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2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS NO. 42 OF 2008

REGULATIONS

**Made by the Minister under section 31 of the Marks,
Collective Marks and Trade Names Act 1999
(No. 12 of 1999).**

(Gazetted 23rd October, 2008).

**PART I
PRELIMINARY**

1. These Regulations may be cited as the-

Short title.

**MARKS, COLLECTIVE MARKS AND TRADE
NAMES REGULATIONS, 2008.**

2. In these Regulations, unless the context otherwise
requires –

Interpretation.

“Act” means the Marks, Collective Marks and Trade Names Act,
1999;

“agent” means an attorney-at-law who is resident in Dominica
and practicing in accordance with the relevant law;

“applicant” in relation to an application submitted to the Registrar
means the person who submits the application or on whose
behalf it is submitted.

“Convention” means the Paris Convention for the Protection of
Industrial Property of March 20, 1883, as last revised;

“Court” means the High Court;

“filing date” means the date on which documents containing
everything required by section 5 of the Act and regulation
12(6) are furnished to the Registrar by applicant;

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“International Classification” means International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement of 15 June 1957, as amended;

Act No. 8 of 1999.

“Journal” means the Journal of Intellectual Property created under section 5(d) of the Patents Act, 1999;

“Office” means the Companies and Intellectual Property Office established under section 3 of the Patents Act 1999;

“opponent” means a person who opposes an application for registration of a mark or who opposes some other application under the Act;

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

PART II
REGISTRATION OF MARKS

Fees.
Schedule 1.

3. (1) The fees to be paid in relation to marks are those specified in Schedule 1.

(2) Fees shall be paid in Dominican currency, but the equivalent amount in a foreign currency that is convertible in Dominica may be accepted.

Forms
Schedule II.

4. (1) A person submitting a document for the purposes of these Regulations shall use the appropriate form set out in Part V in Schedule II, and these forms may be modified or amended to the extent necessary in the circumstances of a particular case.

(2) A person who wishes to make a request, notification, or an application to the Registrar for which no form is prescribed shall make the request, notification or application in Form 2 quoting the section of the Act or the regulation or both under which the request, notification or application is made.

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5. (1) For the purposes of mark and collective mark applications made under the Act, goods and services are classified in accordance with Schedule III.

Classification of goods and services.

Schedule III.

(2) For the purposes of classifying goods and services in accordance with Schedule III, reference shall be had to the International Classification of Goods and Services for the purposes of the registration of marks under the Nice Agreement of 15 June 1957 (9th Edition) including the explanatory notes and lists of goods and services published therein.

Schedule III.

(3) In the event of the aforesaid 9th Edition of the International Classification of Goods and Services, being amended by the World Intellectual Property Organisation at any future stage, the Registrar shall publish such amendments in the Journal and shall, to the extent that the amendments necessitate an amendment of Schedule III to these Regulations, so amend Schedule III and publish the amendment.

Schedule III.

(4) If any doubt arises as to the class in which any particular description of goods or services belong, the matter shall be determined by the Registrar.

6. Subject to any directions that may be given by the Registrar, all documents required by the Act or by these Regulations to be filed with the Registrar shall be typewritten or printed in English with black ink upon strong paper, on one side of the paper only, of A4 standard size and shall have page margins of approximately 2cm.

Documents.

7. (1) A document to be filed with the Registrar may be sent through the post; and a document so sent is not duly sent until it is received by the Registrar.

Service of documents.

(2) A document to be served on a person other than the Registrar may be sent by registered post and a document so sent shall be deemed to have been delivered in the ordinary course of post, and in proving such service or sending it is sufficient to prove that the document was properly addressed and put into the post and registered.

(3) An affidavit to be filed with the Registrar or served on another person may be sent by facsimile transmission or electronic transfer and the transmitted copy shall be received and accepted by the Registrar and any such other person and is deemed to be in compliance with these Regulations if the original version of the affidavit is filed with the Registrar within one month from the date on which the office received the affidavit by facsimile transmission or electronic transfer.

(4) Subject to subregulation (5), a document not being a document under subregulations (1), (2) or (3) or a copy to be filed with the Registrar or served on any other person under the Act may be filed or served by facsimile transmission or electronic transfer.

(5) An original document or copy, as the case may be, shall be filed or served within one month from the date on which the office received the document or copy by facsimile transmission or electronic transfer.

(6) All documents relating to an entry in the Register to be served on the proprietor of the mark shall be served at his address for service.

(7) All documents to be sent to or served on a registered licensee or assignee shall be sent or served on the registered licensee or assignee of the mark at his address for service as recorded with the Registrar.

(8) Whenever the Registrar is not satisfied as to the effectiveness of service, he may order further steps to be taken as he considers appropriate.

Address for service.

8. (1) When a person is by the Act or these Regulations, required to furnish the Registrar with an address for service the address for service shall be an address in Dominica and that address shall include a street address.

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(2) Where an address for service is in an area where there is no street name, the address given shall contain such further indications as the Registrar considers necessary to determine the exact location of such address.

(3) An address for service may, in addition, contain a post office box number, a facsimile transmission number, and an email address.

9. (1) A person who alters his address or address for service may apply to the Registrar in Form 2 to record the alteration on the relevant documents and on the Register and the Registrar shall act accordingly.

Alteration of address and
address for service.
Form 2.

(2) A party to proceedings under the Act who alters his address or address for service shall, as soon as possible, –

(a) apply to the Registrar in Form 2 to record such alteration on the notice of opposition or other documents or the Register, and the Registrar shall act accordingly; and

Form 2.

(b) give notice of such alteration to every other person who is a party to the proceedings.

(3) A single Form 2 is sufficient even where the change relates to more than one registration, provided that the registration numbers of all registrations concerned are indicated in the form.

Form 2.

(4) Where the address of an agent has been used as the address for service in respect of any entry in the Register and the agent changes his address, he shall apply to the Registrar in as soon as possible in Form 2 for the advertisement of the change of address in the Journal.

10. (1) Except as otherwise required by these Regulations –

Agents.

(a) any application, request or notice that is required or permitted by the Act or these Regulations 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 notice and the Registrar or any other person; or
- (ii) a registered owner or a licensee of a mark and the Registrar or any other person,

may be made, signed or given through an agent.

(2) Where an agent has been appointed in accordance with these Regulations -

- (a) service upon the agent of any document relating to the proceedings or matter for which the agent has been appointed is service upon the person who appointed him;
- (b) all communications that relate to any proceedings or matter referred to in paragraph 9(a) that are directed to be made to any applicant, person making a request or giving a notice or to any registered owner or licensee, may be addressed to his agent; and
- (c) all attendances upon the Registrar relating to any proceedings or matter referred to in paragraph (a) may be made by or through the agent.

(3) The Registrar may, in any particular case, require the personal signature or presence of an applicant, opponent, registered owner or licensee or other person notwithstanding that an agent has been appointed for the applicant, opponent, registered owner, licensee or other person.

Non-registrable marks.

11. (1) Subject to the provisions of any other law, the Registrar may refuse to accept any application upon which any of the following appear –

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- (a) the words “patent”, “patented”, “by letters patent”, “registered”, “registered mark”, “registered design”, “copyright”, “certified”, “guaranteed” or words to like effect;
- (b) the letters “®”, “©” or similar combinations which may be construed to import a reference to registration.

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

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

(4) A mark which consists of or contains an official sign or hallmark adopted by a Convention country which indicates control and warranty shall not, where the sign or hallmark is protected under the Convention, be registered in relation to goods or services of the same or a similar kind, as those in relation to which it indicates control or warranty, without the authorization of the competent authorities of the country concerned.

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

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

(7) Where, by virtue of this regulation, the authorization of the competent authorities of a Convention country is or would be required for the registration of a mark, those authorities are entitled to restrain by injunction any use of the mark in Dominica without their authorization.

Application for
registration.
Form 1.

12. (1) A person who wishes to have a mark registered shall make an application for registration of the mark in Form 1.

(2) The application shall be dated and signed by the applicant or his duly authorized agent.

(3) The application shall be in a single copy and a separate and distinct application is required for each separate mark.

(4) Where an application is made by a firm or partnership it may be signed in the name or for and on behalf of the firm or partnership by any one or more members or partners.

(5) Where an application is made by a body corporate it may be signed by any authorized person.

(6) The application shall contain information -

- (a) allowing the identity of the applicant to be established;
- (b) allowing the applicant or its representative, if any, to be contacted by the Registrar;
- (c) that the mark is being used or a declaration of intention to use the mark;
- (d) stating the name of the country of which the applicant is a national or resident.

(7) The application may contain information that-

- (a) the applicant wishes to take advantage of any protection resulting from the display of the goods or services in an exhibition;

(b) the applicant wishes to claim colour as a distinctive feature of the mark, provided that the applicant must also indicate the name or code of the colour claimed and an indication, in respect of each colour, of the principal parts of the mark which are in that colour.

(8) Where the applicant is a legal entity, the legal nature of that legal entity and the country, and where applicable the territorial unit within that country, under the law of which the legal entity has been organized shall be specified in the application.

13. (1) An applicant for registration of a mark who claims priority of an earlier application under section 5(3) of the Act, by reason of an application made in or for a State party to the Convention or a member of the World Trade Organisation shall, within three months of the date of the application in Dominica, file with the Registrar a copy of the application upon which the claim of priority is based duly certified, to the satisfaction of the Registrar, by the Trade Marks Office of that State. Priority claims.

(2) If an application to be filed under subregulation (1) is in a language other than English, the applicant shall ensure that it is accompanied by an English translation with which the Registrar is satisfied.

14. (1) An applicant for the registration of a mark shall ensure that his application contains a reproduction of the mark of suitable quality affixed in the space provided for that purpose in the application. Reproduction of marks

(2) A reproduction shall not exceed 8.5 cm in width and 10 cm in length.

(3) Where the mark for which application is made for registration is not a word, letter, numeral or combination but a mark represented in a special or particular manner there shall be sent with every application for the registration of the mark a reproduction of the mark annexed to the application and-

(a) two additional reproductions of the mark exactly corresponding to the mark annexed to the application; and

(b) such additional reproductions of the mark as the Registrar considers necessary, but the Registrar may not require more than five additional reproductions of the mark.

(4) (a) Reproduction of marks shall be durable, on one side of the paper and letters, figures and lines shall be clear and distinct.

(b) If, in the opinion of the Registrar, the reproduction of a mark is not satisfactory, he may at any time require the submission of another reproduction which is satisfactory to him before proceeding with an application.

Translation of languages.

15. (1) Where a mark or application contains a word or figure other than roman characters, there shall be endorsed on the application a transliteration or translation to the satisfaction of the Registrar of each such word or numeral.

(2) Where a mark contains a word in a language other than English the Registrar may request a translation of the word, and if he makes such a request it shall be endorsed on the application.

Procedure on receipt of application.

16. (1) On or after the receipt of an application for the registration of a mark, the Registrar shall furnish the applicant with an acknowledgement of receipt which shall contain the official number and filing date of the application.

(2) The Registrar shall, after receipt of an application for the registration of a mark, cause a search to be made among registered marks and pending applications for the purpose of ascertaining whether there are on record any marks for goods or services which may conflict with the mark forming the subject of the application.

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(3) If after a search under subregulation (2) and an examination of the application the Registrar considers that there is no objection to the mark being registered, he shall accept it absolutely or subject to conditions, modifications or amendments which he shall communicate to the applicant or his agent.

(4) If after a search under subregulation (2) and examination of the application an objection exists, a statement of the objection shall be sent to the applicant, in writing, and unless within three months of the date of the statement the applicant submits arguments, in writing, or applies for a hearing or an extension of time, the application shall be deemed to have been abandoned.

(5) (a) If the Registrar accepts an application subject to conditions, modifications or amendments, and the applicant objects to such conditions, modifications or amendments, the applicant shall within three months from the date of receipt of the notice of conditional acceptance submit arguments in writing or apply for a hearing or for an extension of time.

(b) If an applicant does not object to the conditions, modifications or amendments, he shall within three months from the date of receipt of the notice of conditional acceptance notify the Registrar in writing, or apply for an extension of time and if he fails to do so the application shall be deemed to have been abandoned.

17. An applicant for the registration of a mark which is to be used by a body corporate to be established, shall ensure that the application is supported by a declaration to the effect that a body corporate is about to be established and that the applicant intends to assign the mark to that body corporate with a view to its use by the body corporate in relation to the goods or services subject of the application.

Application for mark by
body corporate to be
established.

Answer to opposition.

Form4.

18. An application for registration of a mark based on honest concurrent user or other special circumstances shall be accompanied by a statement of case and an affidavit in support of the statement of case.

Application by body
corporate for mark to be
established.

Honest concurrent user
and other special
circumstances.

19. (1) Every application for registration of a mark shall be advertised once in the Journal by the applicant, in the form and wording required by the Registrar.

(2) In respect of any other application or notice subregulation (1) shall apply with the necessary changes.

Required opposition
form.

20. (1) A person who wishes to oppose an application for the registration of a mark shall, within two months from the date of first publication of the application, inform the Registrar of his opposition by filing a notice of opposition in Form 3 accompanied by the notice of opposition fee.

Form 3.

(2) A person who opposes the registration of a mark on the ground that the mark resembles a registered mark or trade name shall specify in the notice of opposition the number and registration date of the mark or trade name.

Answer to opposition.

21. (1) An applicant for registration of a mark who wishes to respond to a notice of opposition to registration under regulation 20 shall within one month from the date of receipt of notice of opposition file in duplicate a notice of answer to opposition in Form 4 with the appropriate fee.

(2) A notice of answer to opposition shall indicate the grounds on which the applicant relies and any facts alleged in the notice of opposition to which the applicant admits.

Evidence in support of
opposition.

22. Upon receipt of a notice of answer to the opposition and duplicate, the Registrar shall as soon as possible, forward the duplicate to the opponent and within one month from the receipt of the duplicate the opponent shall file evidence by way of affidavit as he may desire to adduce in support of his opposition and shall serve on the applicant a copy of the affidavit.

Evidence in support of
application.

23. (1) If an opponent files no evidence under regulation 22, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition.

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(2) If an opponent files evidence under regulation 22 the applicant may, within one month from the receipt of a copy of the affidavit, file evidence by way of affidavit as he desires to adduce in support of his application and shall serve a copy of the affidavit on the opponent.

24. (1) Within one month from the date of receipt by the opponent of the copy of the applicant's affidavit, the opponent may file evidence by affidavit in reply, and shall serve on the applicant a copy of the affidavit.

Evidence in reply by opponent.

(2) Evidence under paragraph (1) shall be strictly confined to matters in reply.

25. 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 terms as to costs or otherwise as he considers fit.

Further evidence.

26. (1) Where there are exhibits to affidavits filed in an opposition, the opponent shall forward copies of the exhibits to the other party at the request and expense of the other party or, if copies or impressions of the exhibits cannot be furnished conveniently, the opponent shall submit the originals to the Registrar in order that they may be open to inspection.

Exhibits.

(2) The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

27. (1) Upon completion of the evidence, the Registrar shall give notice to the parties of a date when he will hear the arguments in the matter.

Hearing.

(2) A date under subregulation (1) shall be at least fourteen days after the date of the notice, unless the parties consent to a shorter notice.

(3) Within seven days from the receipt of the notice any party who intends to appear shall notify the Registrar in writing.

(4) A party who receives notice and who does not, within seven days from the receipt of the notice, notify the Registrar in accordance with this regulation, may be treated as having no desire to be heard and the Registrar may act accordingly.

Extension of time for
opposition.

28. (1) A person interested in opposing an application for registration of a mark may request the Registrar, upon affidavit before the expiry of the time in which to enter opposition to the application under section 7, not to issue the certificate of registration for a period of three months from the date of expiry of the aforementioned term, and the Registrar shall not do so.

(2) Where in opposition proceedings an extension of time is granted to a party, the Registrar may thereafter, if he thinks fit, without giving the party a hearing, grant a reasonable extension of time to another party to take further action.

(3) Where the parties agree to an extension prior to the filing of opposition the party seeking the extension shall inform the Registrar of the agreed extension and the Registrar shall not issue the certificate of registration within the agreed extended period.

Security for costs.

29. Where a party giving notice of opposition or an applicant sending a notice of answer to the opposition after receipt of a copy of the notice neither resides nor carries on business in Dominica, the Registrar may require him to give security, in such form as the Registrar considers sufficient, for the costs of the proceedings before the Registrar, for an amount the Registrar considers fit, and at any stage in the proceedings before he gives his decision the Registrar may require further security to be given.

Application for costs.
Schedule II.

30. (1) A party to opposition proceedings before the Registrar may make an application in Form 8 set out in Schedule II for an award of costs in relation to the proceedings.

(2) An application shall be made –

(a) during the proceedings; or

(b) within 3 months from-

- (i) the date on which the Registrar makes a decision in the proceedings that ends those proceedings; or
- (ii) the date of the Registrar's notice to the party that the proceedings have been discontinued or dismissed.

(3) Before awarding costs in respect of proceedings, the Registrar shall give each party to the proceedings a reasonable opportunity to be heard in relation to the award of costs.

(4) A party who wishes to file a bill of costs in relation to the proceedings shall do so within 3 months from the date on which the costs are awarded.

(5) Costs may only be awarded in respect of a matter set out in Schedule V.

(6) The amount of costs must be taxed, allowed and certified by the Registrar for that purpose, in accordance with -

- (a) in the case of an item in Part 1 of Schedule IV, the amount specified in that item; or
- (b) in the case of a matter set out in a paragraph in Part 2 of Schedule IV that clause.

(7) Where an opposition is uncontested by an applicant for registration of a mark the Registrar shall consider, in deciding whether costs should be awarded to the opponent, 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.

31. (1) When it appears to the Registrar that an applicant is not proceeding with his application at the normal pace for such proceedings, the Registrar may give notice to the applicant in Form O.1 to continue more expeditiously with the application.

Non-completion of application.

(2) Where an applicant referred to in sub-regulation (1) has appointed an agent, the Registrar shall send the notice to the agent.

(3) If, after the expiration of 30 days from the date when a notice under sub-regulation (1) has been sent in respect of the application or after the expiration of such other period as the Registrar may allow, the applicant fails to communicate with the Registrar concerning the application, the applicant shall be deemed to have withdrawn his application.

Entry in the Register.

32. (1) As soon as practicable after the expiration of three months from the date of an advertisement in the Journal of an application, the Registrar shall, subject to section 8 of the Act, record the mark in the Register

(2) The Registrar shall enter in the Register particulars of—

- (a) all applications to register marks and all registrations of marks with the names and addresses for service of the registered owners and all duly recorded licensees together with the date of registration, the date of any renewal of the registration and the date of its expiration.
- (b) disclaimers, and conditions of registrations;
- (c) endorsements of deeds of security and other endorsements;
- (d) notifications of assignments, licences, transmissions and attachments;
- (e) the date of issue of a certificate of registration issued under regulation 34;
- (f) any other matters relating to registered marks which are prescribed;
- (g) any other particulars as the Registrar considers necessary.

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33. Where application is made for the registration of a series of marks, the applicant shall include a representation of each mark of the series in the application form.

Series of marks.

34. Upon the registration of a mark the Registrar shall issue to the applicant a certificate of registration in Form No. O.2 and affix to the certificate a copy of the mark.

Certificate of registration.

PART III
OTHER ACTION

35. (1) The Registrar may send a notice in Form O.3 to the registered owner of a mark at his address for service of the date of expiration and the conditions as to payment of fees and otherwise upon which a renewal of registration may be obtained, not less than six months prior to the expiration of the last registration.

Renewal.

(2) If identical marks having the same date of registration and owned by the same registered owner and which were previously registered in different classes fall, for whatever reason, in the same class, the Registrar may, on renewal of registration and at the request of the registered owner, consolidate such marks into one registration with one distinguishing number.

(3) On renewal of registration, the Registrar shall record in the register any changes resulting from a revised or replaced classification.

36. (1) A registered owner of a mark may at any time not within 6 months before the expiration of the registration of a mark make an application for renewal of the registration of the mark in Form 5 and shall, within that time, pay the fee for renewal of registration of the mark.

Application for renewal by registered proprietor.

Form 5.

(2) Where the Registrar grants the registered owner of a mark a period of grace not exceeding six months after the expiration of the registration of the mark, under section 10(2) (a) of the Act, within which he must pay the renewal fee the registered owner shall pay the renewal fee and an additional late payment fee.

Advertisement of
renewal fee default.

37. (1) If the renewal fee is not paid before the expiry of the period referred to in regulation 36(1) the Registrar shall advertise the fact in the Journal as soon as possible.

(2) If within one month of the expiration of the period referred to in regulation 36 the renewal fee upon Form No. 5, together with the additional fees, is received the Registrar may renew the registration without removing the mark from the Register.

Removal of mark.

38. Whenever after the expiry of the said period of one month such fees have not been paid, the Registrar may remove the mark from the Register as of the date of the expiration of the last registration.

Renewal application not
made by registered
owner.

39. Where the application for the renewal of the mark is not made by the registered owner, the Registrar, before taking any further steps, may require the applicant to furnish within two months evidence at his authority to make such application and in the absence of such evidence may return the application and treat it as not having been received.

Entry of removal in
Register.

40. Where a mark has been removed from the Register, the Registrar shall cause to be entered in the Register a record of the removal.

Notice of Renewal.

41. (1) Upon the renewal of the registration, notice on Form No. 5 to that effect shall be sent to the registered owner at his registered address or at the address given on Form 5, as the case may be and thereafter.

(2) The Registrar shall advertise the renewal in the Journal as soon as possible.

Assignment or transfer or
rights in a mark.

42. (1) Where the rights in a trade mark are assigned or transferred the person to whom the rights in the mark have been assigned or transferred shall apply in Form 6 to the Registrar for a record of the assignment or transfer to be entered in the register.

(2) Where an applicant under this regulation has proved, to the satisfaction of the Registrar, his entitlement to the rights in the mark, the Registrar shall register him as the owner of the mark and shall cause particulars of the assignment or transfer to be entered in the register.

(3) The Registrar shall publish in the Journal -

- (a) the record of the assignment or transfer; and
- (b) the registratin or the beneficiary as the owner of the mark.

(4) In this regulation “beneficiary” means the person to whom a mark has been assigned or transferred.

43. (1) An application under regulation 42 shall be accompanied, at the option of the applicant, by one of the following –

Contents of assignment application.

- (a) a copy of the contract, which copy the Registrar may require to be certified, by a notary public or any other competent public authority, as being in conformity with the original contract;
- (b) an extract of the contract showing the change in ownership, which extract the Registrar may require to be certified, by a notary public or any other competent public authority, as being a true extract of the contract;
- (c) an uncertified certificate of transfer in Form 9 and signed by both registered owner and the new owner; or
- (d) an uncertified transfer document drawn in Form 10 and signed by both the registered owner and the new owner.

Form 9.

Form 10.

(2) Where a change in ownership results from a merger, the applicant shall indicate that fact and attach a copy of a document, which document originates from the competent authority and evidences the merger, such as a copy of an extract from a register of commerce, and the copy shall be certified by the authority which issued the document or by a notary public or any other competent public authority, as being in conformity with the original document.

(3) Where there is a change in the person of one or more but not all of several joint owners and such change in ownership results from a contract or a merger, any joint owner in respect of which there is no change in ownership shall give his express consent to the change in ownership in a document signed by him.

(4) Where the change in ownership does not result from a contract or a merger but from another ground, such as by operation of law or court decision, the applicant shall indicate that fact and attach a copy of a document evidencing the change and the copy shall be certified as being in conformity with the original document by the authority which issued the document or by a notary public or any other competent public authority.

Furnishing evidence.

44. The Registrar may require evidence, or further evidence where regulation 43(2) or (4) applies, where the Registrar reasonably doubts the veracity of any information contained in an application made under regulation 42 or in any document referred to in regulation 43.

Supporting documents
for change in ownership
of application.

45. Regulation 43 shall apply, with the necessary changes, where the change in ownership concerns an application or both an application and a registration.

Registration of
assignment.

46. When the Registrar is satisfied as to the title of an applicant under regulation 42, he shall cause him to be registered as owner of the mark in respect of the relevant goods or services and shall enter in the register his name, address and particulars of the assignment or transfer and the effective date of assignment or transfer.

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47. (1) An application listing several goods or services (hereinafter referred to as an “initial application”) may –

Division of application.
and registration.

- (a) at least until the decision by the Office on the registration of the mark;
- (b) during any opposition proceedings against the application for registration of the mark;
- (c) during any appeal proceedings against the decision on the registration of the mark,

be divided by the applicant or at his request into two or more applications (hereinafter referred to as “divisional applications”) by distributing among the latter the goods or services listed in the initial application and the divisional applications shall preserve the filing date of the initial application and the benefit of the right of priority, if any.

(2) Regulation (1) shall apply, with the necessary changes with respect to a division of a registration and such a division shall be permitted during any –

- (a) assignment or transfer of rights in a registered mark;
- (b) proceedings in which the validity of the registration is challenged before the Court by a third party;
- (c) appeal proceedings against the decision on the registration of the mark.

48. (1) A person who wishes to obtain the written approval of the Minister under section 20(3) of the Act make an application in Form 2 to the Registrar which shall be accompanied by a statement of the circumstances of the change of ownership and a copy of any instrument or proposed instrument effecting the assignment or transfer of ownership of the work.

Written approval of
Minister.

Form 2.

(2) The Registrar may request any evidence that he considers necessary and the statement of case, if required, shall be verified by an affidavit and the Registrar may hear the applicant and any other interested person.

(3) The Registrar shall consider the matter and recommend that the Minister gives his written approval or a notification in writing of the Minister's disapproval thereof, as the case may be.

(4) The Registrar shall bind and seal a copy of the statement under subregulation (1) to the approval or notification.

Substitution of
applicants.
Form 6.

49. Notwithstanding anything contained in these Regulations, a person may apply in Form 6 for a substitution of applicant in respect of a mark which is the subject of a pending application for registration; and the Registrar may, if satisfied that there is good reason to grant the application, approve of the substitution subject to regulation 45.

Recording licence.

50. (1) If a licence has been granted in respect of a registered mark the registered owner of the mark or the person to whom it has been licenced shall apply, in Form 7, to the Registrar for the licence to be recorded.

(2) An application under sub-regulation (1) shall specify the following:

- (a) the name and address of the registered owner;
- (b) where the registered owner has an address for service, such address;
- (c) the name and address of the licensee;
- (d) where the licensee has an address for service, such address;
- (e) the registration number of the mark which is the subject of the licence;
- (f) the goods or services for which the licence is granted, grouped according to the classes of the International classification, each group preceded

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by the number of the appropriate class to which that group of goods or services presented in the order of the classes of the International Classification;

(g) whether the licence is an exclusive licence, a non-exclusive or a sole licence.

(3) A single application is sufficient where the licence relates to more than one registration, if the registration numbers of all registrations concerned are indicated in the form and the registered owner and the licensee are the same for all registrations.

51. An application under regulation 50 shall be accompanied, at the option of the applicant, by one of the following –

Documents in support of application for recording licence.

(a) an extract of the licence contract indicating the parties and the rights being licensed, certified by a notary public or any other competent public authority as being a true extract of the contract; or

(b) an uncertified statement of licence in Form 11 set out in Schedule II, and signed by both the registered owner and the licensee.

Form 11.
Schedule II.

52. (1) A registered owner of a mark or a licensee whose licence in respect of a mark has been recorded in accordance with regulation 50 may apply for the variation or cancellation of the record in accordance with this regulation.

Variation or cancellation of record of licence.

(2) An application for the amendment or cancellation of a record of a licence in respect of a registered mark shall be made in Form 7 and shall be accompanied by a statement of the nature and scope of the variation or cancellation requested.

(3) Where an application is made by the registered owner of the mark he shall serve a copy of the application and statement on all registered licensees recorded in respect of the mark;

(4) Where an application is made by a recorded licensee he shall serve a copy of the application and the statement on the registered owner of the mark.

Documents in support of application for variation or cancellation of record of licence.

53. An application under regulation 52 shall be accompanied, at the option of the applicant, by one of the following-

(a) documents substantiating the requested variation or cancellation of the recordal of the licence; or

(b) an uncertified statement of variation or cancellation of licence, in Form 12 set out in Schedule II, and signed by both the registered owner and the licensee.

Attachment and hypothecation. Form 6.

54. (1) (a) An attachment order in respect of a registered mark shall be made on Form 6 and served on the Registrar for endorsement in the Register, and copies of the order shall be served on the registered owner at his address for service.

(b) Proof of service on the registered owner shall be furnished to the satisfaction of the Registrar.

Form 6.

(2) (a) An endorsement of attachment may be removed from the Register on a request made to the Registrar in Form 6, accompanied by proof to the satisfaction of the Registrar that the attachment may be removed.

Form 6.

(b) Copies of the order and Form 6 shall be served on all interested parties appearing in the Register.

(3) On an application for the hypothecation of a registered mark by a deed of security accompanied by the deed of security, the Registrar shall be endorsed with the hypothecation and the application shall be served on the registered owner and any other

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person recorded in the Register as having an interest in the mark, and proof of service shall be furnished to the satisfaction of the Registrar.

(4) (a) The endorsement of a hypothecation may be removed from the Register on application to the Registrar in Form 6, accompanied by proof of the termination of the hypothecation as the Registrar may require.

(b) Copies of Form 6 and the proof shall be served on all interested parties appearing in the Register.

55. (1) An application for the correction of errors in the register may be made-

Correction of errors in the register.

- (a) by the registered owner of a mark;
- (b) by a licensee whose licence in respect of a mark has been recorded in accordance with regulation 50;
- (c) where the registered owner is a company in liquidation, by the liquidator; or
- (d) by a person whom the Registrar determines is entitled to act in the name of the registered owner or recorded licensee.

(2) An application under subregulation (1) shall be made in Form 2.

(3) Where an application is made to enter a disclaimer or memorandum relating to a mark, the Registrar may, before deciding on the application, direct that the application be advertised at least once in the Journal to enable interested persons to raise any objections and section 7 of the Act and related regulations shall apply with the necessary changes.

(4) A single application is sufficient where the amendment or correction relates to more than one application or registration of the same person, if the amendment or correction is the same for each application or registration and the application number and the registration number of all applications or registrations concerned are specified in the form.

Restoration of mark.

56. (1) Where a registered mark is removed from the register due to a failure to pay the renewal fee the Registrar may restore the mark to the register, on an application made by the registered owner in Form 5 and on payment of the renewal fee and the additional restoration fee within one year from the date of the removal of the mark from the register, if the Registrar is satisfied that it is just to do so and on conditions as he considers appropriate.

(2) The restoration of a mark to the register shall not affect any transaction involving the mark that occurred between the date of removal and the date of restoration to the register.

Advertisement of
restoration.

57. Before proceeding with an application under regulation 56, the Registrar shall direct that the application be advertised once in the Journal in order to enable any person desiring so to do to object to the application and section 7 and the regulations relating thereto shall apply with the necessary changes.

PART IV

GENERAL PROVISIONS

Search.
Form 2.

58. The Registrar, if requested in writing in Form 2, shall cause a search to be made in any class to ascertain whether any marks are on record at the date of the search which may conflict with any mark sent to him by the person requesting the search and the Registrar shall inform that person of the result of the search.

59. (1) A person may apply to the Registrar in Form 2 for notice to be given to the applicant of any proceedings relating to –

- (a) the publication of the acceptance of an application for the registration of a mark or of any application for making an entry in the register which takes place from the date of filing of Form 2 until the date of issue of a certificate of registration of the mark;

- (b) a registered mark or an application for making an entry in the Register in respect of a registered mark which take place within twelve months from the date of filing of Form 2.

(2) As soon as practicable after the procedures specified in subregulation (1) are followed and, in the case of an application for making an entry in the register, before such entry is made, the Registrar shall give notice of the proceedings to the applicant.

60. (1) A document filed with the Registrar pursuant to the Act, including any correspondence and notification to or from the Registrar shall, subject to payment of the prescribed fees, be open to inspection by an interested person during office hours.

(2) An interested person may request copies of any documents from the Registrar subject to the payment of the prescribed fee.

61. (1) From Mondays to Fridays, the Office shall be open to the public at the hours specified by the Registrar, except on the following days-

- (a) all days which are public holidays or which have been proclaimed public holidays; and
- (b) days which may from time to time be notified by the Registrar by displaying a notice in a conspicuous place at the Office.

(2) Whenever the last day fixed by the Act or by these Regulations for doing anything falls on a day when the Office is not open to the public it is lawful to do such thing on the day next following the excluded day or days if two or more of them occur consecutively.

Discretionary powers.

62. Where under these Regulations a person is required to do an act or thing or to sign a document or to make an affidavit on behalf of himself or of any body corporate or any document or evidence is required to be produced to or left with the Registrar or at the Office and it is shown to the satisfaction of the Registrar that for any reasonable cause the person is unable to do the act or thing or to sign the document or make the affidavit or that the document or evidence cannot be produced or left as aforesaid, it is lawful for the Registrar and upon the production of such other evidence and subject to such terms as he thinks fit, to dispense with the act, thing, document, affidavit or evidence.

Extension of time.
Form 2.

63. (1) The Registrar may, upon application in Form 2 setting forth the relevant facts, make an order extending or abridging any time prescribed by these Regulations or by an order of the Registrar or fixed by an order extending or abridging any time for doing any act or taking any step in connection with any proceedings.

(2) Any such extension may be ordered although the application is not made until after the expiry of the time prescribed or fixed, provided that the application referred to in sub-regulation (1) is filed within two months from the date of expiry of the relevant time limit.

Discovery, inspection
and production of
documents.

64. (1) A party to proceedings before the Registrar may, at any time before the hearing of the proceedings, serve notice on any party in whose affidavits or sworn declarations reference is made to any document or recording to produce such document or recording for his inspection and to permit him to make a copy or transaction.

(2) A party who fails to comply with notice under subregulation (1) shall not, except with the leave of the Registrar, use the document or record in the proceedings but any other party may use the document or record.

65. (1) (a) If it appears to the Registrar that the requirements for an application are not met, he shall notify the applicant and give him an opportunity within one month from the date of the notification where the applicant's address is in Dominica or within two months where the applicant's address is outside Dominica, to make representations or to amend the application.

Registrar's written reasons and appeals.

(b) In a notice under paragraph (a) notice of the Registrar shall state the grounds of his decision and the date of notification and the date of such notice shall be deemed to be the date of the Registrar's order or decision for the purpose of appeal.

(2) All written reasons for decisions and judgments of the Registrar shall be published in the Journal within three months from the date of signing by the Registrar if the Registrar so directs.

66. (1) Where an order has been made by the Court in any matter under the Act, the person in whose favour the order has been made or one of them, if more than one, as the Registrar directs, shall forthwith leave at the Office a copy of the order and the Register, shall be rectified or altered by the Registrar if necessary.

Applications to and orders of the Courts.

(2) Whenever an order is made by the Court under the Act, the Registrar may, if he thinks that the order should be made public, publish it in the Journal at the expense of the person in whose favour it has been made.

(3) Except where otherwise expressly provided, any addition to or alteration or correction of the Register shall be advertised by the Registrar at least once in the Journal.

67. (1) An application for the registration of a collective mark under section 14 of the Act shall be made on Form 1 and regulations 12 to 15 shall apply with the necessary changes to such application.

Collective marks.

(2) In further proceedings relating to an application for the registration of a collective mark, regulation 16 shall apply with the necessary changes.

(3) An application for the registration of a collective mark shall be accompanied by regulations governing the use of the mark which shall specify the persons authorized to use the mark and the conditions of the use of the mark, including, when applicable, any sanctions against misuse.

(4) (a) The Registrar shall consider whether there has been compliance with the requirements specified in this regulation and if, after such consideration, the Registrar accepts the application for the registration of the mark he shall notify the applicant in writing, and thereafter the application shall proceed as an ordinary application with the necessary changes.

(b) If it appears to the Registrar that the requirements are not met, he shall inform the applicant in writing, and thereafter regulation 16(4) shall apply with the necessary changes.

(5) An application for the amendment of the regulations of a registered collective mark or the regulations accompanying an application for the registration of a collective mark shall be made on Form 2. The amendment sought shall be indicated by showing in square brackets all words that are to be omitted; and by underlining all words that are to be added. A copy of the application shall be sent to all persons authorized to use the mark. The applicant shall file a copy of the amended regulations within one month of the approval of the regulations by the Registrar. If the applicant fails to file the copy of the amended regulations within the time stipulated, the application for amendment shall be deemed to have been abandoned.

Form 2.

Certificates.

68. (1) The Registrar, when required otherwise that under section 8 of the Act to give a certificate as to any entry, matter or thing which he is authorized by the Act or any of these Regulations to make or do, may on receipt of a request, in writing, on Form 2 give such a certificate.

Form 2.

(2) The following certificates shall be issued in respect of matters set out in the title to the forms enumerated -

- (a) Certificate of Assignment: Form O.4;
- (b) Certificate of Registration of Registered Licensee: Form O.5;
- (c) Certificate of Registration of Change of Name: Form O.6;
- (d) Certificate of Extract from Register: Form O.7,

and the certificates may be amended as the Registrar considers necessary.

69. (1) Any affidavit executed in a place outside Dominica shall be deemed to be sufficiently authenticated for the purposes of use in Dominica if it is duly authenticated at such foreign place by the signature and seal of office of a notary public.

Authentication of affidavits executed outside Dominica.

(2) Notwithstanding anything contained in this regulation, the Registrar may accept as sufficiently authenticated any affidavit which is shown to the satisfaction of the Registrar to have been actually signed by the person purporting to have signed it.

(3) No document required to be filed with the Registrar in terms of these Regulations shall be required to be authenticated unless the Registrar specifically directs otherwise in any particular instance.

70. Where the application number of an application has not yet been issued or is not known to the applicant or his agent, that application may be identified by furnishing either -

Procedure where application number unknown.

- (a) a copy of the application; or
- (b) a representation of the mark, accompanied by an indication of the date on which, to the best knowledge of the applicant or his agent, the application was received by the Office and identification number given to the application by the applicant or his agent.

71. These Regulations shall come into force on the 23rd day of October, 2008.

Commencement.

SCHEDULE 1

(Regulation 3)

FEEs

The following fees shall be paid in connection with applications, registrations and other matters under the Act. Such fees must in all cases be cases be paid before or at the time of doing the matter in respect of which they are to be paid:

Item No.	Description	Corresponding Forms	Fees EC\$
1	On application for registration of a mark	1	
	(a) in respect of goods or services in a single class		450.00
	(b) in respect of goods or services in more than one class		450.00 plus 200.00 for each additional class
2.	Applications, notifications or request to the Registrar-		
	(a) Request for publication -		
	(i) Notice of new application (regulation 19)		
	(A) word mark	2	100.00 per class
	(B) combined mark/figurative element	2	150.00 per class
	(ii) Notice of any other application (regulation 19)	2	100.00
	(b) Request for statement of a decision (regulation 65(1))	2	100.00
	(c) On application for alteration of address or address for service for each entry (regulation 9)	2	100.00
	(d) On application for correction of clerical error or for permission to amend application or document (regulation 55)	2	100.00

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	(e) On application to enter change of name or description of applicant, registered owner or registered licensee for each Mark (regulation 55)	2	150.00
	(f) On application to amend or cancel entry on Register for each mark (regulation 55)	2	100.00
	(g) Request to strike out goods/services for each mark (regulation 55)	2	100.00
	(h) Request to enter disclaimer for each Mark (regulation 55)	2	100.00
	(i) Request to search for each mark per class (regulation 58)	2	50.00
	(j) Request for information (CAVEAT) as to future proceedings for each mark (regulation 59(1))	2	50.00
	(k) Application for the certificate of the Registrar with reference to the proposed assignment of a collective mark (regulation 48)	2	100.00
	(l) Application for certificate	2	200.00
	(m) Any other applications, notifications Or request not provided or	2	100.00
3.	For notice of opposition (regulation 20)	3	150.00
4.	For notice of answer to opposition (regulation 21)	4	100.00
5.	On application for renewal of registration of a mark		
	(a) in respect of goods or services in a single class		450.00
	(b) in respect of goods or services in more than one class		450.00 plus 200.00 for each additional class

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	<i>Additional fee</i> within six months of the date of expiration		250.00
	<i>Additional fee</i> for restoration of mark Removed for non-payment of renewal fees		250.00
6.	On application to record a transaction affecting the rights in a mark (regulations 42, 43, 44, 49 and 54) – transmission, hypothecation or attachment:		
	For first mark	6, 9, 10	100.00
	For each additional mark	6, 9, 10	100.00
	Penalties for late registration of cession or transmission of a registered mark – for each period of 12 months or portion thereof	6	100.00
7.	On application for -		
	(a) recording a licence (regulation 50)	7, 11	100.00 per mark
	(b) variation of the record of licence (regulation 52)	7, 12	100.00 per mark
	(c) cancellation of a record of a licence (regulation 52)	7, 12	70.00 per mark
8.	For leave to make copies of documents in respect of an application or registration		7.00 per page
9.	For inspecting register, file or document		25.00
10.	For photocopy of any document, per page (regulation 60)		7.00
11.	For certification of extracts from Register or Documents – (per document)		50.00
12.	Refund on withdrawal of any application		half of registration/ recording fee (plus publication fee if application is unpublished)
13.	Refund for excess fee		amount of excess less 10.00
14.	Extension of time		150.00

SCHEDULE II

Reg. 4(1)

FORMS

FORM O.1*

**NOTICE OF NON-COMPLETION OF REGISTRATION
THE MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT (NO. 12 OF 1999)
(Regulation 31)**

Application for mark.....

No.....

was made on the day of, 20.....

Registration has not been completed by reason of your default. Unless it is completed within two months from the date hereof, the application shall be treated as abandoned.

Dated atthisday of, 20.....

Registrar of Companies and Intellectual Property

* O = Office

2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

Regulation 4 (2).

FORM O.2*

CERTIFICATE OF REGISTRATION

**THE MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT (NO. 12 OF 1999)
(Regulation 34)**

1	<div></div>
2	<div>No</div>

I hereby certify, in terms of section 8 of the Act, that subject to the terms and conditions specified therein the above-mentioned mark has been registered in the Companies and Intellectual Property Office.

Dated at this day of 20.....

.....
Registrar of Companies and Intellectual Property

Commonwealth of Dominica

¹ Insert reproduction of mark.

² Insert registration number.

* O = Office

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FORM O.3*

NOTICE BEFORE REMOVAL OF MARK FROM THE REGISTER

**THE MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT (NO. 12 OF 1999)
(Regulation 35)**

Your reference

Our reference

Enquiries

Sir/Madam,

You are hereby notified that your Mark No.
..... registered in Class, will be removed from the
Register of Marks unless the prescribed fee of EC\$ (payable
on Form No. 5) is received at this Office on or before the
..... on which date this existing registration will expire.

Yours faithfully,

Dated at, this day of, 20.....

.....
Registrar of Companies and Intellectual Property

Note - The full renewal fee is payable in respect of each separate class.

* O = Office

2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

FORM O.4*

CERTIFICATE OF ASSIGNMENT

**THE MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT (NO. 12 OF 1999)
(Registration 68 (2)(a))**

I hereby certify that the name of the subsequent owner of Mark:

No.

has been entered in the Register to read as follows:

Dated at this day of, 20

.....
Registrar of Companies and Intellectual Property

* O= Office

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FORM O.5*

CERTIFICATE OF REGISTRATION OF REGISTERED LICENSEE

**THE MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT (NO. 12 OF 1999)**
(Registration 68(2)(b))

I hereby certify that the following entry appears in the register in relation
to the under-mentioned mark:

No.

Dated at, this day of, 20.....

.....
Register of Companies and Intellectual Property

* O=Office

2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

FORM O.6*

CERTIFICATE OF REGISTRATION OF CHANGE OF NAME

**THE MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT (NO. 12 OF 1999)
(Registration 68 (2)(c))**

This is to certify that the name of the owner/registered licensee of mark:

No.

has been altered in the Register to read

Dated at, this day of, 20.....

.....
Registrar of Companies and Intellectual Property

* O = Office

FORM O.7*

CERTIFICATE OF EXTRACT FROM REGISTER

**THE MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT (NO. 12 OF 1999)
(Registration 68 (2)(d))**

No.

I hereby certify that the following extract from the Register in
relation to the above-mentioned mark:

Dated at, this ... day of, 20.....

.....
Register of Companies and Intellectual Property

* O = Office

FORM 1

(To be lodged in triplicate)
COMMONWEALTH OF DOMINICA
MARKS, COLLECTIVE MARKS AND
TRADE NAMES ACT, 1999

**APPLICATION FOR THE REGISTRATION
OF A MARK
(Regulations 12, 18 and 67)**

Fees payable in terms of
Schedule 1 to the Regulations

OFFICIAL DATE STAMP
The one copy will be returned
to the applicant's address for
service as proof of lodging but
is not valid unless endorsed
with the official stamp.

APPLICATION FOR REGISTRATION OF THE ACCOMPANYING MARK IS HEREBY
MADE BY THE UNDERMENTIONED APPLICANT

For official use only	
Application Number	
Filing Date	

Applicant's agent's reference

NA Nature (O=Ordinary, CO=Collective, CU=Honest Concurrent User, SC=Special Circumstances, S=Series)		
Applicant		Address for service
Specification of goods/services		International Classification
Endorsement(s)/Indication(s)		
Convention priority claimed	Number	Date State
Reproduction of mark(s)		Nationality
If mark(s) include a word, letter, numeral or combination, insert in the following box <div style="border: 1px solid black; width: 150px; height: 20px; margin: 5px 0;"></div>		Legal Nature/Country/Territorial Unit (if applicable)
If mark(s) is/are reproduced in a special or particular manner, attach reproduction(s) to this form (Maximum size 8.5 cm width and 10 cm length)		

2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

The applicant claims to be the owner of the accompanying mark(s) which is/are proposed to be or is/are being used in respect of the aforementioned specification of goods/services.

Dated this day of 20

.....
Signature of applicant or authorized agent

FORM 2

COMMONWEALTH OF DOMINICA

MARKS, COLLECTIVE MARKS AND
TRADE NAMES ACT, 1999

Fees payable in terms of
Schedule 1 to the Regulations

OFFICIAL DATE STAMP

**APPLICATION, NOTIFICATION OR REQUEST
TO THE REGISTRAR
(Regulations 4)**

Application/Registration No(s). (1)	Marks	Class(es)
Full name of applicant/registered owner/registered licensee (1)		
In terms of section of the Act and/or regulation of the Marks, Collective Marks and Trade Names Regulations, the applicant/registered owner/ registered licensee (1) hereby requests/gives notice of/applies for the following:		
The entry at present standing in the Register is (where applicable)		
Reasons (if any)		
Documents, if any, lodged in support (2)		
Address for service		

(1): Delete words not applicable.

(2): Any document in support should be annexed to this form

2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

Date at, this day of, 20

.....

Signature of applicant or authorized agent

To the Registrar and to:

(copies, if so required, must be served upon all interested persons and proof of service to the satisfaction of the Registrar must be furnished)

FORM 3

COMMONWEALTH OF DOMINICA

MARKS, COLLECTIVE MARKS AND
TRADE NAMES ACT, 1999

Fees payable in terms of
Schedule 1 to the Regulations

OFFICIAL DATE STAMP

**NOTICE OF OPPOSITION
(Regulation 20)**

Application/Registration No(s). (1)	Mark(s)	Class(es)
Full name of applicant (opponent) (1)		
Full name of respondent (mark(s) applicant or owner) (1)		
Nature of proceedings	Section:	Regulation:
Documents lodged in support (2)		
Address for service		
TAKE NOTICE THAT the applicant seeks an order: (a)..... (b)..... (c).....		

(1): Delete words not applicable.

(2): Any document in support should be annexed to this form

2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

(here set forth the form of order sought and the section of the Act relied upon) and that the accompanying affidavit of will be used in support thereof.

TAKE NOTICE FURTHER that the applicant has appointed

(here set forth an address referred to in paragraph 8(1) at which he will accept notice and service of all process in this proceedings).

Dated at, thisday of, 20.....

.....
Signature of applicant (opponent) or authorized agent

TO: The Registrar
Companies and Intellectual Property Office
ROSEAU

AND TO : (Name and address of owner or mark(s) and other interested persons)

FORM 4

COMMONWEALTH OF DOMINICA

MARKS, COLLECTIVE MARKS AND
TRADE NAMES ACT, 1999

Fees payable in terms of
Schedule 1 to the Regulations

OFFICIAL DATE STAMP

**NOTICE TO ANSWER TO OPPOSITION
(Regulation 21)**

Application/Registration	Mark(s)	Class(es)
Full name of applicant (opponent) (1)		
Full name of respondent (mark(s) applicant or owner) (1)		
Nature of proceedings	Section:	Regulation:
Address for service		

- (1): Delete words not applicable.
(2): The grounds, on which applicant relies and any facts alleged in the notice of opposition that the applicant admits, must be stated in a signed schedule attached to this form.

2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

Dated at, this day of, 20.....

.....
Signature of applicant (opponent) or authorized agent

To the Registrar and to:
(Copies, if so required, must be served upon all interested persons and proof of service to the satisfaction of the Registrar must be furnished).

FORM 5

COMMONWEALTH OF DOMINICA
Regulations
MARKS, COLLECTIVE MARKS AND
TRADE NAMES ACT, 1999

**PAYMENT (including additional fee)
AND CERTIFICATE OF RENEWAL/
RESTORATION
(Regulations 36, 37, 38 AND 41(1))**

Fees payable in terms of
Schedule 1 to the

OFFICIAL DATE STAMP

The one copy will be returned
to the applicant's address for
service as proof of renewal
is not valid unless endorsed
with the official stamp.

Registration No(s)	Mark(s)	Class(es)
Full name and address of owner		
Date of expiration		
Address for service		

I/We hereby transmit the undermentioned prescribed renewal fee marked ☐

☐

1. The amount of EC\$ being the renewal fee in respect of the
abovementioned mark(s).

☐

2. The amount of EC\$ being the additional fee payable within one
month of the date of expiration.

2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

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☐

3. The amount of EC\$..... being the additional fee payable for the restoration of the abovementioned mark(s) removed through the non-payment of the renewal fee.

Dated at, this day of, 20

.....
Signature of respondent/registered owner
or authorized agent

FOR OFFICIAL USE ONLY

I hereby certify in terms of section 10 of the Act that the abovementioned mark(s) has/have been renewed in the Companies and Intellectual Property Office for a period of 10 years from the due date.

Signed this day of, 20

.....
Registrar of Companies and Intellectual Property

FORM 6

COMMONWEALTH OF DOMINICA

MARKS, COLLECTIVE MARKS AND
TRADE NAMES ACT, 1999

Fees payable in terms of
Schedule 1 to the Regulations

OFFICIAL DATE STAMP

**APPLICATION TO RECORD A TRANSACTION
AFFECTING THE RIGHTS IN A MARK-
ASSIGNMENT, TRANSMISSION,
HYPOTHECATION OR ATTACHMENT
(Regulations 42, 43, 44, 47, 49, and 54)**

Registration No(s).	Mark(s)	Class(es)
Full name of existing applicant/owner (assignor) and business address (1)		
Full name of proposed applicant/assignee and business address (1)		

(1): Delete words not applicable.

(2): Any document in support should be annexed to this form

2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

Section of Act under which application is made				
Effective date				
Reasons for application				
Documents filed in support of this application (2)				
Address for service				

Dated at this.....day of....., 20.....

.....
Signature of applicant or authorized agent

FORM 7

COMMONWEALTH OF DOMINICA
Regulations

MARKS, COLLECTIVE MARKS AND
TRADE NAMES ACT, 1999

**APPLICATION FOR REGISTRATION
VARIATION OR CANCELLATION OF
RECORD OF LICENCE**

(Regulations 50 and 52)

The Registration /Variation/Cancellation/ (1) of a Registered Licensee is hereby requested by the under-mentioned.

Registration No(s).	Mark(s)	Class(es)
Full name and address of registered owner		

Fees payable in terms of
Schedule 1 to the

OFFICIAL DATE STAMP

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**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

Full name and address of proposed registered licensee/registered licensee
Full name and address of applicant for registration/variation/cancellation (1)
Relationship, existing or proposed, between the owner and the proposed registered licensee (type of licence)
Goods or services in respect of which the person is to be registered as a registered licensee (if applicable) (2)
Documents filed in support of this application (3)
Address for service

Dated at , this day of, 20.....

.....
Signature of applicant/registered owner
and/or proposed registered licensee or
authorized agent.

Note: Application for the variation or cancellation of a registered licensee shall be accompanied by a statement of grounds on which it is made.

- (1): Delete words not applicable.
(2): Use an attachment, if necessary.
(3): Any document in support should be annexed to this form

2008

**MARKS, COLLECTIVE MARKS
AND TRADE NAMES**

S.R.O. 42

FORM 8

COMMONWEALTH OF DOMINICA

MARKS, COLLECTIVE MARKS AND
TRADE NAMES ACT, 1999

Fees payable in terms of
Schedule 1 to the Regulations

OFFICIAL DATE STAMP

**APPLICATION FOR AN AWARD OF COSTS
(Regulations 30)**

1. Applicant _____
(Name)

(Address)
2. Application being made for costs in relation to the following proceedings:
3. Registration number(s) of mark(s) to which proceedings relate:

(Registration number(s))

Dated at _____, this ____ day of _____ 20____

Signature of applicant or authorized agent

FORM 9

COMMONWEALTH OF DOMINICA
MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT, 1999

Fees payable in terms of
Schedule 1 to the Regulations

OFFICIAL DATE STAMP

CERTIFICATE OF TRANSFER
In respect of registration(s) and/or
applications(s) for registration of mark(s)
(Regulations 43(1) (c))

FOR OFFICIAL USE ONLY

1. Certification

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

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

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

2.1 Registration number(s)

2.2 Application numbers (s): ¹

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

¹ Where the application number of an application has not yet been issued or is not known to the transferor or its representative, that application may be identified by furnishing either: (i) a copy of the application, or (ii) a representation of the mark, accompanied by an indication of the date on which, to the best knowledge of the transferor or its representative, the application was received by the Office and an identification number given to the application by the transferor or its representatives.

3. Goods and/or Services Affected by the Transfer

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

4. Transferor(s)

- 4.1 If the transferor is a natural person, the person's
- (a) family or principal name.²
- (b) given or secondary name(s)²

² The names to be indicated under (a) and (b) are those which were indicated in the application(s), or are recorded in respect of the registration(s), to which the present certificate relates.

4.2	If transferor is a legal entity, the entity's full official designation:		
4.3	Address (including postal code and country):		
	Telephone number(s): (with the area code)	Technical number(s): (with the area code)	E-mail Address
4.4	<input type="checkbox"/>	Check this box if there is more than one transferor; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 4.1 or 4.2 and 4.3.	
5. Transferee(s)			
5.1	If the transferee is a natural person, the person's		
	(a) family or principal name 3		
	(b) given or secondary name(s) 3		
5.2	If the transferee is a legal family, the entity's full official designation:		
5.3	Address (including postal code and country):		
	Telephone number(s) (with the area code)	Telefacsimile number(s) (with the area code)	E-mail Address
5.4	<input type="checkbox"/>	Check this box if there is more than one transferee; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 5.1 or	
6. Signatures			
6.1	Signature(s) of the transferor(s)		
	6.1.1 Name(s) of the natural person(s) who sign(s):		
	6.1.2 Date of signature(s):		
	6.1.3 Signature(s)		
6.2	Signature(s) of the transferee(s)		
	6.2.1 Name(s) of the natural person(s) who sign(s):		
	6.2.2 Date of signature(s):		
	6.2.3 Signature(s):		
7. Additional Sheets and Attachments			
	<input type="checkbox"/>	Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:	

FORM 10

COMMONWEALTH OF DOMINICA
MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT, 1999

Fees payable in terms of
Schedule 1 to the Regulations

OFFICIAL DATE STAMP

TRANSFER DOCUMENT

**In respect of registration(s) and/or
applications(s) for registration of mark(s)
(Regulations 43(1) (d))**

FOR OFFICIAL USE ONLY

1. Declaration of Transfer

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

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

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

2.1 Registration number(s):

2.2 Application number(s):¹

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

¹ Where the application number of an application has not yet been issued or is not known to the transferor or its representative, that application may be identified by furnishing either: (i) copy of the application, or (ii) a representation of the mark, accompanied by an indication of the date on which, to the best knowledge of the transferor or its representative, the application was received by the Office and an identification number given to the application by the transferor or its representative.

3. Goods and/or Services Affected by the Transfer

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

4. Transferor(s)

- 4.1 If the transferor is a natural person, the person's
- (a) family or principal name.²
- (b) given or secondary name(s)²
- 4.2 If transferor is a legal entity, the entity's full official designation

² The names to be indicated under (a) and (b) are those which were indicated in the application(s), or are recorded in respect of the registration(s), to which the present document relates.

4.3	Address (including postal code and country):		
	Telephone number(s) (with the area code)	Telefacsimile number(s) (with the area code)	E-mail address:
4.4	<input type="checkbox"/> Check this box if there is more than one transferee; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 4.1 or 4.2 and 4.3.		
5. Transferee(s)			
5.1 If the transferee is a natural person, the person's			
	(a) family or principal name ³		
	(b) given or secondary name(s) ³		
5.2 If the transferee is a legal family, the entity's full official designation:			
5.3 Address (including postal code and country):			
	Telephone number(s) (with the area code)	Telefacsimile number(s) (with the area code)	E-mail address:
5.4	<input type="checkbox"/> Check this box if there is more than one transferee; in that case, list them on an additional sheet and indicate, in respect of each of them, the data referred to in items 5.1 or 5.2 and 5.3.		
6. Additional Indications (see the Annex to this Form (attached))			
(the furnishing of any of those indications is optional for the purposes of recordal of the change in ownership)			
	<input type="checkbox"/> Check this box if the Annex is used.		
7. Signatures			
7.1 Signature(s) of the transferor(s):			
	7.1.1 Name(s) of the natural person(s) who sign(s):		
	7.1.2 Date of Signature(s):		
	7.1.3 signature(s)		

³ The names to be indicated under (a) and (b) are either the full names of the transferee or the names customarily used by the transferee.

7.2 Signature(s) of the transferee(s)

7.2.1 Name(s) of the natural person(s) who sign(s)

7.2.2 Date of signature(s)

7.2.3 Signature(s)

8. Additional Sheets, Attachments and Annex1☐

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

☐

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

Additional Indications Relating
To a Transfer Document (Item 6)

A. Transfer of Goodwill or Business

(a)

☐

Check this box where the transfer is made with the relevant goodwill or the business in respect of all the goods and/or services listed in the applications(s) and/or registration(s) referred to in item 2 of the transfer document.

(b)

☐

Check this box where item 2 of the transfer document mentions only one application or registration and where the transfer is made with the relevant goodwill or the business in respect of only some of the goods and/or services listed in that application or registration and indicate the goods and/or services in respect of which the transfer is made with the relevant goodwill or the business.

(c)

☐

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

B. **Transfer of Rights Resulting from Use**

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

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

C. **Transfer of the Right to Sue**

The transfer shall have the right to sue for past infringements.

D. **Consideration**

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

E. **Effective Date of the Transfer**

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

FORM 11

COMMONWEALTH OF DOMINICA
MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT, 1999

Fees payable in terms of
Schedule 1 to the Regulations

STATEMENT OF LICENCE
In respect of application(s) and/or
Registered mark(s)
(Regulation 51(b))

OFFICIAL DATE STAMP

FOR OFFICIAL USE ONLY

Referenced indication of registered owner/
applicant and/or licensee¹

Referenced indication of representative of
registered owner/applicant:
licensee:
.....

1. Statement

The registered owner(s)/applicant(s) and licensee(s) hereby state that the registration(s) and/or application(s) identified below is (are) the subject of a licence.

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

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

2.1 Registration and/or application number(s):s

2.2 ☐ If the space under item 2.1 is not sufficient, check this box and provide the information on an additional sheet.

3. Registered Owner(s)/Applicant(s)

3.1 If the registered owner/applicant is a natural person, the person's

(a) family or principal name:²

(b) given or secondary name(s):²

3.2 If the registered owner/applicant is a legal entity,

(a) the entity's full official designation:

(b) the legal nature of the legal entity:

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

3.3. Address (including postal code and country):

Telephone number(s):³ Telefacsimile numbers(s):³ E-mail address:

3.4 ☐ Check this box if there is more than one registered owner/applicant; in that case, list the additional registered proprietors/applicants on a separate sheet and indicate, in respect of each of them, the data referred to in items 3.1 or 3.2 and 3.3.

4. Representative of Registered Owner(s)/Applicant(s)

4.1 Name:

4.2 Address (including postal code and country):

Telephone number(s):⁴ Telefacsimile number(s):⁴ E-mail address:

4.3 Registration number, if registered with the Office:

4.4 Number allotted to the power of attorney:

² The names to be indicated under (a) and (b) are those which appear in the records of the Office in respect of the registered owner/applicant of the registration(s)/application(s) to which the present request relates.

^{3, 4} The registered owner/applicant or its representative has the option to refrain from providing such indications. Where they are given, they should include the country code (where applicable) and such area code.

5.	Licensee
5.1	If the licensee is a natural person, the person's
	(a) family or principal name:
	(b) given or secondary name(s):
5.2	If the licensee is a legal entity,
	(a) the entity's full official designation:
	(b) the legal nature of the legal entity:
	(c) the State, and, where applicable, the territorial unit within that State, under the law of which the legal entity is organized:
5.3	Address (including postal code and country):
	Telephone number(s): ⁵ Telefacsimile number(s): ⁵ E-mail address:
5.4	State of nationality of the licensee:
5.5	State of domicile of the licensee:
5.6	State of real and effective industrial or commercial establishment of the licensee:
5.7	<input type="checkbox"/> Check this box if there is more than one licensee; in that case, list each additional licensee on a separate sheet and indicate, in respect of each of them, the data referred to in items 5.1 to 5.6.
6.	Representative of Licensee
6.1	Name:
6.2	Address (including postal code and country):
	Telephone number(s): ⁶ Telefacsimile number(s): ⁶ E-mail address:
6.3	Registration number, if registered with the Office:
6.4	Number allotted to the power of attorney: ⁷

^{5, 6} The registered owner/applicant or its representative has the option to refrain from providing such indications. Where they are given, they should include the country code (where applicable) and such area code.

⁷ Leave blank if the power of attorney has not, or has not yet, been allotted a number or if the number is not known to the licensee or the representative.

7.	Goods and/or Services for which the Licence is Granted⁸	
7.1	<input type="checkbox"/>	The licence is granted for all the goods and/or services listed in the registration(s) and/or application(s) referred to in item 2.
7.2	<input type="checkbox"/>	Only one registration or application is mentioned in item 2 and the licence is only granted for some of the goods and/or services listed in that registration or application. The following goods and/or services are covered by the licence:
7.3	<input type="checkbox"/>	More than one registration and/or application is mentioned in item 2, and in respect of at least one of them, the licence, covers less than all goods and/or services listed. In this case, indicate on an additional sheet, separately in respect of each registration and/or applications, whether the licence covers all the goods and/or services or only some of them.
8.	Kind of Licence⁸	
8.1	<input type="checkbox"/>	The licence is an exclusive licence.
8.2	<input type="checkbox"/>	The licence is a sole licence.
8.3	<input type="checkbox"/>	The licence is a non-exclusive licence
8.4	<input type="checkbox"/>	The licence concerns only the following part of the territory covered by the registration
9.	Time period of Licence⁸	
9.1	<input type="checkbox"/>	The licence is limited in time and granted from.....to.....
9.1.1	<input type="checkbox"/>	The licence is subject to automatic extension
9.2	<input type="checkbox"/>	The licence is granted for an unlimited time.
10.	Signatures⁹	
10.1	Signatures(s) of the registered owner(s)/applicant(s):	

8 Check the appropriate boxes.

9 If there is more than one person signing or whose seal is used, all of the indications under sub items 10.1 to 10.04 should be given on an additional sheet.

10.1.1 Name of the registered owner/applicant or, if the registered owner/applicant is a legal entity, name of the person who acts on behalf of the registered owner/applicant:

10.1.2 Date of signature:

10.1.3 Signature;

10.2 Signature(s) of the licensee(s):

10.2.1 Name of the licensee or, if the licensee is a legal entity, name of the person who acts on behalf of the licensee:

10.2.2 Date of signature:

10.2.3 Signature:

10.3 Signature of the representative of the registered owner(s)/applicant(s):

10.3.1 Name of the natural person who signs:

10.3.2 Date of signature:

10.3.3 Signature:

10.4 Signature of the representative of the licensee(s):

10.4.1 Name of the natural person who signs:

10.4.2 Date of signature:

10.4.3 Signature:

11. Additional Sheets

☐

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

FORM 12

COMMONWEALTH OF DOMINICA
MARKS, COLLECTIVE MARKS
AND TRADE NAMES ACT, 1999

STATEMENT OF VARIATION OR
CANCELLATION OF LICENCE

In respect of application(s) and/or
Registered mark(s)
(Regulation 51(b))

Fees payable in terms of
Schedule 1 to the Regulations

OFFICIAL DATE STAMP

FOR OFFICIAL USE ONLY

Referenced indication of registered owner/
applicant and/or licensee: ¹

Referenced indication of representative of
Registered owner/applicant:
Licensee:

1. Statement

The registered owner(s)/applicant(s) and licensee(s) hereby state
that the registration(s) and/or application(s) identified below is (are)
the subject of a licence.

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

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

2.1 Registration and/or application number(s):

2.2 ☐ If the space under item 2.1 is not sufficient, check this
box and provide the information on an additional sheet.

¹ Any reference indication allotted by the registered owner/applicant and/or licensee and/or any reference
indication allotted by any of the representatives to the present request may be given in this space.

3. Registered Owner(s)/Applicant(s)

3.1 If the registered owner/applicant is a natural person,
the person's

- (a) family or principal name: ²
- (b) given or secondary name(s): ²

3.2 **If the registered owner/applicant is a legal entity,**

- (a) the entity's full official designation:
- (b) the legal nature of the legal entity:
- (c) the State, and, where applicable, the territorial unit within that State, under the law of which the legal entity is organized:

3.3. **Address (including postal code and country):**

Telephone number(s): ³ Telefacsimile numbers(s):³ E-mail address:

- 3.4 ☐ Check this box if there is more than one registered owner/applicant; in that case, list the additional registered owners/applicants on a separate sheet and indicate, in respect of each of them, the data referred to in items 3.1 or 3.2 and 3.3.

4. Representative of Registered Owner(s)/Applicant(s)

4.1 Name:

4.2 Address (including postal code and country):

Telephone number(s):⁴ Telefacsimile number(s):⁴ E-mail address:

4.3 Registration number, if registered with the Office:

4.4 Number allotted to the power of attorney:

² The names to be indicated under (a) and (b) are those which appear in the records of the Office in respect of the registered owner/applicant of the registration(s)/application(s) to which the present request relates.

^{3, 4} The registered owner/applicant or its representative has the option to refrain from providing such indications. Where they are given, they should include the country code (where applicable) and such area code.

5. Licensee

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

- (a) family or principal name:
- (b) given or secondary name(s):

5.2 If the licensee is a legal entity,

- (a) the entity's full official designation:
- (b) the legal nature of the legal entity:
- (c) the State, and, where applicable, the territorial unit within that State, under the law of which the legal entity organized:

5.3 Address (including postal code and country):

Telephone number(s):⁵ Telefacsimile number(s):⁵ E-mail address:

5.4 State of nationality of the licensee:

5.5 State of domicile of the licensee:

5.6 State of real and effective industrial or commercial establishment of the licensee:

5.7 ☐ Check this box if there is more than one licensee; in that case, list each additional licensee on a separate sheet and indicate, in respect of each of them, the data referred to in items 5.1 to 5.6.

6. Representative of Licensee

6.1 Name:

6.2 Address (including postal code and country):

Telephone number(s):⁶ Telefacsimile number(s):⁶ E-mail address:

5, 6 The registered owner/applicant or its representative has the option to refrain from providing such indications. Where they are given, they should include the country code (where applicable) and area code

6.3	Registration number, if registered with the Office:
6.4	Number allotted to the power of attorney: ⁷
7. Goods and/or Services for which the Licence is Varied The nature and scope of the variation is indicated on a separate sheet.	
8. Kind of Varied Licence ⁸ 8.1 <input type="checkbox"/> The varied licence is an exclusive licence. 8.2 <input type="checkbox"/> The varied licence is a sole licence. 8.3 <input type="checkbox"/> The varied licence is a non-exclusive licence 8.4 <input type="checkbox"/> The varied licence concerns only the following part of the territory covered by the registration	
9. Time period of Licence ⁸ 9.1 <input type="checkbox"/> The varied licence is limited in time and granted from to 9.1.1 <input type="checkbox"/> The varied licence is subject to automatic extension 9.2 <input type="checkbox"/> The varied licence is granted for an unlimited time.	

⁷ Leave blank if the power of attorney has not, or has not yet, been allotted a number or if the number is not known to the licensee or the representative.

⁸ Only required for variation of licence. Check the appropriate boxes.

10. Signatures⁹**10.1 Signatures(s) of the registered owner(s)/applicant(s):**

10.1.1 Name of the registered owner/applicant or, if the registered owner/applicant is a legal entity, name of the person who acts on behalf of the registered owner/applicant:

10.1.2 Date of signature:

10.1.3 Signature;

10.2 Signature(s) of the licensee(s):

10.2.1 Name of the licensee or, if the licensee is a legal entity, name of the person who acts on behalf of the licensee:

10.2.2 Date of signature:

10.2.3 Signature:

10.3 Signature of the representative of the registered owner(s)/applicant(s):

10.3.1 Name of the natural person who signs:

10.3.2 Date of signature:

10.3.3 Signature:

10.4 Signature of the representative of the licensee(s):

10.4.1 Name of the natural person who signs:

10.4.2 Date of signature:

10.4.3 Signature:

11. Additional Sheets☐

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

SCHEDULE III
CLASS HEADINGS OF GOODS AND SERVICES
INTERNATIONAL CLASSIFICATION

PART I
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 foodstuff; tanning substances; adhesives used in industry.

Class 2

Paints, varnishes, lacquers, preservatives against rust and against deterioration of wood; colourants; 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, essentials oil, cosmetics, hair lotions; dentifrices.

Class 4

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.

Class 5

Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; 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-electrical 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 machines 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, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission of 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.

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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.

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; paintbrushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic material for packaging (not included in other classes); printers' type; printing blocks.

Class 17

Rubber, gutta-percha gum, asbestos, mica and goods made from these materials and not included other classes; plastics in extrude 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; animals skins, hides; trunks and traveling 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 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; combs and sponges; brushes (except paint brushes); brush making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Class 22

Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

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Class 23

Yarns and threads, for textile use.

Class 24

Textiles and textile goods, not included in other classes; bed and table covers.

Class 25

Clothing, footwear, headgear.

Class 26

Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

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, compotes; eggs, milk and milk products; edible oils and fats.

Class 30

Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices, ice.

Class 31

Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.

Class 32

Beers; minerals 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.

**PART II
SERVICES****Class 35**

Advertising; business management; business administration; office functions.

Class 36

Insurance; financial affairs; monetary affairs; real estate affairs.

Class 37

Building construction; repair; installation services.

Class 38

Telecommunications

Class 39

Transport; packaging and storage of goods; travel arrangements.

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Class 40

Treatment of materials

Class 41

Education, providing of training; entertainment; sporting and cultural activities.

Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

Class 43

Services for providing food and drink; temporary accommodation.

Class 44

Medical services; veterinary services; hygienic and beauty care of human beings or animals; agriculture, horticulture and forestry services.

Class 45

Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

SCHEDULE IV**(Regulation 30)****COSTS, EXPENSES AND ALLOWANCE****PART I****COSTS**

Column 1 Item	Column 2 Matter	Column 3 Amount
1	Notice of opposition	\$170
2	Evidence in support	\$480
3	Receiving and perusing notice of opposition	\$100
4	Receiving and perusing evidence in support	\$100
5	Notice of answer to opposition	\$150
6	Evidence in answer	\$300
7	Receiving and perusing evidence in answer	\$150
8	Evidence in reply	\$150
9	Receiving and perusing evidence in reply	\$100
10	Preparation of cases of hearing	\$300
11	Attendance at hearing by attorney-at-law	\$200 per hour

PART II**EXPENSES AND ALLOWANCES****Division 1****Expenses**

1. A person who has paid a fee prescribed in these Regulations in relation to proceedings before the Registrar may be paid the amount of the fee.

2. A person attending proceedings before the Registrar must be paid –
- (a) a reasonable amount for allowances for transport between the usual place or residence of the person and the place that he or she attends for that purpose; and
 - (b) if the person is required to be absent overnight from his or her usual place or residence – a reasonable amount for allowances up to a daily maximum of \$400 for meals and accommodation.

Division 2

Allowances

3. A person who, because of his or her professional, scientific or other special skill or knowledge, is summoned to appear as a witness before the Registrar must be paid –
- (a) if the person is remunerated in his or her occupation by wages, salary or fees – an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance for that purpose; and
 - (b) in any other case – an amount of not less than \$100, or more than \$500, for each day on which he or she so attends.
4. A person summoned to appear as a witness, other than a witness referred to in paragraph 3, before the Registrar must be paid –
- (a) if the person is remunerated in his or her occupation by wages, salary or fees – an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance for that purpose; and

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- (b) in any other case - an amount of not less than \$60, or more than \$100, for each day on which he or she so attends.

Made this 21st day of October, 2008.

IAN DOUGLAS

Minister for Legal Affairs

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