

**Geographical Indications**

Cap.320.

## GEOGRAPHICAL INDICATIONS REGULATIONS, 2001

2001/132.

**Authority:** These Regulations were made on 22nd November, 2001 by the Minister under section 23 of the *Geographical Indications Act*.

**Commencement:** 7th January, 2002.

## PART I

## PRELIMINARY

**1.** These Regulations may be cited as the *Geographical Indications Regulations, 2001*. Citation.

**2.** In these Regulations,

"fee" means the fee specified in the *Second Schedule*;

Interpreta-  
tion.

"form" means the form set out in the *First Schedule*;

Second  
Schedule.  
First  
Schedule.

"*Official Gazette*" includes such other publication as is approved by the Director for the purpose.

**3.** Applications shall be in the English language, and any document forming part of an application or submitted to the Director pursuant to the Act or these Regulations, and which is in a language other than English, shall be accompanied by an English translation verified by the translator as being to the best of his knowledge complete and faithful. Language of documents and translations.

**4.** (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full, and shall be signed Signatures by partnerships, companies and associations.

(a) by all the parties, or by any partner qualified to sign stating that he signs on behalf of the partnership; or

(b) by any other person who satisfies the Director that he is authorised to sign the document.

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

(3) A document purporting to be signed for or on behalf of a person or an association may be signed by any person who satisfies the Director that he is duly authorised.

Representa-  
tion by  
attorney-at-  
law.

**5.** (1) The appointment of an attorney-at-law shall be made by an authorisation of agent, which shall be signed by the applicant or, if there are more than one, by each applicant.

(2) The authorisation of agent appointing an attorney-at-law may be filed together with the application or within 2 months from its filing date and, if the appointment is not so made or is not in accordance with section 8(2) of the Act and paragraph (1), any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

## PART II

### REGISTRATION OF GEOGRAPHICAL INDICATIONS

Application  
for  
registration.  
Form 1.

**6.** (1) The application for the registration of a geographical indication shall be made in *Form 1* and shall be signed by the applicant or an authorised agent.

(2) The application shall indicate the applicant's name, address, nationality and residence.

(3) For the purposes of this regulation,

(a) "name" means, in the case of an individual, that person's family name and given names and, in the case of a legal entity, its full official designation;

- (b) "address" means the full address of an individual or, in the case of a legal entity, the address of its registered office;
- (c) "nationality" means, in the case of an individual, the State of which that person is a national and, in the case of a legal entity, the State under whose laws it is constituted;
- (d) "residence" means the State in which an individual is resident.

**7.** (1) An application may be withdrawn by written declaration submitted to the Director and signed by each applicant or an authorised agent. Withdrawal of application.

(2) The application fee shall not be refunded if the application is withdrawn.

**8.** (1) Upon receipt, the Director shall mark on each document making up the application, the actual date of receipt and the application number consisting of the letters BB, slant, the letters GI, slant, the numbers of the year in which the initial papers were received, slant, and a number allotted in the sequential order in which applications are received and, where any corrections or other later filed documents are received on different dates, the Director shall also mark their actual date of receipt in the appropriate place of the request for registration of the geographical indication. Marking application.

(2) The application number allotted under paragraph (1) shall be quoted in all subsequent communications concerning the application.

**9.** (1) Where upon examination in accordance with section 9 of the Act the Director objects to the application for registration of a geographical indication, he shall notify the applicant in writing of his objections with all the relevant details, and invite the applicant to amend the application, to submit his observations in writing or to apply for a hearing within 2 months from the date of the notification; and, if the applicant does not comply with the invitation within the set period, he shall be deemed to have withdrawn his application. Objection to or conditional acceptance of application.

(2) Where upon examination in accordance with section 9 of the Act the Director decides to accept the application subject to amendments, modifications, conditions or limitations, he shall communicate the decision to the applicant in writing.

(3) Where the applicant objects to the amendments, modifications, conditions or limitations referred to in paragraph (2), he shall, within 2 months from the date of the communication, request a hearing in writing or submit his observations in writing.

(4) Where the applicant does not object to the amendments, modifications, conditions or limitations referred to in paragraph (2), he shall notify the Director in writing and amend his application accordingly.

(5) Where the applicant does not respond within the set period, he shall be deemed to have withdrawn his application.

(6) Upon receipt of a request for a hearing, the Director shall give the applicant at least one month's notice in writing of the date and time when he may be heard.

Refusal of application or conditional acceptance to which applicant objects.

**10.** (1) Where after a hearing or after consideration of the applicant's amendments or observations in writing the Director refuses the application or accepts it subject to any amendments, modifications, conditions or limitations to which the applicant objects, he shall communicate his decision to the applicant in writing.

(2) The applicant may, within one month from the date of the communication referred to under paragraph (1) and upon payment of the prescribed fee, request the Director to state in writing the grounds of his decision and the material used by him in arriving thereat.

Acceptance of application.

**11.** (1) Where the Director accepts the application unconditionally or accepts it subject to any conditions or limitations to which the applicant does not object, he shall so notify the applicant, requesting him to pay the publication fee within one month from the date of the notification.

(2) Where the publication fee referred to in paragraph (1) is paid within the time limit prescribed, the Director shall proceed to publish the application setting out

- (a) the geographical indication for which registration is sought;
- (b) the name, address and nationality of the individual or legal entity filing the application, and the capacity in which the applicant is applying for registration;
- (c) the name and address of any agent;
- (d) the address for service if an agent has not been appointed in accordance with section 8(2) of the Act and regulation 5;
- (e) the demarcation of the geographical area to which the geographical indication applies;
- (f) the goods for which the geographical indication is used;
- (g) the quality, reputation or other characteristic of the goods for which the geographical indication is used, and any conditions under which the indication may be used;
- (h) the filing date and number of the application.

(3) Where the publication fee referred to in paragraph (1) is not paid within the specified time limit, the application shall be considered withdrawn.

**12.** (1) A notice of objection under section 10(1) of the Act shall be given in *Form 2* within 3 months of the date of the publication referred to in regulation 11(2), and shall be accompanied by the specified fee and any supporting evidence. Objection.  
Form 2.

- (2) A counter-statement referred to in section 10(3) of the Act
- (a) shall be subject to the payment of the specified fee;
  - (b) shall be given within 3 months of the date on which the notice of objection is sent to the applicant;

(c) shall be in writing, stating the grounds upon which the applicant relies for his application; and

(d) shall be accompanied by any supporting evidence.

(3) A request for a hearing under section 10(3) of the Act shall be made to the Director in writing at any time after the filing of the notice of objection, but not later than one month after the expiry of the specified period for filing the counter-statement.

(4) The Director shall give the parties at least one month's written notice of the date set for the hearing; and each party shall, within that period, pay the specified fee for the hearing.

(5) Where the objector or the applicant does not reside or carry on business in Barbados, the Director may require him to give security for the costs of the objection proceedings for such amount as the Director thinks fit.

(6) Where the Director decides to register the geographical indication under section 11(1) of the Act, he shall notify any objector and the applicant in writing, stating the reasons for his decision and, in the case of the applicant, requesting him to pay the registration fee within one month from the date of the notification.

(7) Where the Director decides to refuse to register the geographical indication under section 11(2) of the Act, he shall notify the objector and the applicant in writing, stating the reasons for his decision.

Registration  
of geo-  
graphical  
indication.

**13.** (1) Subject to the payment of the registration fee within the period specified in regulation 12(5), the Director shall register the geographical indication in accordance with section 11(1) of the Act and this regulation.

(2) The registration of the geographical indication shall include

(a) the geographical indication registered;

(b) the demarcation of the geographical area to which the geographical indication applies;

- (c) the name and address of the individual or legal entity in whose name the indication is registered;
- (d) the name and address of any agent;
- (e) the address for service if an agent has not been appointed in accordance with section 8(2) of the Act and regulation 5;
- (f) the goods for which the geographical indication is used;
- (g) the quality, reputation or other characteristic of the goods for which the geographical indication is used and any conditions under which the indication may be used; and
- (h) the filing date and number of the application as well as the date of registration.

(3) The publication of the reference to the registration of a geographical indication shall contain the particulars specified in paragraph (2).

(4) The certificate of registration of the geographical indication shall be issued in *Form 3*.

Form 3.

**14.** (1) The publication referred to in section 14(2)(b) of the Act shall

Cancellation  
or rectifica-  
tion of  
registration.

- (a) identify the geographical indication by setting out the particulars referred to in regulation 13(2);
- (b) identify the person who, or the authority which, has applied for the cancellation or rectification of the registration of the geographical indication by setting out the name and address of the person or authority, and of the representative or any agent; and
- (c) specify the period within which the persons having the right to use the geographical indication under section 12 of the Act may apply to join in the proceedings.

(2) The period to be specified by the Court under section 14(3) of the Act shall not be less than one month from the date of the notice or publication, as the case may be.

(3) Where the Court notifies the Director under section 14(4) of the Act that a decision has been taken to cancel or rectify the registration of the geographical indication, the Director shall cancel the registration or rectify it in accordance with and in the manner specified in the Court's decision, as the case may be.

(4) The publication under section 14(4) of the Act of the reference to the cancellation or rectification of the registration of a geographical indication shall

- (a) identify the geographical indication by setting out the particulars referred to in regulation 13(2);
- (b) indicate that the registration of the geographical indication has been cancelled or rectified, as the case may be, and, if rectified, specify the manner in which the registration has been so rectified; and
- (c) cite the decision of the Court by which the registration of the geographical indication has been cancelled or rectified.

Publication. **15.** Particulars of geographical indications and other proceedings under the Act and any other information required to be published under the Act or these Regulations shall be published, in accordance with the directions of the Director, in the *Official Gazette*.

### PART III

#### SPECIAL PROVISIONS CONCERNING TRADE MARKS

Refusal or invalidation of registration of misleading marks. Form 4. **16.** (1) A request under section 20 of the Act to refuse or to invalidate the registration of a misleading trade mark shall be made in *Form 4* and shall be subject to the payment of the specified fee; and the procedure set out in regulation 12 shall apply *mutatis mutandis*.



(2) Where the Director on his own motion decides to refuse or invalidate the registration of a trade mark pursuant to section 20 of the Act, he shall, in writing, notify the registered owner of the mark, stating the reasons for his decision and giving him at least one month to submit a counter-statement and to request a hearing.

(3) Where a hearing is requested, the Director shall give the registered owner of the trade mark at least one month's written notice of the date set for the hearing; and the registered owner shall, within that period, pay the specified fee for the hearing.

(4) The Director shall notify the registered owner under paragraph (3) in writing of his final decision, stating the reasons therefor.

**17.** (1) A request under section 21 of the Act to refuse or to invalidate the registration of a trade mark which conflicts with a geographical indication for wines and spirits shall be made in *Form 5*, and shall be subject to the payment of the specified fee; and the pro-cedure set out in regulation 12 shall apply *mutatis mutandis*.

Refusal or invalidation of registration of a mark conflicting with certain geographical indications. Form 5.

(2) Where the Director on his own initiative decides to refuse or invalidate the registration of a trade mark pursuant to section 21 of the Act, he shall in writing so notify the registered owner of the mark, stating the reasons for his decision and giving him at least one month to submit a counter-statement and to request a hearing.

(3) Where a hearing is requested, the Director shall give the registered owner of a trade mark at least one month's written notice of the date set for the hearing, and the registered owner shall within that period pay the specified fee for the hearing.

(4) The Director shall notify the registered owner of the trade mark in writing of his final decision, stating the reasons therefor.

**18.** (1) The Director shall record and publish a reference to the invalidation of the registration of a trade mark pursuant to section 20 or 21 of the Act.

Publication of invalidation of registration of mark.

(2) The publication of the reference to the invalidation of the registration of the trade mark pursuant to section 20 or 21 of the Act shall include

- (a) the representation of the trade mark;
- (b) the registration number of the trade mark;
- (c) the name and address of the registered owner;
- (d) the date of registration;
- (e) the list of goods and services in respect of which the trade mark was registered, with an indication of the corresponding class or classes of the International Classification; and
- (f) an indication of the grounds on which the registration of the trade mark has been invalidated.

#### PART IV

#### GENERAL

Address for  
service.

**19.** (1) There shall be furnished to the Director,

- (a) by every applicant for the registration of a geographical indication, an address for service in Barbados for the purpose of his application; and
- (b) by every person concerned in any proceedings to which these Regulations relate, including the applicant for, or the owner of a geographical indication, an address for service in Barbados;

and the address so furnished or, where another address being an address in Barbados has been furnished in place thereof, that address, shall be treated for the purposes of that application or those proceedings as the address of that applicant or of that person, as the case may be.

(2) Where an agent has been appointed in accordance with section 15 of the Act and regulation 5, the address of the agent shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communications to the person who appointed the agent shall be transmitted.

**20.** Inspection of the Register shall be subject to payment of the specified fee, and requests for certified copies of extracts from the Register or for copies of documents shall be made to the Director in writing, and shall be subject to payment of the specified fee.

Inspection  
of Register.

**21.** The Director shall cause to be entered in the Register in respect of every geographical indication the information indicated in regulation 13(2), as well as any change with respect to that information, in particular, any change in the name, address or address for service indicated therein.

Entries of  
charges in  
the Register.

**22.** Corrections of errors referred to in section 15 of the Act

(a) may be made by the Director either upon receipt of a request in writing and subject to such terms as he may consider appropriate or on his own initiative;

(b) shall be communicated in writing to all interested persons; and

(c) where considered necessary, shall be published in the *Official Gazette* by the Director.

Corrections  
of error.

**23.** The request for an extension of time referred to in section 16 of the Act shall be subject to the payment of the specified fee.

Extension of  
time.

**24.** (1) The Director shall, before exercising adversely in respect of any person any discretionary power given to him by the Act or these Regulations, notify that person in writing of the opportunity to be heard thereon, and shall indicate a time limit of not less than one month for filing a request for a hearing.

Hearing.

(2) The request for a hearing shall be in writing and shall be subject to payment of the specified fee.

(3) Upon receiving a request for hearing, the Director shall give the person applying and any other interested person at least one month's notice in writing of the date and time of the hearing.

(4) After hearing any party desiring to be heard, the Director shall decide the matter and shall notify all parties of his decision and, if any party so desires, shall give his reason for the decision.

Directions  
as to  
furnishing  
of docu-  
ments.

**25.** At any stage of any proceedings before the Director, he may direct that such documents, information or evidence as he may require be furnished within such period of time as he may fix.

Dispensa-  
tion by the  
Director.

**26.** Where under these Regulations any person is required to do any act or thing or any document or evidence is required to be produced or filed and it is shown to the satisfaction of the Director that from any reasonable cause that person is unable to do that act or thing or that that document or evidence cannot be produced or filed, the Director may, upon the production of such evidence and subject to such terms as he thinks fit, dispense with the doing of any such act or thing or the production or filing of such document or evidence.

Evidence.

**27.** (1) Evidence under these Regulations may be given by statutory declaration or affidavit.

(2) The Director may, if he thinks fit in any particular case, take oral evidence *in lieu* of or in addition to evidence referred to under paragraph (1), and shall allow any witness to be cross-examined on his affidavit or declaration.

Administra-  
tive  
directions.

**28.** Where no provision is made in the Act or these Regulations in respect of any matter arising in the administration of the Act, the Director may give such directions in respect thereof as he considers necessary in the circumstances.

**29.** The Director may acknowledge inquiries made to the Office, but need not furnish the applicant or any other person with information which would require a search of the public records of the Office, or provide advice on matters concerning the interpretation of the Act or these Regulations or any other question of law.

Inquiries at  
the Office.

**30.** (1) Where any information required to be set out in a form furnished by the Director is too lengthy to be set out in the space provided, the person completing the form may, subject to paragraph (2), incorporate the information in the form by setting out in the space provided in the form the following sentence: "The annexed schedule is incorporated in this form", and by annexing the information to the form as that schedule.

Annexed  
Schedule to  
forms.

(2) A separate schedule is required in respect of each item that is incorporated in a form by reference pursuant to paragraph (1).

**31.** The fees specified in the *Second Schedule* are payable in respect of the matters to which they relate.

Fees.  
Second  
Schedule.

FIRST SCHEDULE

**FORMS**

FORM 1

*(Regulations 2 and 6(1))*

*Application for Registration of Geographical Indication*

<b>BARBADOS</b>	
Geographical Indications Act Cap. 320	
<b>APPLICATION FOR REGISTRATION OF GEOGRAPHICAL INDICATION</b>	
To: The Director Corporate Affairs and Intellectual Property Office BARBADOS	For Official Use  Date of Receipt by Intellectual Property Office:  APPLICATION No.: (Office's Stamp)  Fees received on:  Gazette Details
Application is hereby made for registration of the geographical indication (details of which accompany this Form) in the name of the Applicant(s) acting in the capacity of *  The particulars required for the purposes of the Application are set out below.	
<b>PARTICULARS</b>	
I. <b>**APPLICANT(S)</b>  Name(s): ..... Address(es): ..... Mailing Address (if any): ..... Nationality: ..... Tel. No.:    E-mail Address (if any):                      Fax No.:	
**Particulars are contained in the Annexed Schedule which is incorporated in this Form. <input type="checkbox"/>	

*\*State capacity in accordance with section 8(1) of the Act.*

*\*\*If the space is insufficient, the particulars should be set out in a separate document which should be identified as the "Annexed Schedule" in accordance with regulation 30.*

Address for service in Barbados:
<p><b>II. ATTORNEY-AT-LAW<sup>a</sup></b></p> <p>The following (Attorney-at-law) has been appointed by the applicant in the Authorisation of Agent</p> <p><input type="checkbox"/> accompanying this Form      <input type="checkbox"/> to be filed within 2 months from the filing of the application for registration (Regulation 5(2))</p> <p>Name: .....</p> <p>Address: .....</p> <p>Tel. No.:                      E-mail address (if any):                      Fax No.:</p>
<p><b>III. GEOGRAPHICAL INDICATION</b></p> <p>The geographical indication for which registration is sought is the following:</p>
<p><b>IV. GEOGRAPHICAL AREA<sup>b</sup></b></p> <p>The following is the demarcation of the territory of the country, or region or locality in that territory, to which the geographical indication applies, and from which the goods for which the geographical indication is used originate:</p> <p>Additional information, possible in graphic form, maps, etc,</p> <p><input type="checkbox"/> accompanies this Form</p> <p><input type="checkbox"/> is contained in the Annexed Schedule which is incorporated in this Form.</p>

<sup>a</sup>Where an Attorney-at-law has been appointed, the address of the Attorney-at-law shall be treated as the address to which any communication shall be transmitted (Regulation 19(2)).

V. GOODS<sup>b</sup>

The goods for which the geographical indication is used are the following:

VI. QUALITY, REPUTATION OR OTHER CHARACTERISTICS<sup>b</sup>

The quality, reputation or other characteristics of the goods for which the geographical indication is used, and any conditions under which the indication may be used, are the following:

Additional information is contained in the Annexed Schedule which is incorporated in this Form.

Additional information accompanies this Form

## VII. FEES

accompanying this Form

<sup>b</sup>If any of the boxes is not large enough to contain information to be furnished, the information should be set out in a separate document which should be identified as the "Annexed Schedule" in accordance with regulation 30.



<p>VIII. SIGNATURE(S) .....(Applicant(s))<sup>c</sup> ..... <i>Date</i></p>
<p>TO BE FILLED IN BY THE DIRECTOR</p> <p>Date of receipt of corrections and later filed papers completing the application:</p>

*<sup>c</sup>Type name(s) under signature(s). The typed names and signatures of all applicants should appear (one below the other).*

FORM 2

(Regulations 2 and 12(1))

Notice of Objection to Registration of Geographical Indication

<p><b>BARBADOS</b></p> <p>Geographical Indications Act Cap. 320</p> <p><b>NOTICE OF OBJECTION TO REGISTRATION OF GEOGRAPHICAL INDICATION</b></p>	
<p>I. IN THE MATTER OF:</p> <p>Application No. .... for Registration</p> <p>of Geographical Indication</p> <p>Filing Date of Application:</p> <p>Published in the periodical of the ..... day of ..... 20....., No. ...., page .....</p>	<p style="text-align: center;">For Official Use</p> <p>Notice of objection received on:</p> <p>Fees received on:</p>
<p>II. *OBJECTOR(S)</p> <p>Name(s): .....</p> <p>Address(es): .....</p> <p style="text-align: center;">.....</p> <p>*Additional information is contained in the Annexed Schedule which is <input type="checkbox"/> incorporated in this Form.</p> <p>**Address for service in Barbados</p>	

\* If the space is insufficient, the particulars should be set out in a separate document which should be identified as the "Annexed Schedule" in accordance with regulation 30.

\*\*Where an Attorney-at-law has been appointed, the address of the Attorney-at-law shall be treated as the address to which communication shall be transmitted (Regulation 19(2)).

**III. GROUNDS OF OBJECTION:**

The Grounds of objection are as follows:

Additional information is contained in the Annexed Schedule which   
is incorporated in this Form.

Supporting evidence accompanies this Form

**IV. ATTORNEY-AT-LAW**

The following Attorney-at-law has been appointed by the applicant in  
the Authorisation of Agent

accompanying this Form

Name: .....

Address: .....

.....

Tel. No.:      E-mail address (if any):      Fax No.:

**V. FEES** accompanying this Form

FORM 3

(Regulations 2 and 13(4))

Certificate of Registration of Geographical Indication

**BARBADOS**

Geographical Indications Act  
Cap. 320

**CERTIFICATE OF REGISTRATION OF  
GEOGRAPHICAL INDICATION**

In accordance with section 11(1) of the Act and Regulation 13(4), it is hereby certified that a geographical indication having the Registration No. .... has been registered in the name(s) of:

Name(s): .....

Address(es): .....

.....

on ..... in respect of a geographical indication registered pursuant to an application  
(date)

filed on: .....  
(date)

being a geographical indication used for: .....  
(goods)

and which applies to: .....  
(geographical area)

A description of the quality, reputation or other characteristic of the goods for which the geographical indication is used and any conditions under which the indication may be used accompanies this certificate.

Date: .....

.....  
Director

## FORM 4

(Regulations 2 and 16(1))

Request to refuse or invalidate Registration of Misleading Mark

<p><b>BARBADOS</b></p> <p>Geographical Indications Act Cap. 320</p> <p><b>REQUEST TO REFUSE OR INVALIDATE REGISTRATION OF MISLEADING MARK</b></p>	
<p>I. IN THE MATTER OF:</p> <p>Application for Registration/Registration No.* of Mark:</p> <p>Filing/Registration*</p> <p>Date:</p> <p>Application/Registration* Published in the periodical</p> <p>.....</p> <p style="text-align: center;"><i>(No.)                      (Page)                      (Date)</i></p>	<p>For Official Use</p> <p>Request received on:</p>  <p>Fees received on:</p>
<p>II. APPLICANT(S)<sup>a</sup></p> <p>Name(s): .....</p> <p>Address(es): .....</p> <p>.....</p> <p>Additional information is contained in the Annexed Schedule <input type="checkbox"/> which is incorporated in this Form.</p> <p><sup>b</sup>Address for service in Barbados:</p>	

\*Delete whichever does not apply.

<sup>a</sup>If there is more than one person or competent authority, together, requesting the refusal or invalidation of the registration of the trade mark, the data concerning each applicant must appear in this box or, if the space is not sufficient, the information should be set out in a separate document which should be identified as the "Annexed Schedule" in accordance with regulation 30.

<sup>b</sup>Where an Attorney-at-law has been appointed, the address of the Attorney-at-law shall be treated as the address to which communication shall be transmitted (Regulation 19(2)).

III. GROUNDS FOR REQUEST<sup>c</sup>

The grounds for request to refuse or to invalidate the registration of the above identified mark are as follows:

Additional information is contained in the Annexed Schedule   
which is incorporated in this Form.

Supporting evidence accompanies this Form

## IV. ATTORNEY-AT-LAW

The following Attorney-at-law has been appointed by the applicant in the Authorisation of Agent

accompanying this Form

Name: .....

Address: .....

Tel. No.:                      E-mail Address (if any):                      Fax No.:

V. FEES accompanying this Form

VI. SIGNATURE(S) ..... (Applicant(s)/Attorney<sup>d</sup>).....  
Date

<sup>c</sup>If any of the boxes is not large enough to contain the information to be furnished, the information should be set out in a separate document which should be identified as the "Annexed Schedule" in accordance with regulation 30.

<sup>d</sup>Type name(s) under signature and delete whichever does not apply. The typed names and signatures of all applicants should appear (one below the other).

## FORM 5

(Regulations 2 and 17(1))

*Request to refuse or invalidate Registration of a Mark conflicting  
with a Geographical Indication for Wines and Spirits*

<p><b>BARBADOS</b></p> <p>Geographical Indications Act Cap. 320</p> <p><b>REQUEST TO REFUSE OR INVALIDATE REGISTRATION OF A MARK CONFLICTING WITH A GEOGRAPHICAL INDICATION FOR WINES AND SPIRITS</b></p>	
<p>I. IN THE MATTER OF:</p> <p>Application for Registration/Registration No.* of Mark: Filing/Registration*</p> <p>Date:</p> <p>Application/Registration* Published in the periodical ..... (No.) (Page) (Date)</p>	<p>For Official Use</p> <p>Request received on:</p> <p>Fees received on:</p>
<p>II. APPLICANT(S)<sup>a</sup></p> <p>Name(s): .....</p> <p>Address(es): .....</p> <p>.....</p> <p>Additional information is contained in the Annexed Schedule which is <input type="checkbox"/> incorporated in this Form.</p> <p><sup>b</sup>Address for service in Barbados:</p>	

*\*Delete whichever does not apply.**<sup>a</sup>If there is more than one person or competent authority, together, requesting the refusal or invalidation of the registration of the trade mark, the data concerning each applicant must appear in this box or, if the space is not sufficient, the information should be set out in a separate document which should be identified as the "Annexed Schedule" in accordance with regulation 30.**<sup>b</sup>Where an Attorney-at-law has been appointed, the address of the Attorney-at-law shall be treated as the address to which communication shall be transmitted (Regulation 19(2)).*

<p><b>III. GROUNDS FOR REQUEST<sup>c</sup></b></p> <p>The grounds for request to refuse or to invalidate the registration of the above identified mark are as follows:</p> <p>Additional information is contained in the Annexed Schedule <input type="checkbox"/> which is incorporated in this Form.</p> <p>Supporting evidence accompanies this Form <input type="checkbox"/></p>
<p><b>IV. ATTORNEY-AT-LAW</b></p> <p>The following Attorney-at-law has been appointed by the applicant in the Authorisation of Agent</p> <p><input type="checkbox"/> accompanying this Form</p> <p>Name: .....</p> <p>Address: .....</p> <p>Tel. No.:                      E-mail Address (if any):                      Fax No.:</p>
<p><b>V. FEES</b> <span style="float: right;">accompanying this Form <input type="checkbox"/></span></p>
<p><b>VI. SIGNATURE(S).....(Applicant(s)/Attorney<sup>d</sup>).....</b> <span style="float: right;">(Date)</span></p>

<sup>c</sup>If any of the boxes is not large enough to contain the information to be furnished, the information should be set out in a separate document which should be identified as the "Annexed Schedule" in accordance with regulation 30.

<sup>d</sup>Type name(s) under signature and delete whichever does not apply. The typed names and signatures of all applicants should appear (one below the other).



## SECOND SCHEDULE

(Regulations 2 and 31)

## FEES

Matter or Proceeding	Fee \$
1. Application for registration of geographical indication	500 00
2. Request for hearing .. .. .	100 00
3. Request to the Director to state in writing, grounds of decision to refuse application or to accept it subject to conditions .. .. .	50 00
4. Publication fee .. .. .	200 00
5. Notice of objection to registration of geographical indication .. .. .	100 00
6. Counter-statement to notice of objection .. ..	100 00
7. Registration fee .. .. .	2 500 00
8. Request to refuse or to invalidate the registration of a misleading trademark.. .. .	250 00
9. Hearing relating to request to refuse or to invalidate the registration of a misleading trademark .. ..	250 00
10. Request to refuse or to invalidate the registration of a trademark which conflicts with a geographical indication for wines and spirits .. .. .	250 00
11. Hearing relating to request to refuse or to invalidate the registration of a trademark which conflicts with a geographical indication for wines and spirits ..	250 00
12. Inspection of Register .. .. .	20 00
13. Request for certified copies of extracts from Register or for copies of documents (per page) .. ..	5 00 per printed page and 20 00 to certify
14. Request for correction of error .. ..	20 00
15. Request for extension of time .. .. .	150 00

## THE LAWS OF BARBADOS

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