

CHAPTER 284
REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT

• Act • Subsidiary Legislation •

ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Application for registration.
4. Procedure on application.
5. Issue of certificate.
6. Privileges of proprietor.
7. Duration of privileges.
8. Right of action for passing off.
9. Powers of High Court.
10. Assignment of privileges.
11. Application by registered user under Trade Marks Act, 1938.
12. Entry in register.
13. Powers of the Minister.
14. Keeping and inspection of register.
15. Renewal of registration.
16. Powers of Registrar.

CHAPTER 284
REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT

An Act to provide for the registration in Grenada of trade marks registered in the United Kingdom.

[12th April, 1939.]

1. Short title

This Act may be cited as the Registration of United Kingdom Trade Marks Act.

2. Interpretation

In this Act—

“Court” means the High Court;

“register” means the register to be kept under this Act;

“Registrar” means the Registrar of the Supreme Court.

3. Application for registration

Any person being the registered proprietor of a trade mark in the United Kingdom by virtue of an entry in the register of trade marks kept under the Trade Marks Act, 1938, or any Act amending or substituted for that Act, or any person deriving title from such registered proprietor by assignment or other mode of transfer, may apply at any time

during the existence of the registration in the United Kingdom to have such trade mark registered in Grenada in respect of some or all of the goods comprised in the United Kingdom registration.

4. Procedure on application

An application for registration of a trade mark under this Act shall be made to the Registrar and accompanied by a certified representation of the trade mark and a certificate of the Comptroller-General of the United Kingdom Patent Office (under his or her title of Registrar of Trade Marks) giving full particulars of the registration of the trade mark in the United Kingdom.

5. Issue of certificate

Upon such application being lodged, together with the documents mentioned in section 4, the Registrar shall enter the prescribed particulars in the register, and shall issue a Certificate of Registration to the applicant, who shall then be the registered proprietor in Grenada of the trade mark in respect of the goods entered in the register.

6. Privileges of proprietor

Subject to the provisions of this Act, a registered proprietor shall have in Grenada such privileges and rights in the use of the trade mark in respect of the goods entered in the register as, *mutatis mutandis*, would be conferred on him or her by the law for the time being in force in the United Kingdom.

7. Duration of privileges

The privileges and rights conferred by section 6 shall date from the date of registration in the United Kingdom and shall continue in force, subject to the provisions of section 15, for so long as the registration in the United Kingdom remains in force in respect of the goods for which the trade mark is registered in Grenada:

Provided that no action for infringement of the trade mark shall be entertained in respect of any use of the trade mark prior to the date of issue of the Certificate of Registration in Grenada.

8. Right of action for passing off

Nothing in this Act shall be deemed to affect any right of action against any person for passing off goods as those of another person or any remedy in respect thereof.

9. Powers of High Court

The Court shall have power, upon the application of any person who alleges that his or her interests have been prejudicially affected by the issue of a Certificate of Registration, to declare on any of the grounds, *mutatis mutandis*, on which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom that the exclusive privileges and rights have not been acquired.

10. Assignment of privileges

Subject to the provisions of this Act, where a person becomes entitled by assignment or other mode of transfer to the privileges and rights conferred on a registered proprietor by this Act, the Registrar shall, on application being made in the prescribed manner, and on proof of title to his or her satisfaction, cause such person to be entered in the register as subsequent registered proprietor of the trade mark.

11. Application by registered user under Trade Marks Act, 1938

A person entered in the United Kingdom Register of Trade Marks under section 28 of the Trade Marks Act, 1938, as a registered user in respect of any goods of a trade mark in respect of which a Certificate of Registration under this Act is in force may apply to be registered in Grenada as a registered user of the mark in respect of some or all of such goods, subject to any conditions or restrictions entered in the United Kingdom Register.

12. Entry in register

Upon such application being lodged, together with a certificate of the United Kingdom Registrar of Trade Marks giving full particulars of the entry in the United Kingdom Register under the said section 28, the Registrar shall cause the applicant to be entered in the register of Grenada as a registered user of the trade mark, and on such entry the registered user shall be entitled in Grenada, subject to the aforesaid conditions and restrictions, to such privileges and rights in respect of the goods for which he or she is entered as, *mutatis mutandis*, would be conferred on him or her by the law for the time being in force in the United Kingdom.

13. Powers of the Minister

The Minister may make such rules and do such things as he or she may think expedient, subject to the provisions of this Act, for regulating procedure under this Act, and prescribing the fees to be paid in respect of proceedings under this Act, and generally for prescribing anything which by this Act is to be prescribed.

14. Keeping and inspection of register

(1) There shall be kept in the Registrar's Office a register in which shall be entered in the prescribed form all matters which by this Act are required to be registered.

(2) Such register shall be open to inspection at all hours during which the Registrar's Office is open.

15. Renewal of registration

If the registration in the United Kingdom of a trade mark registered under this Act is renewed, the registered proprietor may, within such time after the date of renewal in the United Kingdom as may be prescribed, notify the Registrar, who shall then on sufficient evidence thereof and on payment of the prescribed fee, renew the registration in the register in the prescribed manner. If the registration in the register is not so renewed it shall be cancelled by the Registrar.

16. Powers of Registrar

The Registrar may, on request in writing made by the registered proprietor, and on payment of the prescribed fee—

- (a) cancel the registration of a trade mark or of a registered user thereunder either wholly or as regards any particular goods in respect of which the trade mark or the registered user is registered;
 - (b) correct any clerical error in or in connection with any application under this Act or in any matter which is entered in the register;
 - (c) enter in the register any change in the name, description or address of the person who is registered as proprietor or user of a trade mark.
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CHAPTER 284
REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Registration of United Kingdom Trade Marks Rules
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Registration of United Kingdom Trade Marks Rules

Amended by

SRO 3 of 1981

ARRANGEMENT OF RULES

- | | |
|-----------------|------------------------------------|
| 1. | Citation. |
| 2. | Definitions. |
| 3. | Fees. |
| 4. | Forms. |
| 5. | Register. |
| 6. | Address for service. |
| 7. | Agent. |
| 8. | Application for registration. |
| 9. | Certificate of Registration. |
| 10. | Application to the Court. |
| 11. | Subsequent registered proprietors. |
| 12. | Registered users. |
| 13. | Renewal of registration. |
| 14. | Powers of Registrar. |
| 15. | Copies. |
| First Schedule | Fees |
| Second Schedule | Forms |
-

REGISTRATION OF UNITED KINGDOM TRADE MARKS RULES

[Section 13. Amended by SRO 3 of 1981.]

[12th October, 1939.]

1. Citation

These Rules may be cited as the Registration of United Kingdom Trade Marks Rules.

2. Definitions

In these Rules, unless there is anything repugnant in the subject or context—

“Act” means the Registration of United Kingdom Trade Marks Act;

“agent” means a person duly authorised to the satisfaction of the Registrar to represent another.

3. Fees

The fees specified in the First Schedule to these Rules shall be paid in respect of proceedings under the Act.

4. Forms

The forms in the Second Schedule to these Rules, modified as may be necessary, shall be used in matters to which they are applicable.

5. Register

In the register to be kept under section 14 of the Act shall be entered all registered trade marks with the names, addresses and descriptions of their proprietors, notifications of assignments and transmissions, the names, addresses and descriptions of all registered users, disclaimers, conditions, limitations and such other matters relating to trade marks as may be prescribed.

6. Address for service

Every person making an application under the Act shall give an address for service in St. George's, and such address may be treated as the actual address of such person for all purposes in connection with the Act, and any document required to be served may be served by leaving the same at such address.

7. Agent

Any person entitled under the Act to make application or give any notice may appoint an agent for the purpose and for representing him or her in the matter of a trade mark by signing and sending to the Registrar an authority in writing to that effect in the Form 1.

8. Application for registration

An application for the registration of a trade mark or a series of trade marks shall be made in the Form 2. A representation of the trade mark shall be affixed to the said application.

9. Certificate of Registration

The Certificate of Registration to be issued by the Registrar under section 5 of the Act shall be in the Form 3.

10. Application to the Court

(1) Applications to the Court under section 9 of the Act shall be made in accordance with the provisions of the Civil Procedure Act, Chapter 55.

(2) The Registrar shall, on production of an order of the Court declaring that the exclusive privileges and rights consequent upon registration have not been acquired, make an entry in the Register of a minute of such order and cancel the registration of such mark in conformity with the said order.

11. Subsequent registered proprietors

(1) An application under section 10 of the Act shall be made in the Form 4.

(2) In proof of his or her title the applicant shall produce the Certificate of Registration issued under section 5 of the Act and the document or documents on which the applicant bases his or her title, giving full particulars of the registration of the applicant as a subsequent registered proprietor of the registered trade mark.

(3) Upon entry in the register of the name of the applicant as a subsequent registered proprietor of a trade mark the Registrar shall endorse upon the Certificate of Registration issued under the Act a statement of the alteration in the proprietorship of the trade mark.

12. Registered users

(1) An application under section 11 of the Act shall be made in the Form 5.

(2) The Registrar may at the request of a registered user issue a Certificate of the registration of that registered user in respect of the goods of a trade mark for which he or she is entered in the Register.

13. Renewal of registration

(1) Notification under section 15 of the Act of renewal of registration shall be made within six months of the date of renewal in the United Kingdom in the Form 6 accompanied by a Certificate of Renewal under the hand of the United Kingdom Registrar of Trade Marks and the Certificate of Registration issued under the Act.

(2) Upon receipt of such notification and Certificates the Registrar shall cause an entry of the fact of such renewal to be made in the register and shall make a similar endorsement on the Certificate of Registration and return it to the registered proprietor.

14. Powers of Registrar

(1) Applications under section 16 of the Act shall be made in the Form 7. Every such application shall be accompanied by the Certificate of Registration under the Act and such evidence as the Registrar may consider sufficient.

(2) Upon receipt of such application the Registrar may cause the necessary alterations to be made in the register and in the Certificate of Registration, and in the case of a cancellation of a trade mark wholly he or she shall cancel the Certificate of Registration and retain it.

15. Copies

Upon payment of the prescribed fee the Registrar shall issue to any applicant a certified copy of or extract from any document filed or entry in the register.

First Schedule

REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT

REGISTRATION OF UNITED KINGDOM TRADE MARKS RULES

Fees

[Rule 3. SRO 3 of 1981.]

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

1. For registration of a trade mark (including the filing of all necessary documents, and the issue of a Certificate of Registration)	25.00
2. For registration of a series of trade marks (including the filing of all documents, and the issue of a Certificate of Registration)—	
For the first mark	10.00
And for every other mark of the series	5.00
3. For registration of an assignment of a single mark including the filing of all necessary documents and the endorsement on the Certificate of Registration	10.00
4. For registration of an assignment of more than one mark standing in the same name, the devolution of title being identical in each case (including the filing of all necessary documents)—	
For the first mark	10.00
For every other mark	5.00
5. For registration of a Registered User of a trade mark	10.00
or of a series of trade marks—	
For the first of the series	5.00
And for every other mark	2.50
6. For a Certificate of Registration of a registered user of a trade mark	10.00
7. For filing notification of renewal of a trade mark or a series of marks including the endorsement on the Certificate of Registration	10.00
8. On an application under section 16 of the Act as follows—	
For cancellation of the registration of a mark wholly	10.00
For cancellation of the registration of a mark in part	5.00
For correction of any clerical error	5.00
For change of name and/or address	5.00
9. Certified copies or extracts of any documents filed	5.00

Second Schedule

Forms

FORM 1

REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT

REGISTRATION OF UNITED KINGDOM TRADE MARKS RULES

Appointment of Agent

[Rule 7.]

Grenada

Registration of The United Kingdom Trade Marks Act

I (or We) hereby appoint of
to act as my (or our) agent in Grenada for* and request that
all notices, applications or communications relating thereto may be sent to such agent at the above
address.

Dated the day of, 20.....

To the Registrar of the High Court, Grenada.

* Here state the particular purpose for which the agent is appointed, for example, all purposes in connection with the registration of the accompanying trade mark in the register and in connection with any application to the Court under section 9 of the Act and any assignment or

renewals thereof, as the case may be.

FORM 2

REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT
REGISTRATION OF UNITED KINGDOM TRADE MARKS RULES

Application for Registration

[Rule 8.]

Grenada

Registration of The United Kingdom Trade Marks Act

(Representation of the Trade Mark to be affixed here).

I (or We) (a) of do solemnly and sincerely declare that I am (or we are, or A.B. is, or are) the registered proprietor (or proprietors) of the Trade Mark (or series of Trade Marks) registered in the United Kingdom under the Trade Marks Act, 1905 to 1919 numbered (b) and bearing date (c) and referred to in the accompanying certificate of the Comptroller-General of the United Kingdom Patent Office.

Dated this day of , 20.....

(d)

I (or We) hereby apply for registration of the said Mark(s) in the Register and that a Certificate of Registration may be issued to me (or to us, or A.B.) for the said Mark(s).

(e)

To the Registrar of the High Court, Grenada.

My (or our) address for service in Grenada is—

.....
.....

- (a) Here insert name, address and description of applicant or applicants.
- (b) Here insert number of United Kingdom Trade Mark or Marks.
- (c) Here insert date of United Kingdom registration.
- (d) Signature of applicant or applicants.
- (e) Signature of applicant or applicants or agent.

FORM 3

REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT
REGISTRATION OF UNITED KINGDOM TRADE MARKS RULES

Certificate of Registration

[Rule 9.]

Grenada

The Registration of The United Kingdom Trade Marks Act

To (a)

I,, Registrar of the High Court of the Eastern Caribbean Supreme Court at Grenada, do hereby certify that the United Kingdom Trade Mark(s) numbered and dated (a specimen of which is hereunto affixed) has been registered in accordance with the provisions of the above-named Act in your name in the register in respect of (b)

And I do hereby further certify that the privileges and rights conferred by this Certificate issued under the said Act shall date from the (c) day of, 20...., subject to the proviso to section 7 of the said Act and shall continue in force for such time as the registration in the United Kingdom shall remain in force, subject to notification in Grenada of renewals of registration in the United Kingdom as required by section 15 of the said Act.

Representation
of
Mark

In witness whereof I have hereunto set my hand this day of in the year of our Lord two thousand and

.....
Registrar

Registrar of the High Court, Grenada.

- (a) Here state name, address and description of registered proprietor.
- (b) Here state goods.
- (c) Here insert date of registration in the United Kingdom.

FORM 4

REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT

REGISTRATION OF UNITED KINGDOM TRADE MARKS RULES

Application to Register Subsequent Proprietor

[Rule 11.]

Grenada

Registration of The United Kingdom Trade Marks Act

I (or We) (a) hereby make application to you to enter my (or our) name (or names) in Part C of the register of Trade Marks as the proprietor (or proprietors) of the United Kingdom Trade Mark registered in Grenada under No. in respect of

I am (or We are) entitled to the privileges and rights conferred by the Certificate of Registration issued under the above-named Act, in proof whereof I (or we) transmit the said Certificate of Registration and (b)

Dated the day of, 20.....

.....
Signature

My (or our) address for service in Grenada is as follows:

.....
.....

To the Registrar of the High Court, Grenada.

- (a) Here insert name, address and description of applicant or applicants.
- (b) Describe any document on which the applicant bases his or her title.

FORM 5

REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT

REGISTRATION OF UNITED KINGDOM TRADE MARKS RULES

Application of Registration of Registered User

[Rule 12.]

Grenada

Registration of The United Kingdom Trade Marks Act

I (or We) of do solemnly and sincerely declare that I am (or we are or A.B. is or are) (a) registered user(s) (or registered users) in respect of goods of the Trade Mark registered in the United Kingdom under the Trade Marks Act, 1938, numbered and bearing date and more fully set out and referred to in the accompanying certificate of the Comptroller-General of the United Kingdom Patent Office.

Dated the day of, 20.....

My address for service in Grenada is as follows:

.....
.....

I (or We) hereby apply for registration of my name (or of A.B.) as a Registered User of goods of the Trade Mark as set forth in the certificate accompanying the above declaration.

To the Registrar of the High Court, Grenada.

FORM 6

REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT

REGISTRATION OF UNITED KINGDOM TRADE MARKS RULES

Notice of Renewal

[Rule 13.]

Grenada

Registration of The United Kingdom Trade Marks Act

I (or We) (a) hereby give you notice that Registration in the United Kingdom of the Trade Mark registered in Grenada under No. in respect of has been renewed in the United Kingdom. In proof whereof I (or we) transmit the accompanying certificate of the Comptroller-General of the United Kingdom Patent Office dated

The Certificate of Registration in Grenada is submitted for endorsement accordingly.

Dated the day of, 20.....

.....

Signature

To the Registrar of the High Court, Grenada.

(a) Name, address and description of applicant.

FORM 7

REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT

REGISTRATION OF UNITED KINGDOM TRADE MARKS RULES

Application under Section 16 of the Act

[Rule 14.]

Grenada

Registration of The United Kingdom Trade Marks Act

In the matter of the United Kingdom Trade Mark registered in Part C under number

..... on

I (or We) (a) the registered proprietor of the said Trade Mark hereby apply (b) that the registration of the said Trade Mark may be cancelled, or that the registration of the said Trade Mark may be cancelled in respect of (c)

..... or that you will correct the following clerical error, namely (d) or that you will enter (e) in the register as the name and/or address of the proprietor of the said Trade Mark.

Dated the day of, 20.....

.....

Signature

To the Registrar of the High Court, Grenada.
My address for service in Grenada is—

.....
.....

- (a) Name, address and description.
- (b) Use words in brackets as circumstances may require.
- (c) Name of goods.
- (d) Set out error and correction required.
- (e) Insert here new name and/or address.
