day of December, 1958;
- (b) any registrations dated before that date in respect of which the specifications were converted under the old law; and
- (c) trade mark registrations in respect of services,

goods and services are classified in accordance with the Fourth Schedule, which sets out the current version of the classes of the International Classification of Goods and Services.

Fourth
Schedule.

8.—(1) An application may be made for registration in more than one class specified in the Fourth Schedule.

Application to
specify class
or classes to
which trade
mark relates.

(2) Every application shall specify the class or classes in the Fourth Schedule to which it relates and the specification shall—

- (a) set out the class or classes in consecutive numerical order; and
- (b) list under each class the specific goods or services appropriate to that class for which protection is sought.

(3) If the specification lists goods or services by reference to a class in the Fourth Schedule in which they do not fall, the applicant may request, by filing Form TM2, that his application be amended to include the appropriate class for those goods and services, and upon the payment of the appropriate class fee specified in the First Schedule the Registrar shall amend his application accordingly.

First
Schedule.

9.—(1) For the purposes of any proceedings before the Registrar under these Rules or any appeal from a decision of the Registrar under the Act or these Rules, an address for service in Jamaica shall, subject to the provisions of this rule, be filed on Form TM3 by—

Address for
service.

- (a) every applicant for the registration of a trade mark;
- (b) every person opposing an application for registration of a trade mark;
- (c) every applicant applying to the Registrar—
 - (i) under section 44 of the Act for the revocation of the registration of a trade mark;
 - (ii) under section 46 of the Act for the invalidation of the registration of a trade mark; or

(iii) under section 62 of the Act for the correction of an error or omission in the register;

- (d) every person granted leave to intervene under rule 26 (5) (the intervener); and
- (e) every proprietor of a registered trade mark which is the subject of an application referred to in sub-paragraph (c).

(2) The address for service of an applicant for registration of a trade mark shall, upon registration of the mark, be deemed to be the address for service of the registered proprietor, subject to any filing to the contrary under paragraph (1) or rule 33(2).

(3) Where an applicant is required to file an address for service and such requirement is made pursuant to the directions of a form required by the Registrar pursuant to section 54 of the Act, the applicant shall file the address on that form.

(4) Anything sent to any applicant, opponent, intervener or registered proprietor at his address for service shall be deemed to be properly sent.

(5) The Registrar may, where no address for service is filed, treat as the address for service of the person concerned, his trade or business address in Jamaica, if any.

(6) An address for service in Jamaica may be filed at any time by the proprietor of a registered trade mark and by any person having an interest in or charge on a registered trade mark.

(7) Where an address for service is not filed as required by paragraph (1) and there is no trade or business address in Jamaica, the Registrar shall send the person concerned notice to file an address for service within two months of the date of the notice and if that person fails to do so—

- (a) in the case of an applicant referred to in paragraph (1) (a) or (c), the application shall be treated as abandoned;
- (b) in the case of a person referred to in paragraph (1) (b) or (d), he shall be deemed to have withdrawn from the proceedings; and
- (c) in the case of the proprietor referred to in paragraph (1) (e), he shall not be permitted to take part in any proceedings.

10.—(1) Where an application for registration of a trade mark does not satisfy the requirements of section 16(2) or (3) of the Act or rule 5 or 8, the Registrar shall send notice thereof to the applicant to remedy the deficiencies or where the deficiency relates to the non-payment of fees, to make the payment.

Deficiencies
in application.

- (2) If, within two months of the date of the notice, the applicant—
- (a) fails to remedy any deficiency notified to him in respect of section 16(2); or
 - (b) fails to remedy any deficiency notified to him in respect of rule 5 or 8(2) or fails to make the required payment,

the application shall be treated as abandoned.

Publication, observations, opposition and registration

11. An application which has been accepted for registration shall be published.

Publication of application for registration.

12.—(1) Any person may, without two months from the date of any publication of an application for registration of a trade mark, give to—

Opposition.

- (a) the Registrar notice of opposition to the registration in Form TM4; and
- (b) the applicant a duplicate of the notice.

(2) The duplicate of the notice sent to the applicant shall contain—

- (a) a statement of the grounds of opposition; and
- (b) if registration is opposed on the ground that the mark resembles marks already on the register, the numbers of those trade marks and their date of publication.

(3) Within two months from the date of receipt of the duplicate referred to in paragraphs (1) and (2) the applicant shall file in duplicate a counter-statement on Form TM5 setting out—

- (a) the grounds on which he relies in support of his application; and
- (b) the facts, if any, alleged in the notice of opposition that are admitted by him,

and shall send a duplicate of the counter-statement to the opponent.

(4) If the applicant fails to file a counter-statement in accordance with paragraph (3), his application for registration of the trade mark shall be deemed to be withdrawn.

(5) Upon receipt of the duplicate of the counter-statement the opponent shall, within two months from the date of receipt of the duplicate—

- (a) file such evidence by way of statutory declaration or affidavit as he may desire to adduce in support of his opposition; or

(b) notify the Registrar that he does not wish to file any evidence, and shall send copies thereof to the applicant.

(6) If an opponent—

- (a) files no evidence, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition;
- (b) files evidence, then, within two months of the receipt of the copies of declarations or affidavits, as the case may be, the applicant shall submit to the Registrar, such evidence by way of statutory declaration or affidavit as he desires to adduce in support of his application and shall send copies thereof to the opponent.

(7) Within two months of the receipt of the copies of the applicant's declarations the opponent—

- (a) may submit to the Registrar, in the form of a statutory declaration or affidavit, evidence which shall be strictly in reply to the applicant's evidence; and
- (b) shall send copies thereof to the applicant.

(8) No further evidence shall be submitted by either party 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 submit any evidence upon such terms as to costs or otherwise as he may think fit.

(9) Where there are exhibits to declarations filed in an opposition—

- (a) copies or impressions of those exhibits shall be sent to the other party on his request and at his expense; or
- (b) if such copies or impressions cannot conveniently be furnished, the originals shall be submitted to the Registrar in order that they may be open to inspection,

and the original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

(10) 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, being a date at least fourteen days after the date of the notice, unless the parties consent to a shorter notice.

(11) Within seven days from receipt of the notice referred to in paragraph (10), any party who intends to appear shall so notify the Registrar in writing.

(12) A party who does not comply with paragraph (11) may be

treated as not desiring to be heard and the Registrar may act accordingly.

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

(14) Where a party giving notice of opposition under paragraph (1) or an applicant sending a counter-statement under paragraph (3) neither resides nor carries on business in Jamaica, the Registrar may—

- (a) 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
- (b) at any stage in the proceedings, require further security to be given at any time before giving his decision in the case.

(15) In the event of an applicant failing to file a counter-statement in accordance with paragraph (3), 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.

(16) Within two months from the date of any publication of an application for the registration of a certification or collective trade mark, any person may give notice to the Registrar on Form TM4 opposing the registration of such trade mark, and paragraphs (1) to (15) shall apply to the proceedings thereon.

Amendment of application

13. A request pursuant to section 23 (2) of the Act for an amendment of an application to correct an error or to change the name or address of the applicant shall be made on Form TM6, as the case may require.

Amendment
of application.

14.—(1) Where a request is made for amendment of an application which has been published and the amendment affects the representation of the trade mark or the goods or services covered by the application, the amended application shall also be published.

Amendment
of application
after
publication.

(2) Notice of opposition to the amendment shall be filed on Form TM4 within one month of the date of publication of the application as amended, and shall include a statement of the grounds of objection and, in particular, how the amendments would be contrary to section 23 of the Act.

(3) The provisions of rule 12 shall apply to proceedings relating to the opposition to the amendment of the application as they apply to proceedings relating to opposition to the registration of a trade mark.

Division, merger and series of marks

Division of
application.

15.—(1) At any time before registration of a trade mark, an applicant may send to the Registrar a request on Form TM7 for a division of his application for registration (the original application) into two or more separate applications (hereinafter referred to as “divisional applications”), indicating for each division the specification of goods or services which should not relate to goods or services of the same description as those contained in the original application.

(2) Each divisional application shall be treated as a separate application for registration with the same filing date as the original application and at the same stage of processing.

(3) Where the request to divide an application is filed after publication of the application, any objections in respect of, or opposition to, the original application shall be taken to apply to each divisional application and shall be proceeded with accordingly.

(4) Upon division of an original application in respect of which notice has been given to the Registrar of particulars relating to the grant of a licence, or security interest or any right in or under it, the notice and the particulars shall be deemed to apply in relation to each of the applications into which the original application has been divided.

(5) The division of an application into separate applications under paragraph (3) shall be subject to the payment of a divisional fee and application and class fees specified in the First Schedule.

First
Schedule.

Merger of
separate
applications for
registration.

16.—(1) An applicant who has made separate applications for registration of a mark may, at any time, request the Registrar on Form TM8 to merge the separate applications into a single application and where each application is at a different stage in processing the single application shall be treated as being at the earlier of the stages of processing.

(2) The Registrar shall merge them into a single application if satisfied that all the applications which are the subject of the request for merger—

- (a) are in respect of the same trade mark;
- (b) bear the same date of application; and
- (c) are, at the time of the request, in the name of the same person.

(3) The proprietor of two or more registrations of a trade mark may request the Registrar on Form TM8 to merge them into a single registration and the Registrar shall so merge them if satisfied that the registrations are in respect of the same trade mark.

(4) Where any registration of a trade mark to be merged under paragraph (3) is subject to a disclaimer or limitation, the merged registration shall also be restricted accordingly.

(5) Where any registration of a trade mark to be merged under paragraph (3) has had registered in relation to it, particulars relating to the grant of—

- (a) a licence or a security interest; or
- (b) any right in or under it; or
- (c) any memorandum or statement of the effect of a memorandum,

the Registrar shall enter in the register the same particulars in relation to the merged registration.

(6) The date of registration of the merged registration shall, where the separate registrations bear different dates, remain as they are.

17.—(1) The proprietor of a series of trade marks may apply to the Registrar on Form TM1 for their registration as a series in a single registration and there shall be included in such application a representation of each mark claimed to be in the series.

Registration of a series of trade marks.

(2) The Registrar shall accept the application if he is satisfied that the marks referred to in paragraph (1) constitute a series.

(3) At any time before publication of the application, the applicant may request on Form TM7 the division of the application into separate applications in respect of one or more marks in that series and the Registrar shall divide the application accordingly if he is satisfied that the division requested conforms with section 25 (2) of the Act.

(4) An applicant for registration of a series of trade marks or the proprietor of a registered series of trade marks may, at any time request the deletion of a mark in that series, and the Registrar shall delete the mark accordingly.

18. Within nine months of the date of the application for the registration of a collective or certification mark and prior to publication, the applicant shall file Form TM9 accompanied by a copy of the regulations governing the use of the mark.

Filing of regulations for collective and certification marks.

19.—(1) An application for the amendment of the regulations governing the use of a registered collective or certification mark shall be filed on Form TM10.

Amendment of regulations of collective and certification marks.

(2) Where it appears expedient to the Registrar that the amended regulations should be made available to the public he shall publish a notice indicating where copies of those regulations may be inspected.

(3) Any person may, within two months of the date of publication of the notice under paragraph (2), make observations to the Registrar on the amendments relating to the matters referred to in the principal Act in paragraph 5(1) of the First Schedule thereto in relation to a collective mark, or paragraph 4(1) of the Second Schedule thereto in relation to a certification mark and the Registrar shall send a copy thereof to the proprietor.

(4) Any person may, within two months of the date of publication of the notice, file notice on Form TM4 to the Registrar of opposition to the amendment, accompanied by a statement of the grounds of opposition, indicating why the amended regulations do not comply with the requirement of paragraph 5(1) of the First Schedule or, as the case may be, paragraph 4(1) of the Second Schedule of the principal Act.

(5) The Registrar shall send a copy of the notice and the statement to the proprietor and thereafter the procedure in rule 12 shall apply to the proceedings as they apply to proceedings relating to opposition to an application for registration.

Disclaimers, limitations and alteration or surrender of registered trade mark

Registration
subject to
disclaimer or
limitation.

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

(2) Where the applicant for registration of a trade mark or the proprietor by notice in writing sent to the Registrar—

- (a) disclaims any right to the exclusive use of any specified element of the trade mark; or
- (b) agrees that the rights conferred by the registration shall be subject to a specified territorial or other limitation,

the Registrar shall make the appropriate entry in the register and publish such disclaimer or limitation.

(3) Upon payment by the proprietor of the application fee for registration of a trade mark specified in the First Schedule, the Registrar shall advertise the disclaimer or limitation.

First
Schedule.

Alteration of
registered
marks.

21.—(1) The proprietor may request the Registrar on Form TM11 for such alteration of his registered mark as is permitted under section 41(2) of the Act.

(2) The Registrar may require such evidence by statutory declaration or otherwise as to the circumstances in which the application referred to in paragraph (1) is made.

(3) Where the Registrar proposes to allow the alteration, he shall publish the mark as altered.

(4) Any person claiming to be affected by the alteration may, within two months of the date of publication of the alteration under paragraph (2), send to the Registrar a notice of opposition to the alteration on Form TM4 and shall include a statement of the grounds of opposition.

(5) The Registrar shall, upon receipt of the notice and statement referred to in paragraph (4), send a copy of each to the proprietor and thereafter the procedure in rule 12 shall apply to the proceedings as they apply to proceedings relating to opposition to an application for registration.

22.—(1) Subject to paragraph (2), the proprietor may surrender a registered trade mark by sending notice to the Registrar—

Surrender
of registered
trade mark.

- (a) on Form TM12 in respect of all the goods or services for which it is registered; or
- (b) on Form TM13, in respect only of those goods or services specified by him in the notice.

(2) A notice under paragraph (1) shall be of no effect unless the proprietor, in that notice—

- (a) gives the name and address of any person having a registered interest in the mark; and
- (b) certifies that any such person—
 - (i) has been sent not less than three months' notice of the proprietor's intention to surrender the mark; or
 - (ii) is not affected, or if affected, consents thereto.

(3) The Registrar shall, upon the surrender taking effect, make the appropriate entry in the register.

Renewal and restoration

23.—(1) The Registrar shall, not earlier than six months nor later than one month before the date of expiry of the last registration of a trade mark, notify the proprietor in writing of the date of expiry and the manner in which registration may be renewed.

Renewal of
registration.

(2) Renewal of registration shall be effected by filing a request for renewal on Form TM14 at any time within the period of six months ending on the date of the expiration of the registration and such request shall be accompanied by the fee specified in the First Schedule.

First
Schedule.

24.—(1) If, on the expiration of the last registration of a trade mark the renewal fee has not been paid, the Registrar shall publish that fact.

Delayed
renewal and
removal of
registration.

First
Schedule.

(2) If, within six months from the date of the expiration of the last registration, the request for renewal is filed on Form TM14 accompanied by the renewal fee specified in the First Schedule and additional renewal fee so specified, the Registrar shall renew the registration without removing the mark from the register.

(3) Where no request for renewal is filed as aforesaid, the Registrar shall, subject to rule 25, remove the mark from the register.

(4) Where a mark is due to be registered after the date on which it is due for renewal (by reference to the date of application for registration), the request for renewal shall be filed together with the renewal fee and additional renewal fee within six months after the date of actual registration.

(5) The removal of the registration of a trade mark shall be published.

Restoration of
registration.

25.—(1) Where the registrar has removed the mark from the register for failure to renew its registration in accordance with rule 23, he may, upon a request filed on Form TM15 within six months of the date of the removal accompanied by the renewal fee specified in the First Schedule and restoration fee so specified, restore the mark to the register and renew its registration if, having regard to the circumstances of the failure to renew, he is satisfied that it is just to do so.

(2) The restoration of the registration shall be published, with the date of restoration shown.

Application
for revocation,
declaration of
invalidity and
correction of
register.

26.—(1) An application to the Registrar for—

- (a) revocation of registration of a mark under section 44 of the Act; or
- (b) declaration of invalidity of the registration of a trade mark under section 46 of the Act; or
- (c) the rectification of an error or omission in the register under section 62 of the Act,

shall be made on Form TM16 together with a statement of the grounds on which the application is made.

(2) Where any application is made under paragraph (1) by a person other than the proprietor of the registered trade mark, the Registrar shall send a copy of the application and the statement to the proprietor.

(3) Within two months of the date of receipt by the proprietor of the application and the statement the proprietor may file a counter-statement together with Form TM5 and the Registrar shall send a copy thereof to the applicant:

Provided that where an application for revocation is based on the ground

of non-use under section 43 (1) (a) of the Act, the proprietor shall file (within the period allowed for the filing of any counter-statement) evidence of the use by him of the mark, and if he fails to do so, the Registrar may treat his opposition to the application as having been withdrawn.

(4) Subject to paragraphs (2), (6) and (7), the provisions of rule 12 shall apply to proceedings relating to the application as they apply to opposition proceedings for the registration of a trade mark, except that, in the case of an application for revocation on the grounds of non-use under section 43(1) (a) of the Act, the application shall be granted where no counter-statement is filed.

(5) Any person, other than the registered proprietor, claiming to have an interest in proceedings on an application under this rule may file an application to the Registrar on Form TM17 for leave to intervene, stating the nature of his interest and the Registrar may, after hearing the parties concerned if so required, refuse such leave or grant leave upon such terms or conditions (including any undertaking as to costs) as he thinks fit.

(6) Any person granted leave to intervene (hereinafter referred to as “the intervener”) shall, subject to the terms and conditions imposed in respect of the intervention, be treated as a party for the purposes of the application of the provisions of rule 12 to the proceedings on an application under this rule.

(7) When the Registrar has made a decision on the application following any opposition, intervention or proceedings held in accordance with this rule, he shall send the applicant, the person opposing the application and the intervener (if any) written notice of it, stating the reasons for his decision.

(8) For the purposes of any appeal against the Registrar’s decision, the date when the notice of the decision is sent shall be taken to be the date of the decision.

The Register

27. The register required to be maintained by the Registrar under section 61 of the Act need not be kept in documentary form.

Form of register.

28. In addition to the entries required to be made in the register by section 61(1) of the Act, the register shall contain, in respect of each trade mark registered therein, the following particulars—

Contents of register.

- (a) the date of registration as determined in accordance with section 24(4) of the Act (that is to say, the date of the filing of the application for registration);
- (b) the actual date of registration (that is to say, the date of the entry in the register);

- (c) the priority date (if any) to be accorded pursuant to a claim to a right to priority made under section 19 or 20 of the Act;
- (d) the name and address of the proprietor;
- (e) the address for service (if any) as furnished pursuant to rule 9 (1);
- (f) any disclaimer of limitation of rights under section 26 (2) (a) or (b) of the Act;
- (g) any memorandum or statement of the effect of any memorandum relating to a trade mark of which the Registrar has been notified on Form TM18;
- (h) the goods or services in respect of which the mark is registered;
- (i) where the mark is a collective or certification mark, that fact; and
- (j) where the mark is registered pursuant to section 13(6) of the Act with the consent of the proprietor of an earlier trade mark or other earlier right, that fact.

29. Upon application made to the Registrar by such person as is mentioned in section 30(2) of the Act, there shall be entered in the register the following particulars of registrable transactions, that is to say—

- (a) in the case of an assignment of a registered trade mark or any right in it—
 - (i) the name and address of the assignee;
 - (ii) the date of the assignment; and
 - (iii) where the assignment is in respect of any right in the mark, a description of the right assigned;
- (b) in the case of the grant of a licence under a registered trade mark—
 - (i) the name and address of the licensee;
 - (ii) where the licence is an exclusive licence, that fact;
 - (iii) where the licence is limited, a description of the limitation; and
 - (iv) the duration of the licence if the same is or is ascertainable as a definite period;
- (c) in the case of the grant of any security interest over a registered trade mark or any right in or under it—
 - (i) the name and address of the grantee;
 - (ii) the nature of the interest (whether fixed or floating); and
 - (iii) the extent of the security and the right in or under the mark secured;
- (d) in the case of the making by personal representatives of an assent in relation to a registered trade mark or any right in or under it—
 - (i) the name and address of the person in whom the mark or any right in or under it vests by virtue of the assent; and

Entry in register of particulars of registrable transactions.

- (ii) the date of the assent; and
- (e) in the case of a court or other competent authority transferring a registered trade mark or any right in or under it—
 - (i) the name and address of the transferee;
 - (ii) the date of the order; and
 - (iii) where the transfer is in respect of a right in the mark, a description of the right transferred,
 and, in each case, there shall be entered the date on which the entry is made.

30.—(1) An application to register particulars of a transaction to which section 30 of the Act applies or to give notice to the Registrar of particulars of a transaction relating to an application for the registration of a trade mark shall be made, subject to paragraph (2)—

Application to register or give notice of transaction.

- (a) on Form TM19 where it relates to an assignment or transaction other than a transaction referred to in subparagraphs (b) to (d) of this paragraph;
- (b) on Form TM20 where it relates to a grant of a licence;
- (c) on Form TM21 where it relates to an amendment to, or termination of a licence;
- (d) on Form TM18 where it relates to the grant, amendment or termination of any security interest; and
- (e) on Form TM18 relating to the making by personal representatives of an assent or to an order of a court or other competent authority.

(2) An application under paragraph (1) shall be accompanied by such documentary evidence as suffices to establish the transaction.

(3) Where the transaction is effected by an instrument chargeable with duty, the application shall be subject to the Registrar being satisfied that the instrument has been duly stamped.

(4) Where an application to give notice to the Registrar has been made of particulars relating to an application for registration of a trade mark, upon registration of the trade mark, the Registrar shall enter those particulars in the register.

31.—(1) The register shall be open for public inspection at the Office on payment of the fee specified in the First Schedule and, on the dates and times published by the Registrar.

Public inspection of register. First Schedule.

(2) The Office shall be closed to the public and the register shall not be open to inspection on public holidays and on days which may from time to time be notified by a notice posted in a conspicuous place at the

Office.

(3) Where any portion of the register is kept otherwise than in documentary form, the right of the inspection is a right to inspect such portion in addition to the register.

Supply of
certified
copies, etc.

32. The Registrar shall supply a certified copy or extract or uncertified copy or extract of any entry in the register pursuant to a request on Form TM22.

Request for
change of
name or
address in
register.

33.—(1) The Registrar shall, on a request made on Form TM6 by the proprietor of a registered trade mark or a licensee or any person having an interest in or charge on a registered trade mark which has been registered under rule 30, enter any change in his name or address as recorded in the register.

(2) The Registrar may at any time change an address recorded in the register, on a request made on Form TM3 by any person who has furnished that address for service under rule 9.

Removal of
any entry
from register.

34.—(1) Where it appears to the Registrar that any entry in the register has ceased to have effect, before removing it from the register—

- (a) he may, where he considers it appropriate, publish his intention to remove that entry; and
- (b) where any person appears to him to be affected by the removal, he shall send notice of his intention to that person.

(2) Within two months of the date on which the Registrar's intention to remove the entry is published, or notice of his intention is sent, as the case may be—

- (a) any person may file notice of opposition to the removal on Form TM4; and
- (b) the person to whom a notice is sent under paragraph (1) (b) may file, in writing—
 - (i) his objections, if any, to the removal; or
 - (ii) a request to have his objections heard orally,
 and where such opposition or objections are made, rule 41(4) shall apply.

(3) The Registrar shall not remove any entry if he is satisfied, after considering any objection or opposition to the removal, that the entry has not ceased to have effect.

(4) The Registrar may—

- (a) remove any entry where there has been no response to his notice;

- (b) remove any entry or any part thereof where representations objecting to the removal have been made (whether in writing or orally) and the Registrar is of the view after considering the objections that the entry or any part thereof has ceased to have effect.

Change of Classification

35.—(1) Subject to section 63 of the Act, the Registrar may—

- (a) in order to reclassify the specification of a registered trade mark founded on the Third Schedule to one founded on the Fourth Schedule; or
- (b) consequent upon an amendment of the International Classification of Goods and Services referred to in rule 7 (2),

Change of
Classification.

Third
Schedule.
Fourth
Schedule.

make such amendments to entries on the register as he considers necessary for the purposes of reclassifying the specification of the registered trade mark.

(2) Before making any amendment to the register under paragraph (1) the Registrar shall give the proprietor of the mark written notice of his proposals for amendment advising him that—

- (a) he may make written objections to the proposals within two months of the date of the notice, stating the grounds of his objections; and
- (b) if no written objections are received within the period specified the Registrar will publish the proposals and he will not be entitled to make any objections thereto upon such publication.

(3) If the proprietor—

- (a) makes no written objections within the period specified in paragraph (2) (a); or
- (b) at any time before the expiration of that period gives the Registrar written notice of his intention not to make any objections,

the Registrar shall publish the proposals as soon as practicable after the expiration of that period or upon receipt of the notice.

(4) Where the proprietor makes written objections within the period specified in paragraph (2) (a), the Registrar shall, as soon as practicable after he has considered the objections, publish the proposals or, where he has amended the proposals, publish the proposals as amended.

(5) The decision of the Registrar under paragraph (4) shall be final and not subject to appeal.

Opposition to proposals.

36.—(1) Notice of any opposition shall be filed on Form TM4 within two months of the date of publication of the proposals under rule 35 and shall state the grounds of opposition and, in particular, how the proposed amendments would be contrary to section 63 (3) of the Act.

(2) The Registrar may require or admit evidence directed to the questions in issue and, if so requested by any person opposing the proposal, give that person the opportunity to be heard thereon before deciding the matter.

(3) If no notice of opposition is filed under paragraph (1) within the time specified, or where any opposition has been determined, the Registrar shall make the amendments as proposed and shall enter in the register the date when they were made.

(4) The decision of the Registrar under paragraph (3) shall be final and not subject to appeal.

Request for information, inspection of documents and confidentiality

Request for information.

37. A request for information relating to an application for registration or to a registered trade mark pursuant to section 55 of the Act shall be made on Form TM23.

Information available before publication.

38. Before publishing an application for registration, the Registrar shall make available for inspection by the public—

- (a) the application and any amendments made to it; and
- (b) any particulars contained in a notice given to the Registrar under rule 30.

Inspection of documents.

39.—(1) Subject to paragraphs (2) and (3), the Registrar shall permit the inspection of all documents filed or kept at the Office in relation to a registered mark or, where an application for the registration of a trade mark has been published, in relation to that application.

(2) The Registrar shall not be obliged to permit the inspection of any document mentioned in paragraph (1) until he has completed any procedure, or the stage in the procedure relevant to the document in question, which he is required or permitted to carry out under the Act or these Rules.

(3) The right of inspection under paragraph (1) does not apply to—

- (a) any document until fourteen days after it has been filed at the Office;
- (b) any document prepared in the Office solely for use therein;
- (c) any document sent to the Office, whether at its request or otherwise, for inspection and subsequent return to the sender;

- (d) any request for information under rule 37;
- (e) any document issued by the Office which the Registrar considers should be treated as confidential; or
- (f) any document in respect of which the Registrar issues directions under rule 41 that it be treated as confidential.

(4) Nothing in paragraph (1) shall be construed as imposing on the Registrar any duty of making available for public inspection—

- (a) any document or part of a document which, in his opinion, disparages any person in a way likely to damage him; or
- (b) any document filed with or sent to the Office before the appointed day.

(5) No appeal shall lie from a decision of the Registrar under paragraph (4) not to make any document or part of a document available for public inspection.

40.—(1) Where—

- (a) a document (other than a form required by the Registrar) is filed at the Office; and
- (b) the person filing it requests, at the time of filing or within fourteen days thereafter, that the document or a specified part of it be treated as confidential, giving his reasons and specifying the period for which that document or part thereof should be kept confidential,

Confidential documents.

the Registrar may direct that the document or part of it, as the case may be, be treated as confidential, and the document shall not be open to public inspection while the matter is being determined by the Registrar.

(2) Where such a direction has been given and not withdrawn, nothing in this rule shall be taken to authorize or require any person to be allowed to inspect the document or part of it to which the direction relates except by leave of the Registrar.

(3) The Registrar shall not withdraw any direction given under this rule without prior consultation with the person at whose request the direction was given, unless the Registrar is satisfied that such prior consultation is not reasonably practical.

(4) The Registrar may where he considers necessary, direct that any document issued by the Office should be treated as confidential, and upon such direction that document shall not be open to public inspection except by leave of the Registrar.

(5) Where a direction is given under this rule for a document to be

treated as confidential, a record of the fact shall be filed with the document.

Agents

Agents.

41.—(1) Except as otherwise required by these Rules the following documents may be signed, made or given by or through an agent—

- (a) any application, request or notice which is required or permitted by the Act or these Rules to be made or given to the Registrar; and
- (b) all other communication between—
 - (i) an applicant or a person making such a request or giving such a notice and the Registrar; and
 - (ii) the registered proprietor or a licensee of a trade mark and the Registrar or any other person.

(2) Any such applicant, person, proprietor, or licensee may appoint an agent to act for him in any proceeding or matter before or affecting the Registrar under the Act and these Rules by signing and sending to the Registrar an authority to that effect in the Form TM3, or in such other written form as the Registrar may deem sufficient.

(3) In the case of an appointment referred to in paragraph (2)—

- (a) service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person appointing him;
- (b) all communication directed to be made to the person appointing the agent in respect of the proceeding or matter may be addressed to the agent, and all attendances upon the Registrar relating thereto may be made by or through that agent;
- (c) the Registrar may require the personal signature or presence of an applicant, opponent, proprietor, licensee or other person; and
- (d) the Registrar may require from an agent written evidence of his authority to act as agent pursuant to this rule.

(4) The Registrar shall not be bound to recognize as an agent, any person—

- (a) who has been proved to him, or, on appeal, to the court, to have been guilty of conduct discreditable to a trade mark agent;
- (b) who has been convicted of a criminal offence;
- (c) whose name has been struck off the roll of attorneys-at-law; or
- (d) (during the term of his suspension) who has been suspended from

acting as such.

Decision of Registrar, evidence and costs

42.—(1) Without prejudice to any provisions of the Act or these Rules requiring the Registrar to hear any party to proceedings under the Act or these Rules or to give such party an opportunity to be heard, the Registrar shall, before taking any decision on any matter under the Act or these Rules which is or may be adverse to any party to any proceedings before him, give that party an opportunity to be heard.

Decisions of Registrar to be taken after hearing.

(2) The Registrar shall give that party at least fourteen days' notice of the time when he may be heard unless that party consents to shorter notice.

43.—(1) Evidence which, under these Rules may be admitted by the Registrar in any proceedings before him, shall be in the form of a statutory declaration or affidavit.

Evidence in proceedings before Registrar.

(2) The Registrar may, in any particular case, take oral evidence in lieu of or in addition to such evidence and shall, unless he otherwise directs, allow any witness to be cross-examined on his statutory declaration, affidavit or oral evidence.

44.—(1) The statutory declaration or affidavit required by the Act or these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows—

Making and subscription of statutory declaration or affidavit.

- (a) in Jamaica, before any Justice of the Peace or other person authorized by law to administer an oath for the purpose of legal proceedings;
- (b) in the United Kingdom, before any Justice of the Peace, or any Commissioner or other officer authorized by law in any part of the United Kingdom to administer an oath for the purpose of legal proceedings;
- (c) in any other part of the Commonwealth, before a Judge, Justice of the Peace, or any officer authorized by law to administer an oath for the purpose of legal proceedings; and
- (d) in any other State before a—
 - (i) Jamaican or British Consul or Vice-Consul;
 - (ii) person exercising the functions of a Jamaican or British Consul;
 - (iii) Notary Public; or
 - (iv) Judge or Magistrate.

(2) Any document purporting to have affixed, impressed or sub-

scribed thereto or thereon the seal or signature of any person authorized by paragraph (1) to take a declaration to the effect that it was declared and subscribed before him, may be admitted by the Registrar without proof of the genuineness of the seal or signature, or of the official character of the person or his authority to take the declaration.

Registrar's power to require documents, information or evidence

45. The Registrar may, at any stage of any proceedings before him, direct that such documents, information or evidence as he may reasonably require shall be filed within such period as he may specify.

Registrar to have power of the Registrar of the Supreme Court.

46.—(1) The Registrar shall, in relation to the examination of witnesses on oath and the discovery and production of documents, have all the powers of the Registrar of the Supreme Court.

(2) The rules applicable to the attendance of witnesses before the Registrar of the Supreme Court shall apply in relation to the attendance of witnesses in proceedings before the Registrar.

Hearing before Registrar to be in public.

47. The hearing before the Registrar of any dispute between two or more parties relating to any matter in connection with an application for the registration of a mark or a registered mark shall be in public unless the Registrar, after consultation with those parties who appear in person or are represented at the hearing, otherwise directs.

Costs of proceedings.

48. The Registrar may, in any proceedings before him under the Act or these rules, by order award to any party such costs as he may consider reasonable, and direct how and by what parties they are to be paid.

Security for costs.

49.—(1) The Registrar may require any person who is a party in any proceedings before him under the Act or these Rules to give security for costs in relation to those proceedings and proceedings on appeal.

(2) In default of such security being given, the Registrar may treat the party in default as having withdrawn his application, opposition, objection or intervention, as the case may be.

Decision of Registrar.

50.—(1) When, in any proceedings before him, the Registrar has made a decision following a hearing or, if a hearing has not been requested, after considering any submission in writing, he shall send notice of his decision in writing to each party to the proceedings, and for the purpose of any appeal against that decision, the date of the decision shall, subject to paragraph (2), be the date when the notice is sent.

(2) Where a statement of the reasons for the decision is not included in the notice sent under paragraph (1)—

- (a) any party may, within one month of the date on which the notice was sent to him, request the Registrar on Form TM24 to send him a statement of the reasons for the decision;
- (b) the Registrar shall send such a statement; and
- (c) the date on which that statement is sent shall be deemed to be the

date of the Registrar's decision for the purpose of any appeal against it.

Applications to court

51. Every application to the Court under the Act shall be served on the Registrar. Applications to court.

Correction of irregularities, calculation and extension of time

52.—(1) Any irregularity in procedure in or before the Office or the Registrar may be rectified, subject to paragraph (2), on such terms as he may direct. Correction of irregularities of procedure.

- (2) In the case of an irregularity or prospective irregularity which—
- (a) consists of a failure to comply with any limitation as to times or periods specified in the Act, these Rules or the old law as that law continues to apply;
 - (b) has occurred or appears to the Registrar as likely to occur in the absence of a direction under this rule; or
 - (c) is attributable wholly or in part to an error, default or omission on the part of the Office or the Registrar and it appears to him that it should be rectified,

the Registrar may direct that the time or period in question shall be altered in such manner as he may specify.

(3) Paragraph (2) is without prejudice to the Registrar's power to extend any time or periods under rule 54.

53.—(1) Whenever the last day affixed by the Act or by these Rules for doing any act or thing at the Office falls on a day when— Excluded days.

- (a) the Office is not open; or
- (b) there is a general interruption or subsequent dislocation of the postal services of Jamaica,

such day shall be an excluded day for the purposes of the Act and these Rules and accordingly, it shall be lawful to do the act or thing on the first day following such excluded day which is not an excluded day.

(2) If in any particular case the Registrar is satisfied that the failure to give, make or file any notice, application or other document within any period of time specified in the Act or these Rules for that purpose was wholly or mainly attributable to a failure or undue delay in the postal services in Jamaica, the Registrar may, if he thinks fit, extend the period so that it ends on the day of the receipt by the addressee of the notice, application or other document (or, if the day of such receipt is an excluded day, on the first following day which is not an excluded day), upon such notice to other

parties and upon such terms as he may direct.

Alteration of
time limits.

54.—(1) The time or periods—

- (a) prescribed by these rules, other than the times or periods prescribed by the rules mentioned in paragraph (3); or
- (b) specified by the Registrar for doing any act or taking any proceedings,

may, at the request of the person or party concerned and upon payment of the prescribed fee, be extended by the Registrar as he thinks fit, upon such notice to any other person or party affected and upon such terms as he may direct.

(2) A request for the extension of a period prescribed by these Rules which is filed after the application has been published under rule 12 shall be on Form TM25 and shall in any other case be on that form if the Registrar so directs.

(3) The rules referred to in paragraph (1) are—

- (a) rule 9 (7) (failure to file address for service);
- (b) rule 10 (deficiencies in application);
- (c) rule 12 (1) (time for filing opposition);
- (d) rule 13 (3) (time for filing counter-statement);
- (e) rule 24 (delayed renewal);
- (f) rule 25 (restoration of registration).

(4) Subject to paragraph (5), a request for extension under paragraph (1), shall be made before the expiration of the time or period in question.

(5) Where the request for extension is made after the expiration of the time or period, the Registrar may extend the period or time if he is satisfied with the explanation for the delay in requesting the extension and it appears to him that any extension would not be to the disadvantage of any other person or party affected by it.

(6) Where—

- (a) the period within which any party to any proceedings before the Registrar may file evidence under these Rules is to begin on the expiration of any period in which any other party may file evidence; and
- (b) that other party notifies the Registrar that he does not wish to file any evidence or any further evidence,

the Registrar may direct that the period within which the first mentioned

party may file evidence shall begin on such date as may be specified in the direction and shall notify all parties to the dispute of that date.

Miscellaneous

55. The Registrar may permit as an alternative to the sending by post or delivery of the application, notice or other document in legible form, the filing thereof by electronic means subject to such terms or conditions as he may specify either generally by published notice or in any particular case by written notice to the person desiring to file any such document by such means.

Filing of documents by electronic means.

56. A form or other document in these Rules which is required to be published shall be published in the Gazette or a daily newspaper circulating in the Island or a journal published by the Registrar.

Publications.

57. The Registrar may publish a journal, entitled "The Trade Marks Journal", containing particulars of any application for the registration of a Trade Mark (including a representation of the Mark), such information as is required to be published under these Rules and such other information as the Registrar thinks fit.

Trade Marks Journal.

58.—(1) Where any document or part thereof which is in a language other than English is filed or sent to the Registrar pursuant to the Act or these Rules, the Registrar may require that there be furnished a translation of the document or that part into English, verified to the satisfaction of the Registrar as corresponding to the original text.

Translations.

(2) The Registrar may refuse to accept any translation which is in his opinion inaccurate and thereupon another translation of the document in question verified as aforesaid shall be furnished.

Transitional provisions

59. Where an application for registration of a mark made under the old law is advertised on or after the appointed day, notice of opposition may be filed within two months from the date of advertisement, and such period shall not be extended.

Pending applications for registration.

60. A notice to the Registrar under paragraph 10 (2) of the Third Schedule to the Act, claiming to have the registrability of the mark determined in accordance with the provisions of the Act, shall be in the Form TM26.

Form for conversions of pending application.

FIRST SCHEDULE		(RULES 3, 20, 23, 24, 25)	
<i>Fees</i>			
Matter		Rule	Fee
Application for registration of Trade Mark or a series of marks in one class		5 and 17	
Upon application	... ..		\$3,500.00
Upon acceptance of registration	... ..		\$3,500.00
Class fee for each class over one	... ..	8	\$1,000.00
Certificate re claim to priority	... ..	6	\$1,000.00
Address for Service	... ..	9	\$1,000.00
NOTICE OF OPPOSITION:			
To the registration of a mark	... ..	12 (1) (a)	\$2,000.00
To the amendment of an application	... ..	14 (2)	\$2,000.00
To the amendment of the regulations relating to a Certification or Collective Trade Mark	... ..	19 (4)	\$2,000.00
To the alteration of a registered Trade Mark	... ..	21 (4)	\$2,000.00
To the removal of an entry from the register	... ..	34 (2) (a)	\$2,000.00
To the reclassification of a mark from Schedule III to Schedule IV	... ..	36 (1)	\$2,000.00
FILING OF COUNTERSTATEMENT:			
in answer to opposition to the registration of a mark	... ..	12 (3)	\$2,000.00
in answer to an application for revocation of a mark	... ..	26 (3)	\$2,000.00
Filing of statutory declarations/Affidavits as evidence in support of opposition to the registration of a mark	... ..	12 (5) (a)	\$2,000.00
Request for division of an application	... ..	15	\$2,000.00
Request for merger of either application or registration	... ..	16	\$2,000.00
Filing of regulations governing the use of a certification or collective mark	... ..	18	\$5,000.00
Request to amend regulations governing the use of certification or collective mark	... ..	19	\$3,500.00
Request for alteration of a registered Trade Mark	... ..	21	\$2,000.00
Class fee for each class over one...	... ..		\$1,000.00
Notice to surrender a Trade Mark	... ..	22	\$2,000.00
Renewal of registration	... ..	23	\$5,000.00
Class fee for each class over one...	... ..		\$1,000.00
Additional renewal fee per class...	... ..	24	\$1,000.00
Request for restoration of registration removed from the register for failure to renew	... ..	25	\$3,000.00
Class fee for each class over one...	... ..		\$1,000.00
Request for revocation or invalidation of a registration	... ..	26	\$3,000.00
Class fee for each class over one...	... ..		\$1,000.00

FIRST SCHEDULE, *contd.**Fees*

<u>Matter</u>	<u>Rule</u>	<u>Fee</u>
Request to enter details of an assignment	30 (1) (a)	\$3,000.00
Class fee for each class over one		\$1,000.00
Request for registration of a licence under a registered Trade Mark	30 (1) (b)	\$3,000.00
Class fee for each class over one		\$1,000.00
Request for amendment or termination of a licence	30 (1) (c)	\$3,000.00
Class fee for each class over one		\$1,000.00
Request for registration of a grant, amendment or removal of a security interest	30 (1) (d)	\$3,000.00
Class fee for each class over one		\$1,000.00
Request for registration of an assent by a personal representative in relation to a registered Trade Mark	30 (1) (e)	\$3,000.00
Class fee for each class over one		\$1,000.00
Request for registration of an Order of a Court or Competent Authority transferring a registered Trade Mark	30 (1) (e)	\$3,000.00
Class fee for each class over one		\$1,000.00
Inspection of the register per hour or fractions thereof ...	31	\$500.00
Certified copy of extract of any entry in the register, for every page	32	\$100.00
Uncertified copy of extract of any entry in the register, for every page	32	\$50.00
Request to enter change of name or address in relation to an application or registration	13 & 33	\$3,000.00
Class fee for each class over one		\$1,000.00
Request for information relating to an application or registration	37	\$1,500.00
For inspection of documents relating to a published application or a registration per hour or fractions thereof	39	\$500.00
Request to the Registrar for a Statement of the reasons for his decision	50 (2)	\$3,000.00
Request for the extension of time in respect of failure to file the address for service; deficiencies in application; time for filing opposition; time for filing counter-statement; delayed renewal; restoration of registration	54 (2), (3)	\$1,500.00
Any matter or action to be taken not otherwise charged ...		\$1,000.00
Transmitting information via facsimile (per page) Jamaica ...		\$50.00
U.S.A., Canada, Caribbean		\$200.00
Other Countries		\$300.00

SECOND SCHEDULE

(RULE 4)

TRADE MARKS REGISTRY FORMS

<u>Form Number</u>	<u>Title</u>
TM 1	Application to register a Trade Mark, (including certification marks and collective marks).
TM2	Application for additional classes.
TM3	Request to appoint an agent or to enter or change an address for Service.
TM4	Notice of Opposition.
TM5	Form for Counterstatement.
TM6	Request to change the details of an application or a registration.
TM7	Request to divide an application.
TM8	Request to merge either applications or registrations.
TM9	Filing of regulations governing the use of a certification or collective mark.
TM10	Application to amend the regulations governing the use of a certification or collective mark.
TM11	Request for alteration of a registered mark.
TM12	Notice to surrender a registration.
TM13	Notice of a partial surrender of the specification of goods or services for which the mark is registered.
TM14	Renewal of registration.
TM15	Request for the restoration and renewal of a registration removed from the register because of non-payment of the renewal fee.
TM16	Application for the revocation or rectification of a registration or for it to be declared invalid.
TM17	Application to intervene in proceedings for revocation or rectification of a registration.
TM18	Application to record/cancel a registrable transaction or memoranda relating to a trade mark but not an assignment or licence.
TM19	Application to register a change of proprietor.
TM20	Application for the registration of a licensee for a registered Trade Mark.
TM21	Application to remove or amend a licence.
TM22	Request for Registrar's general certificate.
TM23	Request for information about applications and registered marks.
TM24	Request to the Registrar for a statement of grounds of decision.
TM25	Request for extension of time on an application.
TM26	Notice under Schedule 3, paragraph 10 (2) of the Act: Claim to have registrability of a mark applied determined under the Act. (Conversion of application).

Trade Marks Act

Form TM1

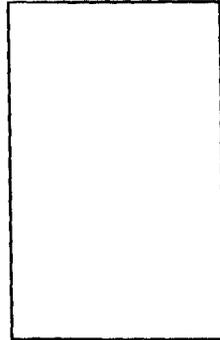
THE TRADE MARKS REGISTRY

Trade Marks Registry
1B Holborn Road,
Kingston 10.

Application to register a Trade Mark,
(including certification and collective marks)

1. Your reference

2. Representation of the mark



3. If the mark is not a word or a picture please indicate here (for example 3-dimensional).

4. If the application is for a series of marks, indicate how many marks in the series.

	Date	Country	Number
5. If this application claims priority, indicate the priority date(s) claimed, the country and the number.			

Trade Marks Act

Form TM1. *contd.*

6. Specification of goods/services.
If the space provided for the specification of goods/services is insufficient then please continue the list on the pre-printed continuation sheets.

List the classes in consecutive numerical order and list alongside each class the goods or services appropriate to that class.

Class number	List of goods/services	Being used/Bona Fide intention to use
Class number		

List the classes in consecutive numerical order and list alongside each class the goods or services appropriate to that class.

Trade Marks Act

Form TM1, *contd.*

Class number	List of goods/services	Being used/Bona Fide intention to use
Class number		

7. Full name, address and postcode of the applicant

Trade Marks number
(if you know it)

If the applicant is a corporate body, give the country or state of incorporation

8. Name of agent (if appropriate)

"Address for service" in Jamaica to which all correspondence should be sent (see note (m))

Trade Marks Act

Form TM1, contd.

9. Is this application for:
 (a) a certification trade mark
 or (b) a collective trade mark
 (indicate (a) or (b) if appropriate)
-

10. Indicate any limitations (including colour) or disclaimers
-

Signature

Name (block capitals)

Date

Name and daytime telephone number of
person to contactState number of any sheets attached to this
form

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it. The appropriate fees should accompany this form. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used for applying to register all types of Trade Marks (sections 16 to 20 of the Trade Marks Act, refer).*
- (f) *If this application is for a certification mark, then you must file the regulations within 9 months from the date you file this form. (Schedule 2 paragraph 5 of the Trade Marks Act and Rule 18 of the Trade Marks Rules, 2001 refer).*
- (g) *If this application is for a collective mark, then you must file the regulations within 9 months from the date you file this form. (Schedule 1 paragraph 4 of the Trade Marks Act and Rule 18 of the Trade Marks Rules, 2001 refer).*

Trade Marks Act

Form TM1, contd.

- (h) Five (5) representations of the mark should be provided for the purpose of section 2. A Trade Mark must be capable of being represented graphically if it is not a word or a picture. This means you may need to give a clear description of the mark in section 2. We can accept applications if the mark is larger than 8cm by 8cm, but no larger than A4.
- (i) You cannot make any significant change to the mark after you have filed the application. (Section 23 of the Trade Marks Act refers).
- (j) If you are applying an International priority date, or dates, to any of the goods or services, then you should give all the dates in section 5.
- (k) You should list all the goods or services which you want to register at section 6. If your application covers goods or services in more than one class, please group them together by class. Show the class number in the left hand column. You will not be able to add any extra goods or services to your application after you have filed it with the Registry. You may be able to add classes in certain circumstances, for example, if some of the goods listed are in the wrong class, according to the Registrar.
- (l) Section 8 of the form asks you for details of your agent. All letters about this application will be sent to the agent whose name you have written in section 8. If you do not have an agent we will send them to your address in Jamaica. Form TM3 should be filed within four (4) weeks of the filing of the application. You can, at any time, change your agent or the address for service by sending us a Form TM3. The authorization of the agent should accompany the application.
- (m) If your address for service is different from your agent's, then please give us full details of both.

Trade Marks Act

Form TM2 THE TRADE MARKS REGISTRY
Application for additional classes

Trade Marks Registry
1B Holborn Road,
Kingston 10

1. Your reference

2. Give details of the application to which this request relates Number (Lowest) Class

3. List the additional classes to be added to the original application

4. Specification of goods/services for the additional classes

List the classes in consecutive numerical order and list alongside each class the goods or services appropriate to that class.

Class number	List of goods/services

Trade Marks Act

Form TM2, *contd.*

5. Full name, address and postcode of the applicant

Trade Marks number
(if you know it)

6. Name of agent (if appropriate)

“Address for service” in Jamaica to which all correspondence should be sent
(see note (e))

Signature

Name (block capitals)

Date

Name and daytime telephone number of person to contact

State number of any sheets attached to this form

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *If your address for service is different from your agent's, then please give us full detail of both.*

Trade Marks Act

Form TM3

THE TRADE MARKS REGISTRY

Request to appoint an agent or to
enter change of address for serviceTrade Marks Registry
1B Holborn Road,
Kingston 10

1. Your reference

2. Give details of the applications or registrations this will affect	Nos.	(Lowest) Class	Licensee Nos.
--------------------------------------------------------------------------	------	----------------	---------------

3. Full name of proprietor or licensee or
opponent

4. The proprietor hereby notifies you that
the proprietor has appointed as the proprietor's
agent and address for service for the matters
stated in Section 5 hereunder the person whose
name and address are set out in Section 6 hereunder

5. Is the agent or address for service
authorized for:
(a) all matters
or (b) one action only
(indicate (a) or (b) and if (b) provide details)

6. New name or address and postcode
to be recorded

Signature

Name (*block capitals*)

Date

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you may have any questions, please contact the Trade Marks Registry.*

*Trade Marks Act***Form TM3, contd.**

- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used if you want to appoint an agent either for the first time or to replace an existing agent recorded against a Trade Mark application or registration. You may also use it to enter or change an address for service. (Rules 9, 33 and 41 of the Trade Marks Rules, 2001 refer).*
- (f) *This form can be used for as many cases as you need. You should say at section 2, the registration or application numbers of all the cases affected by these changes.*

Trade Marks Act

Form TM4

THE TRADE MARKS REGISTRY

Notice of opposition

Trade Marks Registry
1B Holborn Road,
Kingston 10

1. Your reference		
2. Give details of the applications or registrations to which this request relates	Number	(Lowest) Class
3. Full name of the applicant or registered proprietor		
4. Full name, address and postcode of opponent		
5. Name of agent (if appropriate) "Address for service" in Jamaica to which all correspondence should be sent (including postcode) (see note (g))		
Signature		
Name (block capitals)		
Date		
Name and daytime telephone number of person to contact		
State number of any sheets attached to this form		

Reminder

Have you attached

- a signed copy of your grounds of opposition?

NOTES

- (a) These notes will help you to fill in this form. If you need any more help or you may have any questions, please contact the Trade Marks Registry.

Trade Marks Act

Form TM4, contd.

- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used to notify the Registrar that you want to oppose any of the following:*
 - classification from schedule 3 to 4;*
 - an amendment of an application;*
 - an application;*
 - an amendment to a registered Trade Mark; or*
 - amendments to the regulations relating to collective or certification marks.*
- (f) *This form must be filed within two months from the date of publication.*
- (g) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM5

THE TRADE MARKS REGISTRY

Form for Counterstatement

Trade Marks Registry
1B Holborn Road,
Kingston 10

-
1. Your reference

 2. Give details of the applications or registrations to which this request relates Number (Lowest) Class

 3. Full name of applicant or registered proprietor

 4. Opposition or revocation number

 5. Name of agent (if appropriate)

"Address for service" in Jamaica to which all correspondence should be sent
(see note)

Signature

Name (block capitals)

Date

Name and daytime telephone number of person to contact

State number of any sheets attached to this form

Reminder

- Send the following on a separate sheet of paper:
Details of the grounds upon which the proprietor of the mark relies to support the application, registration or alteration.

*Trade Marks Act*Form TM5. *contd.*

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used if you want to defend your application against a third party who has lodged an opposition against your application or application to rectify, or to invalidate etc. your registration. (Rules 12 and 26 of the Trade Marks Rules, 2001 refer).*
- (f) *You must send us details of the grounds for this counterstatement on a separate sheet of paper.*
- (g) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM6

THE TRADE MARKS REGISTRY

Request to change
the details of an
application or a
registration

Trade Marks Registry
1B Holborn Road,
Kingston 10

-
1. Your reference
-
2. Give details of the applications or registrations this will affect
- | Nos. | (Lowest) Class | Licensee Nos. |
|------|----------------|---------------|
|------|----------------|---------------|
-
3. Full name, address and postcode of the proprietor or the licensee on the record
-
4. Record a change of:
- (a) name of the proprietor(s)
 - (b) name of the licensee(s)
 - (c) name of the registered interest(s)
 - (d) address of the proprietor(s)
 - (e) address of the licensee(s)
 - (f) address of the registered interest(s)
- (indicate (a) to (f) as appropriate)
-
5. New name or address and postcode to be entered on the Register
-
6. Other amendments
- (a) give details of the changes
 - (b) give details if the change is because of a clerical error
-
7. Name of agent (if appropriate)
- "Address for service" in Jamaica to which all correspondence should be sent
(see note (j))

Declaration

I declare that there has been no change in the actual proprietorship of the application or registration or the identity of the licensee.

Signature

Name (block capitals)

Date

Trade Marks Act

Form TM6, *contd.*

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used if there is a change in the name or address of the proprietor, licensee or any person with an interest recorded against an application or registration. (Rules 13 and 33 of the Trade Marks Rules, 2001 refer).*
- (f) *If there has been a change in the actual proprietorship of the Trade Mark then fill in Form TM19 instead of this form.*
- (g) *If there has been a change in the identity of a licensee then fill in Form TM21 instead of this form.*
- (h) *If you want to amend the representation of a registered mark then fill in Form TM11 instead of this form.*
- (i) *This form may also be used for other amendments, such as those stemming from a clerical error.*
- (j) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM7

THE TRADE MARKS REGISTRY

Request to divide an application

Trade Marks Registry
1B Holborn Road,
Kingston 10

-
1. Your reference
-
- | | | |
|---------------------------------------------------|--------|----------------|
| 2. Give details of the applications to be divided | Number | (Lowest) Class |
|---------------------------------------------------|--------|----------------|
-
3. Is this request to:
- (a) divide the specification of goods or services?
- or (b) divide a series of marks?
- (indicate (a) or (b) as appropriate)
- (see note (e))
-
4. If this request is to divide an Application into **more than two** parts, write how many parts you want it divided into
-
5. Full name, address and postcode of applicant
-
6. Name of agent (if appropriate)
"Address for service" in Jamaica to which all correspondence should be sent
(see note (b))

Signature

Name (block capitals)

Date

Name and daytime telephone number of person to contact

State number of any sheets attached to this form

Reminder

- List on a separate sheet (a) the goods or services (by class number) to be removed to a divisional application or the geographical restriction to be applied or (b) representations of the marks to be divided.

Trade Marks Act

Form TM7, *contd.*

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.*

If you are dividing a specification of goods or services then the only fee payable is the division fee.

If you are dividing a series of marks then the following fees are payable:

- one divisional fee;*
- a fresh application fee for each extra application created; and*
- any class fee if appropriate.*

For information on fees and ways you can pay please contact the Trade Marks Registry.

- (e) *You may use this form to divide a specification of goods or services, or on the basis of a geographical limitation or both, or to divide a series of marks. You cannot divide both a specification of goods or series and a series of marks on the same form. A separate form TM7 should be completed for dividing a series of marks.*
- (f) *Section 25 of the Trade Marks Act allows for the division of an application. (Rules 15 and 17 of the Trade Marks Rules, 2001, also refer). This may apply, for example, where a multiclass application may not proceed because of objections arising against some of the goods or services covered by the application. In this case, the application could be divided, with part of the application proceeding to registration in respect of those goods or services which do not face objections, whilst the other part is held up until the objections are settled.*
- (g) *You cannot divide a registered mark.*
- (h) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM8

THE TRADE MARKS REGISTRY

Request to merge either applications
or registrationsTrade Marks Registry
1B Holborn Road,
Kingston 10

1. Your reference

2. Give details of the applications or
registrations to which this request
relates

Numbers

(Lowest) Class

3. Full name, address and postcode of
the applicant or registered proprietor

4. Name of an agent (if appropriate)
"Address for service" in Jamaica
to which all correspondence
should be sent in respect of the
merged application or registration
(see note(b))

Declaration*I confirm that the proprietor has authorized
me to seek the merger of all the Trade Mark
numbers stated above.**Signature*

Name (block capitals)

Date

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

Trade Marks Act

Form TM8, *contd.*

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *Section 25 of the Trade Marks Act allows the merging of separate applications or registrations into a single application or registration (Rule 16 also refers). Applications cannot be merged with registrations.*
- (f) *Applications can be merged at any time before they are accepted for advertisement and must:*
- have the same application date;*
 - be the same marks; and*
 - be in the same ownership.*

Registrations to be merged must:

- be the same marks; and*
- be the same ownership.*

Registered marks can be merged even if the registration dates are different, but the new merged registrations will be given the latest filing date.

The renewal date for the merged registration will be the one with the latest filing date.

Renewal fees for all the classes covered by the merged registration will be due on this date.

- (g) *You may want to use this procedure, for example, if an application has been divided or a part of a registration was transferred legally to someone else but now returned to a single ownership.*
- (h) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM9

THE TRADE MARKS REGISTRY

Filing of regulations governing the
use of a certification or collective markTrade Marks Registry
1B Holborn Road,
Kingston 10

1. Your reference

2. Give details of the application to which regulations relates Number (Lowest) Class

3. Does this request relate to:
(a) certification marks or
(b) collective marks
(indicate (a) or (b) as appropriate)

4. Full name of applicant

5. Name of agent (if applicable)"Address for service" in Jamaica
to which all correspondence should
be sent
(see note (g))

Signature

Name (block capitals)

Date

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

Trade Marks Act

Form TM9, contd.

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used to file the regulations for a certificate or collective mark, within nine months from the date of application. (Schedule 2 paragraph 4 and Schedule 1 paragraph 4 of the Trade Marks Act refer).*
- (f) *You should say in section 3 of the form if the regulations apply to certification or collective marks. The regulations can refer to a number of marks, but they cannot apply to a mixture of both certification and collective marks.*
- (g) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM10

THE TRADE MARKS REGISTRY

Application to amend the regulations
governing the use of a certification or
collective mark

Trade Marks Registry
1B Holborn Road,
Kingston 10

1. Your reference

2. Give details of the applications to which this request relates

	Number	(Lowest) Class
--	--------	----------------

3. Does this request relate to:
(a) certification marks or
(b) collective marks
(indicate (a) or (b) as appropriate)

4. Does this request relate to:
(a) applications or
(b) marks already registered
(indicate (a) or (b) as appropriate)

5. Full name of applicant

6. Name of agent (if applicable)

“Address for service” in Jamaica
to which all correspondence should be sent
in respect of the merged application or
registration
(see note (b))

Signature

Name (block capitals)

Date

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

Trade Marks Act

Form TM10, *contd.*

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used when you want to amend any regulations that have already been filed.
(Schedule 2 paragraph 9, and Schedule 1 paragraph 9, of the Trade Marks Act refer).*
- (f) *You should say in section 3 of the form if the regulations apply to certification or collective marks. The regulations can refer to a number of marks, but they cannot apply to a mixture of both certification and collective marks.*
- (g) *You should say in section 4 of the form whether these amended regulations apply to applications or registered marks.
These amendments to the regulations can refer to a number of marks, but they cannot apply to a mixture of both applications and registered marks.*
- (h) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM11

THE TRADE MARKS REGISTRY

Request for alteration of a
registered markTrade Marks Registry
1B Holborn Road,
Kingston 10

1. Your reference

2. Give details of the registration
this will affect

Registration numbers

(Lowest) Class

3. Full name, address and postcode of
the registered proprietor

4. Details of the change to the mark*If the mark is pictorial then please attach 4
copies of the amended mark here**Footnote**The Trade Marks Act section 41
states: 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
mark.*

5. Name of an agent (if applicable)

“Address for service” in Jamaica
to which all correspondence should be sent
in respect of the merged application or
registration
(see note (f))

Signature

Name (block capitals)

Date

Name and daytime telephone number of
person to contact

Trade Marks Act

Form TM11, *contd.*

State number of any sheets attached to
this form

Reminder

Have you attached

- *A copy of the mark if appropriate?*

NOTES

- These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- Write your answers in capital letters using black ink or you may type them.*
- If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- Section 41 (2) of the Trade Marks Act allows the proprietor of a registered Trade Mark to alter the mark but only where the mark includes the proprietor's name and address. The amendment must not substantially affect the identity of the mark.*
- If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM12

THE TRADE MARKS REGISTRY

Notice to surrender a registration

Trade Marks Registry
1B Holborn Road,
Kingston 10

1. Your reference

2. Give details of the registration
to be surrendered

Registration Number

(Lowest) Class

3. Full name, address and postcode of
registered proprietor

4. Name of agent (if appropriate)

"Address for service" in Jamaica
to which all correspondence
should be sent
(see note (j))

5. Write here if any licensees or anyone
else has a registered interest in the
registration
(if yes write the details on a sheet)

Declaration

*I confirm that there are no interested
parties in the mark*

or

*I confirm that those with a registered
interest in the mark (list attached), have
been notified three months prior to this
form being filed, or that they consent to the
surrender.*

Signature

Name (block capitals)

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

Trade Marks Act

Form TM12, contd.

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *The proprietor of a registered Trade Mark can surrender their legal rights to all or part of the goods or services for which it is registered. (Section 42 of the Trade Marks Act refers).*
- (f) *This form is used if you are giving up your legal rights to the whole Trade Mark registration, and you should use a separate form for each Trade Mark affected.*
- (g) *Do not use this form if you are giving up your legal rights to only some of the goods or services. Please use Form TM 13 instead.*
- (h) *Only one registration number is allowed on each form.*
- (i) *You must tell all the people who have an interest in your mark that you are going to give up your rights in the mark 3 months beforehand, or they should consent to this. You also need to attach a list of all the interested parties to this form.
(Section 42 of the Trade Marks Act and Rule 22 of the Trade Marks Rules, 2001 refer).*
- (j) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM13 THE TRADE MARKS REGISTRY

Notice of a partial surrender of the specification of goods or services for which the mark is registered

Trade Marks Registry
1B Holborn Road,
Kingston 10

-
1. Your reference

 2. Give details of the registration this applies to

	Registration Number	(Lowest) Class
--	---------------------	----------------

 3. Full name, address and postcode of the registered applicant

 4. Name of agent (if applicable)

"Address for service" in Jamaica to which all correspondence should be sent
(see note (f))

 5. Goods or services to be surrendered

If the goods or services to be surrendered fall in more than one Class then they should be listed by Class

 6. Write here if any licensees or anyone else has a registered interest in the registration
(if yes write the details on a separate sheet)

Declaration
I confirm that there are no interested parties in the mark
 or
I confirm that those with a registered interest in the mark (list attached), have been notified three months prior to this form being filed, or that they consent to the Surrender.

Trade Marks Act

Form TM13, *contd.*

 Signature

 Name (*block capitals*)

 Date

 Name and daytime telephone number of
 person to contact

 State number of any sheets attached to
 this form

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *The proprietor of a registered Trade Mark can surrender their legal rights to all or part of the goods or services for which it is registered. (Section 42 of the Trade Marks Act refers).*
- (f) *This form is used if you are giving up your legal rights to only some of the goods or services; and you should use a separate form for each trade mark affected.*
- (g) *Do not use this form if you are giving up your legal rights to the whole of the registration. Please use Form TM 12 instead.*
- (h) *Only one registration number is allowed on each form.*
- (i) *You must tell all the people who have an interest in your mark that you are going to give up some of your rights in the mark 3 months beforehand, or they should consent to this. You also need to attach a list of all the interested parties to this form.
(Section 42 of the Trade Marks Act and Rule 22 of the Trade Marks Rules, 2001 refer).*
- (j) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM14

THE TRADE MARKS REGISTRY

Renewal of registration

Trade Marks Registry
1B Holborn Road,
Kingston 10.

-
1. Your reference
-
2. Registration number
-
3. Classes
-
4. Full name of registered proprietor
-
5. Give the following details of the registration to be renewed
- Due date of renewal
- The classes to be renewed
(if you are not renewing all of them)
- Amount of renewal fee
- Amount of late payment fee
(if appropriate)
- Total amount paid
-
6. Full name, address and postcode of the person the certificate should be sent to

Signature

Name *(block capitals)*

Date

Name and daytime telephone number of
person to contactState number of any sheets attached to
this form

Trade Marks Act

Form TM14, contd.

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *If you want to renew a multiclass registration you must send a fee for each class of goods or services. You may chose to renew only those classes which you retain an interest in.*
- (f) *The request for renewal must be made, and the renewal fee paid, before the expiry of the registration. Failing this if the request is made and the fee paid within 6 months then the mark may be renewed but an additional renewal fee will be payable.
(Section 40 of the Trade Marks Act refers).*
- (g) *If you have not renewed the registration within the six months period immediately after expiry (see (f)) above you have a further six months in which to request the restoration of the registration of form TM15 and pay the appropriate fee. Applications for restoration will not be accepted if they are received by the Registrar more than twelve months after the date of expiry. (Rule 25 of the Trade Mark Rules, 2001 refers).*
- (h) *You must send a separate form for each Trade Mark Number.*

Trade Marks Act

Form TM15

THE TRADE MARKS REGISTRY

Request for the restoration and renewal
of a registration removed from the register
because of non-payment of the renewal fee.

Trade Marks Registry
1B Holborn Road.
Kingston 10.

1. Your reference

2. Give details of the registration Registration Number Class(es) registered prior
to expiry

3. Classes
(if you are not renewing all of them)

4. Full name, address and postcode of
the registered proprietor

5. Full name, address and postcode of
applicant for restoration and renewal
(if different from 4 above)

6. Name of agent (if appropriate)

“Address for service” in Jamaica to
which all correspondence should be sent
(see note (f))

Signature

Name (block capitals)

Date

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

Reminder

- You can apply to restore a registration on this form after 6 months of the mark having expired but not later than 12 months.

*Trade Marks Act*Form TM15. *contd.*

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *If you have not renewed the registration within the six months period after the date of expiry, you have another six months to request the restoration of the registration by filing Form TM14 along with this one and by sending us the fees. We will not accept applications to restore the registration after twelve months from the date of expiry. (Section 40 of the Trade Marks Act and Rule 25 of the Trade Mark Rules, 2001 refer).*
- (f) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM16

THE TRADE MARKS REGISTRY

Application for the revocation or rectification
of a registration or for it to be declared invalid

Trade Marks Registry
1B Holborn Road,
Kingston 10.

-
1. Your reference
-
2. Give details of the registration for which revocation, rectification or invalidity is sought
- | | | |
|--|--------|----------------|
| | Number | (Lowest) Class |
|--|--------|----------------|
-
3. Is this request for
(a) revocation
or (b) rectification
or (c) invalidity
(indicate (a), (b) or (c) as appropriate)
-
4. Full name of the registered proprietor
-
5. Full name, address and postcode of applicant for revocation, rectification or invalidity
-
6. Name of agent (if applicable)
- "Address for service" in Jamaica to which all correspondence should be sent
(see note (b))

Declaration

I do declare that there is no action concerning the registration pending in the courts.

Signature

Name (block capitals)

Date

Name and daytime telephone number of person to contact

State number of any sheets attached to this form

Trade Marks Act

Form TM16, *contd.*

Reminder

Have you attached

- a statement of case (which must accompany this form)
- the grounds for the revocation, rectification or invalidity applied for must be included in the statement of case

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters; using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used to request the revocation or rectification of a registration. The registered mark can be revoked, for example, on the grounds of invalidity or if it is not being used. The registration can also be rectified because of an error. (sections 44, 46 and 62 of the Trade Marks Act refer).*
- (f) *If proceedings concerning the Trade Mark are waiting to be dealt with in court, you must apply to the court.*
- (g) *The Registrar may refer an application for revocation to the court at any stage.*
- (h) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM17

THE TRADE MARKS REGISTRY

Application to intervene in proceedings for
revocation or rectification of a registrationTrade Marks Registry
1B Holborn Road,
Kingston 10.

1. Your reference

2. Give details of the registration No. (Lowest) Class Revocation No.
this will affect (if applicable)

3. Full name and address of registered
proprietor

4. Full name, address and postcode of
applicant for intervention

5. Name of agent (if appropriate)

“Address for service” in Jamaica
to which all correspondence
should be sent in respect of the
merged application or registration
(see note (f))

Signature

Name (block capitals)

Date

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

Reminder

Have you attached

- the grounds for your application to intervene?

Trade Marks Act

Form TM17, *contd.*

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used if you have cause to intervene in proceedings for the revocation or rectification of the registration of a trade mark.*
- (f) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM18

THE TRADE MARKS REGISTRY

Application to record or cancel a registrable
transaction or memoranda relating to a Trade
Mark, but not an assignment or licence

Trade Marks Registry
1B Holborn Road,
Kingston 10.

-
1. Your reference
-
2. Give details of the registration this will affect
- Registration No. (Lowest) Class
-
3. Full name, address and postcode of registered applicant
-
4. Full name, address and postcode of the person recorded, or to be recorded, as having an interest in the registered Trade Marks shown above
-
5. Name of agent (*if applicable*)
- “Address for service” in Jamaica to which all correspondence should be sent
(*see note (b)*)
-
6. Details of the transaction or memoranda to be recorded or cancelled
-
7. Signature of the registered proprietor
(*or his or her representative*)

Signature

Name (*block capitals*)

Date

Trade Marks Act

Form TM18, *contd.*

8. Signature of the person shown
at section 4 overleaf
(or his or her representative)

Signature

Name (*block capitals*)

Date

Name and daytime telephone number
(of person completing this form)State number of any sheets attached to
this form

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *Section 30 of the Trade Marks Act and Rule 28 of the Trade Marks Rules, 2001 allow for a person who claims to have an interest in, (or under) a registered mark to apply to have the details of that claim entered onto the Register. This claim may stem from:*
- *the person being granted the mark as a security interest, or any right in or under it;*
 - *the making by personal representatives of an assent for the mark, or any right in or under it; or*
 - *a court or other competent authority transferring the mark, or any right in or under it.*
- Such a right may also be amended or removed.*
- (f) *In the case of transferring your legal rights to someone else, please use Form TM19.*
- (g) *To record a licence, please use Form TM20.*
- (h) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM19

THE TRADE MARKS REGISTRY

Application to register a change of proprietor

Trade Marks Registry
1B Holborn Road,
Kingston 10.

-
1. Your reference
-
2. Give details of the applications or registrations for which a change in ownership is to be recorded
- | | | |
|--|--------|----------------|
| | Number | (Lowest) Class |
|--|--------|----------------|
-
3. Full name of current registered proprietor
-
4. Full name, address and postcode of new proprietor
-
5. If the new proprietor is a corporate body, give country or state of incorporation
- If the name of the new proprietor is the same as the old proprietor, then provide both the new and old company registration numbers*
-
6. Date new proprietor took over ownership
-
7. If only part of the ownership has been transferred give the rights or goods or services transferred
-
8. Name of agent *(if appropriate)*
- “Address for service” in Jamaica to which all correspondence should be sent
(see note (g))
-
9. Is the agent or address for service above authorized for:
- (a) the new proprietor in all matters?
- or (b) this action only?
- (indicate (a) or (b) as appropriate)*
-

Trade Marks Act

Form TM19, *contd.*

10. Provide below an authorization to the change in ownership, or send us separate documentary evidence

Where the change of proprietor is effected by an instrument chargeable with duty under any enactment relating to stamp duty, the instrument has been duly stamped

Signature of the registered proprietor
(or his or her representative)

Status of Signatory

Name (*block capitals*)

Date

Signature of the new proprietor
(or his or her representative)

Status of Signatory

Name (*block capitals*)

Date

Name and daytime telephone number
(of person completing this form)

State number of any sheets attached to
this form

Reminder

Have you attached

- *documentary evidence if appropriate?*
- *proof of payment of the stamp duty if appropriate?*

[The inclusion of this page is authorized by L.N. 28/2003]

Trade Marks Act

Form TM19, *contd.*

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used to register a change of proprietor (as allowed for under section 27 of the Trade Marks Act). The signature of the last proprietor (or his or her representative or executor) is required on the form. If you cannot do this, please send us documentary evidence to support the change of proprietor.*
- (f) *If this change in proprietor attracts stamp duty then the declaration at section 10 must be signed. Alternatively proof of payment of the duty must be shown to the Registrar. (Rule 30 of the Trade Marks Rules 2001 refers).*
- (g) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM20

THE TRADE MARKS REGISTRY

Application for the registration of a
Licensee for a registered Trade Mark

Trade Marks Registry
1B Holborn Road,
Kingston 10.

-
1. Your reference
-
- | | | |
|------------------------------------------------------------------------------|----------------------|----------------|
| 2. Give details of the registrations
you want a licensee recorded against | Registration numbers | (Lowest) Class |
|------------------------------------------------------------------------------|----------------------|----------------|
-
3. Full name, address and postcode of
the registered proprietor
-
4. Full name, address and postcode of
the licensee
-
5. (a) Date licence starts
- (b) Date licence ends
(if any)
-
6. Is the licence to be exclusive
-
7. Is the licence to be registered for all
goods or services for which the mark
is registered?
- If no state which goods or services
or limited geographical area the
licensee will be recorded against in
each case
-
8. Name of agent (if appropriate)
- "Address for service" in Jamaica
to which all correspondence
should be sent
(see note (i))
-
9. Signature of the registered
proprietor or grantor (or his
or her representative)
-

Trade Marks Act

Form TM20, *contd.*10. Signature of the new licensee
(or his or her representative)_____
Signature_____
Name (block capitals)_____
Date_____
Name and daytime telephone number of
person completing the form_____
State number of any sheets attached to
this form

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you may have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used to record details of a licence granted by the proprietor of a trade mark. (Sections 28, 29 and 30 of the Trade Marks Act refer).*
- (f) *You should give the start date of the licence and the end date if appropriate.*
- (g) *If the licence is for part of a trade mark only, please give a description of the goods or services which the licence will apply to.*
- (h) *The form should be signed by both the proprietor of the trade mark and the licensee (or their representatives), or the licensee and the sub-licensee (or their representatives).*
- (i) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM21

THE TRADE MARKS REGISTRY

Application to remove or
amend a licenceTrade Marks Registry
1B Holborn Road,
Kingston 10.

-
1. Your reference
-
2. Give details of the registrations affected
- | Nos. | (Lowest) Class | Licensee Nos. |
|------|----------------|---------------|
|------|----------------|---------------|
-
3. Full name of the registered proprietor of the registrations shown above
-
4. Full name of the licensee of the registrations shown above whose licence will be removed or amended
-
5. Show whether the applicant is
(a) the registered proprietor
or (b) the licence holder
(indicate (a) or (b) as appropriate)
-
6. Name of agent (if applicable)
- “Address for service” in Jamaica
to which all correspondence
should be sent
(see note (g))
-
7. Write below details of the removal
or amendment
-
8. Signature of applicant
(or his or her representative)
-
- Name (*block capitals*)
-
- Date
-
9. If you want to alter the terms of the licence and you are NOT the proprietor or grantor, the proprietor or grantor must sign here
(or his or her representative)
-

Trade Marks Act

Form TM21, *contd.*

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you may have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used if an existing licence of a Trade Mark is removed or amended. (Section 30 of the Trade Marks Act refers).*
- (f) *If you are the licensee you must get the registered proprietor of the Trade Mark or the grantor to sign the form (or their representative).*
- (g) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM22

THE TRADE MARKS REGISTRY

Request for Registrar's general certificate

Trade Marks Registry
1B Holborn Road,
Kingston 10.

1. Your reference

2. Give details of the applications or registrations which the certificates are for

	Numbers	(Lowest) Class

3. Do you want:

(a) certificates showing when the marks are registered?

or (b) certificates showing the current status? (for example for convention documents)

or (c) special requirements? (indicate (a), (b) or (c) and provide details as appropriate)

4. Write here if the certificates are for use in legal proceedings

5. If the certificates are for obtaining registrations abroad, list the countries which you need the certificates for

6. Full name, address and postcode to which the certificates should be sent

Signature

Name (*block capitals*)

Date

Name and daytime telephone number of person to contact

State number of any sheets attached to this form

Trade Marks Act

Form TM22, *contd.*

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you may have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used to get a general certificate from the Registrar concerning the details of a Trade Mark. You might need a certificate to prove you have made an application, or have a registration, in Jamaica, or in legal proceedings. (Rule 32 of the Trade Marks Rules, 2001 refers).*
- (f) *If you are going to use the certificate in obtaining registrations abroad, you must list the country or countries, so that the certificate may be prepared in the right way.*

Trade Marks Act

Form TM23

THE TRADE MARKS REGISTRY

Request for information about
applications and registered marksTrade Marks Registry
1B Holborn Road,
Kingston 10.

1. Your reference

2. Give details of the applications or registrations to which this request relates

Number

(Lowest) Class

3. Indicate for which category or categories of events you require notification
(A to H as detailed below)*(A separate fee is payable for each category indicated)*

Category	You will be notified of:
A	application advertised or withdrawn, refused or deemed abandoned before advertisement
B	current or future formal opposition filed against a new Trade Mark application
C	application registered or withdrawn, refused or abandoned after advertisement
D	unpaid renewal
E	registration renewed or expired
F	full surrender or successful revocation resulting in the removal of a mark from the register
G	assignment application received
H	assignment in full or partial assignment

4. If your request is for an event not listed in 3, give details here

5. Full name and address and postcode to which notifications should be sent

Signature

Name (*block capitals*)

Date

Trade Marks Act

Form TM23, *contd.*

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

Reminder

Have you attached

- a separate fee for each category you have indicated?

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you may have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *Since the Trade Marks Register is a public record, anyone can ask to be told about any action on any application or registration. The form lists the categories which you can be notified about.*
- (f) *A separate form should be used for each Trade Mark number.*
- (g) *A separate fee is payable for each category you want to be notified of.*

Trade Marks Act

Form TM24

THE TRADE MARKS REGISTRY

Request to the Registrar for a Statement
of grounds of decision

Trade Marks Registry
1B Holborn Road,
Kingston 10.

1. Your reference

2. Give details of the application or registration to which this request relates	Number	(Lowest) Class
----------------------------------------------------------------------------------	--------	----------------

3. Date of Registrar's decision

4. Full name, address of applicant or agent making the request

Signature

Name (*block capitals*)

Date

Name and daytime telephone number of person to contact

State number of any sheets attached to this form

Trade Marks Act

Form TM24, *contd.*

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you may have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *If your application for a Trade Mark is refused you can ask the Registrar for a statement of grounds of the decision within one month of the date on which the decision was sent to you.*

Trade Marks Act

Form TM25

THE TRADE MARKS REGISTRY

Request for an extension of
time on an applicationTrade Marks Registry
1B Holborn Road,
Kingston 10.

- | 1. Your reference | Registry reference | |
|------------------------------------------------------------------|--------------------|----------------|
| 2. Give details of the application to which this request relates | Number | (Lowest) Class |
| 3. Give the period of further time required in months | | |
| 4. Give the reasons for this request | | |

5. Full name of applicant

6. Name of agent (if appropriate)

"Address for service" in Jamaica
to which all correspondence
should be sent
(see note (f))

Signature

Name (block capitals)

Date

Name and daytime telephone number of
person to contactState number of any sheets attached to
this form

Trade Marks Act

Form TM25, *contd.*

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you may have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *You should use this form if you want an extension of time as provided for in Rule 54.*
- (f) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

Form TM26

THE TRADE MARKS REGISTRY

Notice under Schedule 3, paragraph 10 (2)
of the Act: Claim to have registrability of a
mark applied for before 3rd September, 2001
determined under the Act (conversion of
application)

Trade Marks Registry
1B Holborn Road,
Kingston 10.

1. Your reference

2. Give details of the application made under the Trade Marks Act, 1958	Number	Class
-------------------------------------------------------------------------------	--------	-------

3. Full name, address and postcode of
the applicant

4. Name of agent (if appropriate)
"Address for service" in Jamaica
to which all correspondence
should be sent
(see note (b))

I claim to have the registrability of the mark
determined in accordance with the provisions
of the Trade Marks Act.
I acknowledge this notice is irrevocable.

Signature

Name (block capitals)

Date

Name and daytime telephone number of
person to contact

State number of any sheets attached to
this form

Trade Marks Act

Form TM26, *contd.*

Reminder

- You cannot amend a mark under the 1999 Act. If you want to amend the mark you must file Form TM6 before or with this form.
- The new filing date of your converted application will be on the 3rd September, 2001 which is the commencement date of the 1999 Act.

NOTES

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets.
Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must remember to sign and date it.
For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used to convert an application made under the Trade Marks Act, 1958 so that it is considered under the provisions of the Trade Marks Act, 1999.*
- (f) *You cannot significantly amend a mark under the Trade Marks Act, 1999. (Section 23 refers). If you want to amend the mark you should send us form TM6 before or with this form, so that the mark can be amended before it is converted.*
- (g) *You should be aware that converting your application will only be allowed within six months of the start of the Trade Marks Act, 1999 which is the 3rd September, 2001.
Any priority date more than 6 months before this date will therefore not apply to the converted case. Once the application has been converted it is irrevocable.*
- (h) *If your address for service is different from your agent's, then please give us full details of both.*

Trade Marks Act

THIRD SCHEDULE

(Rule 7)

Classification of Goods

Class 1

Chemical substances used in manufacture, photography, or philosophical research and anticorrosives.

Class 2

Chemical substances used for agricultural, horticultural, veterinary and sanitary purposes.

Class 3

Chemical substances prepared for use in medicine and pharmacy.

Class 4

Raw, or partly prepared, vegetable, animal, and mineral substances used in manufacture, not included in other Classes.

Class 5

Unwrought and partly wrought metals used in manufacture.

Class 6

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines and their parts included in Class 7.

Class 7

Agricultural and horticultural machinery, and parts of such machinery.

Class 8

Philosophical instruments, scientific instruments, and apparatus for useful purposes, instruments and apparatus for teaching.

Class 9

Musical instruments.

Class 10

Horological instruments.

Class 11

Instruments, apparatus and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.

*Trade Marks Act*THIRD SCHEDULE, *contd.**Classification of Goods*

Class 12

Cutlery and edge tools.

Class 13

Metal goods, not included in other Classes.

Class 14

Goods of precious metals and jewellery, and imitations of such goods and jewellery.

Class 15

Glass.

Class 16

Porcelain and earthenware.

Class 17

Manufacture from mineral and other substances for building or decoration.

Class 18

Engineering, architectural, and building contrivances.

Class 19

Arms, ammunition, and stores not included in Class 20.

Class 20

Explosive substances.

Class 21

Naval architectural contrivances and naval equipment not included in other Classes.

Class 22

Carriages.

Class 23

- (a) Cotton Yarn
- (b) Sewing cotton.

Trade Marks Act

THIRD SCHEDULE, *contd.*

Class 24

Cotton piece goods.

Class 25

Cotton goods not included in other Classes.

Class 26

Linen and hemp yarn and thread.

Class 27

Linen and hemp piece goods.

Class 28

Linen and hemp goods not included in other Classes.

Class 29

Jute yarns and tissues, and other articles made of jute, not included in other Classes.

Class 30

Silk, spun, thrown, or sewing.

Class 31

Silk piece goods.

Class 32

Silk goods not included in other Classes.

Class 33

Yarns of wool, worsted or hair.

Class 34

Cloths and tufts of wool, worsted, or hair.

Class 35

Woollen and worsted and hair goods, not included in other Classes.

Class 36

Carpets, floor-cloth and oil cloth.

*Trade Marks Act*THIRD SCHEDULE, *contd.*

Class 37

Leather, skins unwrought and wrought, and articles made of leather not included in other Classes.

Class 38

Articles of clothing.

Class 39

Paper (except paper hangings), stationery and bookbinding.

Class 40

Goods manufactured from India-rubber and gutta-percha not included in other Classes.

Class 41

Furniture and upholstery.

Class 42

Substances used as food or as ingredients in food.

Class 43

Fermented liquors and spirits.

Class 44

Mineral and aerated waters, natural and artificial, including ginger beer.

Class 45

Tobacco, whether manufactured or unmanufactured.

Class 46

Seeds for agricultural and horticultural purposes.

Class 47

Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches; and starch, blue, and other preparations for laundry purposes.

Class 48

Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).

Trade Marks Act

THIRD SCHEDULE, *contd.*

Class 49

Games of all kinds and sporting articles not included in other Classes.

Class 50

Miscellaneous:—

- (1) Goods manufactured from ivory, bone or wood, not included in other Classes.
- (2) Goods manufactured from straw or grass, not included in other Classes.
- (3) Goods manufactured from animal and vegetable substances, not included in other Classes.
- (4) Tobacco pipes.
- (5) Umbrellas, walking sticks, brushes and combs for the hair.
- (6) Furniture cream, plate powder.
- (7) Tarpaulins, tents, rick-cloths, rope (jute or hemp), twine.
- (8) Buttons of all kinds other than of precious metal or imitations thereof.
- (9) Packing and hose.
- (10) Other goods not included in the foregoing Classes.

Trade Marks Act

FOURTH SCHEDULE

(Rule 7)

Classification of 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** Paint, 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 other than hand-operated; 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, signalling, checking (supervision), lifesaving 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.
- 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.

Trade Marks Act

FOURTH SCHEDULE, *contd.*

- Class 15 Musical instruments.
- Class 16 Paper, cardboard and goods made from these materials, not included in other Classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional land 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, strings, 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 braids; buttons, hooks and eyes, pins and needles; artificial flowers.
- 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.

*Trade Marks Act*FOURTH SCHEDULE, *contd.*

- 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.
- 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.