

SAINT LUCIA

STATUTORY INSTRUMENT, 2003, No. 54

[16th June, 2003]

In exercise of the powers conferred by section 20 of the Geographical Indications Act, No. 4 of 2000 the Minister responsible for intellectual property makes the following Regulations —

Citation

1. These Regulations may be cited as the Geographical Indications Regulations 2003.

Interpretation

2. In these Regulations —

“Act” means the Geographical Indications Act No 4 of 2000;

“International Classification” means the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification);

“office” means The Registry of Companies and Intellectual Property;

“section” means the specified section of the Act.

Fees

3. The fees to be paid in respect of matters arising under the Act and these Regulations shall be those set out in the First Schedule.

Forms

4.— (1) The forms referred to are those in the Second Schedule.

(2) A requirement to use a form set out in the Second Schedule is satisfied by the use either of a replica of the form, or of a form which is acceptable to the Registrar and contains the information required by the corresponding form set out in the Second Schedule.

(3) If a document that is submitted to the Office differs significantly from the form in the Second Schedule intended to be used for the purpose of submission, the Registrar may require that the document be replaced within a time fixed by the Registrar, by one that conforms with the document required by the Second Schedule to be used for the purpose.

Applications - language of

5.— (1) Applications shall be in English.

(2) Any document forming part of an application submitted to the Registrar pursuant to the Act or these Regulations which is in a language other than English shall be accompanied by an English translation verified by the translator that the translation is, to the best of his or her knowledge complete and faithful.

Indication of name, address, nationality

6.— (1) Names of natural persons shall be indicated by the person's family name and given name or names, the family name being indicated before the given names, and the names of legal entities shall be indicated by their full, official designation.

(2) Addresses shall be in such a manner as to satisfy customary requirements for prompt postal delivery at the indicated address.

(3) Nationality shall be indicated by the name of the State of which a person is a national and legal entities shall indicate the name of the State under whose laws they are constituted.

(4) Residence shall be indicated by the name of the State of which a person is resident.

Signature by Partnerships, Companies and Associations

7.— (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any partner qualified to sign, stating that he or she signs on behalf of the partnership, or by any other person who satisfies the Registrar that he or she is authorised to sign the document.

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

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

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(4) The Registrar may, whenever he or she deems it necessary, request evidence of authorisation to sign.

Authorisation of agent

8.— (1) The appointment of an attorney-at-law shall be by an authorisation of agent as set out in Form 1 of the Second Schedule and shall be signed by the applicant or, if there are more than one, each applicant.

(2) The authorisation of agent may be filed together with the application or within two months from its filing date and if the appointment is not made in accordance with section 4 (2) and sub-regulation (1), any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

Applications - paper requirements

9.— (1) All applications, notices, statements, and papers having representations affixed, or other documents authorised or required by the Act or these Regulations to be made, must be on strong, durable white paper and except in the case of the declarations and the affidavits, must be written on one side of the paper only.

(2) Each sheet must be of the same size and be 8½ x 11 or A4 size paper or such other size as the Registrar may permit.

(3) All applications, notices, statements or other documents required by this Act or these Regulations shall be filed in duplicate.

Application for registration of geographical indication

10.— (1) The application for the registration of a geographical indication shall be made in the form set out in Form 2 of the Second Schedule and shall be signed by each applicant or authorised agent.

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

Withdrawal of application

11.— (1) The application may be withdrawn in writing to the Registrar and signed by each applicant or authorised agent.

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

Marking application

12.— (1) Upon receipt, the Registrar shall mark on each document making up the application the actual date of receipt and the application number.

(2) Where any correction or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt in the appropriate place of the request for registration of the geographical indication.

(3) The application number allotted under sub-regulation (1) shall be quoted in all subsequent communications concerning the application.

Objection to conditional acceptance of application

13.— (1) If, upon examination in accordance with section 5 (1) the Registrar objects to the application for registration of a geographical indication, he or she shall notify the applicant in writing of his or her objection with all relevant details and invite the applicant to amend the application, to submit his or her observations in writing or to apply for a hearing within two months from the date of the notification and if the applicant does not comply with the invitation within the set period, he or she shall be deemed to have withdrawn his or her application.

(2) If, upon examination in accordance with section 5 (1), the Registrar decides to accept the application subject to amendments, modifications, conditions or limitations, the Registrar shall communicate the decision to the applicant in writing.

(3) If the applicant objects to the amendments, modifications, conditions or limitations, the applicant shall, within two months from the date of the communication, request a hearing or submit his or her observations in writing.

(4) If the applicant does not object to such amendments, modifications, conditions, or limitations, the applicant shall notify the Registrar in writing and amend his or her application accordingly.

(5) If the applicant does not respond in one way or the other within the set period, the applicant shall be deemed to have withdrawn his or her application.

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(6) The request for a hearing, which shall be accompanied by the prescribed fee, shall be made in writing to the Registrar who, upon receiving the fee, shall give the applicant at least one month's notice in writing of the date and time when the applicant may be heard.

Refusal of application or conditional acceptance to which applicant objects

14.— (1) If, after a hearing or after consideration of the applicant's amendments or observations in writing, the Registrar refuses the application or accepts it subject to any amendments, modifications, conditions or limitations to which the applicant objects, the Registrar shall communicate his or her decision to the applicant in writing.

(2) The applicant may, within one month from the date of such communication, and upon payment of the prescribed fee, request the Registrar to state in writing the grounds of the Registrar's decision and the material used by the Registrar in arriving at the decision.

Acceptance of application

15.— (1) If the Registrar accepts the application unconditionally or accepts it subject to any limitations to which the applicant does not object, the Registrar shall so notify the applicant, requesting the applicant to pay the publication fee within one month from the date of the notification.

(2) If the publication fee referred to in sub-regulation (1) is paid within the time limit prescribed the Registrar shall proceed to publish the application setting out —

- (a) the geographical indication for which registration is sought;
- (b) the name, address and nationality of the natural person or legal entity filing the application, or the name and address of the agent, if any;
- (c) the address for service if an agent has not been appointed in accordance with section 4 (2) and regulation 8;
- (d) the demarcation of the geographical area to which the geographical indication applies;
- (e) the goods for which the geographical indication is used;
- (f) the quality, reputation or other characteristic of the goods for which the geographical indication is used, and any conditions under which the indication is used;

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(g) the filing date and number of the application.

(3) If the publication fee referred to in subregulation (1) is not paid within the time limit prescribed, the application shall be considered withdrawn.

Opposition

16.— (1) The notice of opposition under section 5 (2) shall be given within three months of the date of the publication referred to in subregulation 15 (2), in Form 3 of the Second Schedule, together with payment of the prescribed fee and accompanied by supporting evidence, if any.

(2) The counter-statement referred to in section 5 (3) shall be subject to payment of the prescribed fee and shall be given within three months of the date when the notice of opposition is sent to the applicant and shall be in writing, stating the grounds upon which the applicant relies for his or her application and accompanied by supporting evidence, if any.

(3) A request for a hearing under section 5 (4) shall be made to the Registrar in writing at any time after the filing of the notice of opposition but not later than one month after the expiry of the prescribed period for filing the counter-statement, and the Registrar shall give the parties at least one month's written notice of the date set for the hearing, and each party shall, within that period pay the prescribed fee for the hearing.

(4) Where the opponent or the applicant does not reside or carry on business in Saint Lucia, the Registrar may require the applicant to give security for the costs of the opposition proceedings for such amount as the Registrar thinks fit.

(5) Where the Registrar decides to register the geographical indication, as provided in section 5 (5), he or she shall notify the opponent, if any, and the applicant in writing stating the reasons for his or her decision and, in the case of the applicant, requesting him or her to pay the registration fee within one month from the date of the notification.

(6) Where the Registrar decides to refuse to register the geographical indication, as provided in section 5 (6), he or she shall notify the opponent and the applicant in writing, stating the reasons for his or her decision.

*Geographical Indications Regulations***Issuance of certificate**

17.— (1) Subject to the payment of the registration fee within the period prescribed in regulation 16 (5) the Registrar shall register the geographical indication in accordance with section 5 (5) of the Act and this regulation.

- (2) The registration of the geographical indication shall include —
- (a) the geographical indication;
 - (b) the demarcation of the geographical area to which the geographical indication applies;
 - (c) the name and address of the natural person or legal entity in which name the indication is registered;
 - (d) the name and address of the agent, if any;
 - (e) the address for service if an agent has not been appointed in accordance with section 4 (2) and regulation 8;
 - (f) the goods for which the geographical indication is used;
 - (g) the quality, reputation or other characteristic of the goods for which the geographical indication is used and any conditions under which the indication may be used; and
 - (h) the filing date and number of the application as well as the date of registration.

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

(4) The certificate of registration of the geographical indication shall be issued in Form 4 of the Second Schedule

Publication of request for cancellation or rectification

- 18.**— (1) The publication referred to in section 7 (2) (b) shall —
- (a) identify the geographical indication by setting out the particulars referred to in regulation 17 (2);
 - (b) identify the person who or authority which has applied for the cancellation or the rectification of the registration of the geographical indication by setting out the name and address of

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the person or authority and of the representative or agent, if any; and

- (c) specify the period within which the persons having the right to use the geographical indication under section 6 may apply to join in the proceedings.

(2) The period to be specified by the Court under section 7 (3) of shall not be less than one month from the date of the notice or publication, as the case may be.

(3) Where the Court notifies the Registrar under section 7 (4) of the Act, that a decision has been taken to cancel or rectify the registration of the geographical indication, the Registrar shall, as the case may be, cancel the registration or rectify it in accordance with and in the manner specified in the Court's decision.

(4) The publication of the reference to the cancellation or rectification or the registration of a geographical indication, under section 7 (4), shall—

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

Publication

19. Particulars of geographical indications and other proceedings under the Act and any other information required to be published under the Act or these Regulations shall be published, in accordance with the direction of the Registrar, in at least one publication of the *Gazette* or in any other manner which the Registrar deems fit.

Refusal or invalidation of registration of misleading marks

20.— (1) The request, under section 17 of the Act, to refuse or to invalidate the registration of a misleading mark shall be made in Form 5 of the Second Schedule and shall be subject to the payment of the prescribed fee and the procedure set out in regulation 16 shall apply *mutatis mutandis*.

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(2) Where the Registrar on his or her own motion decides to refuse or invalidate the registration of a mark pursuant to section 17, he or her shall, in writing, so notify the registered proprietor of the mark, stating the reasons for his or her decisions and giving the registered proprietor at least one month to submit a counter-statement and to request a hearing

(3) If a hearing is requested, the Registrar shall give the registered proprietor at least one month's written notice of the date set for the hearing, and the registered proprietor shall, within that period pay the prescribed fee for the hearing.

(4) The Registrar shall notify the registered proprietor in writing of his or her final decision, stating the reasons therefore.

Refusal or invalidation of registration

21.— (1) The request, under section 18 of the Act, to refuse or to invalidate the registration of a mark which conflicts with a geographical indication for wines and spirits shall be made in Form 6 of the Second Schedule and shall be subject to the payment of a prescribed fee and the procedure set out in regulation 16 shall apply *mutatis mutandis*.

(2) Where the Registrar on his or her own motion decides to refuse or invalidate the registration of a mark pursuant to section 18, he or she shall, in writing, so notify the registered proprietor of the mark stating the reasons for his or her decision and giving the registered proprietor at least one month to submit a counter-statement and to request a hearing.

(3) If a hearing is requested the Registrar shall give the registered proprietor at least one month's written notice of the date set for the hearing and the registered proprietor shall within that period pay the prescribed fee for the hearing.

(4) The Registrar shall notify the registered proprietor in writing of the Registrar's final decision stating the reasons therefore.

Publication of invalidation of registration of mark

22.— (1) The Registrar shall record and publish a reference to the invalidation of the registration of a mark pursuant to sections 17 or 18.

(2) The publication of the reference to the invalidation of the registration of the mark pursuant to sections 17 or 18 shall include —

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

Address for service

23.— (1) There shall be furnished to the Registrar —

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

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

(2) Where an agent has been appointed in accordance with section 4 (2) and regulation 8, the address of the agent shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communications to the person or persons who appointed the agent shall be transmitted.

Excluded days

24. When the last day of doing any act or taking any proceeding falls on a day when the office is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the office is next open for business.

*Geographical Indications Regulations***Search of Register, files; request for extracts there from and for copies of documents**

25. A search of the Register or files shall be subject to payment of the prescribed fee and requests for certified copies of extracts from the Register or for copies of documents shall be made to the Registrar in a manner authorised by the Registrar and shall be subject to payment of the prescribed fee.

Entry of changes in the Register

26.— (1) The Registrar shall cause to be entered in the Register in respect of every geographical indication in addition to the information indicated in regulation 17 (2), any change, with respect to such information in particular in the name, or address, or address for service indicated therein.

(2) Where there has been a change in any of the particulars required by regulation 17 (2) (c), (d) or (e), the Registrar shall be notified in writing by the registered proprietor of the geographical indication and the Registrar shall record that change in the Register.

(3) Where there has been a change in agent, in addition to the requirements of sub-regulation (1), Form 1 of the Second Schedule must be filed.

Correction of errors

27. Correction of errors, referred to in section 9 (1), may be made by the Registrar either upon receipt of a request in writing and subject to such terms as the Registrar may consider appropriate and any correction shall be communicated in writing to all interested persons and where considered necessary shall be published by the Registrar.

Extension of time

28. The request for an extension of time, referred to in section 9 (2), shall be subject to the payment of the prescribed fee.

Hearing

29.— (1) Before exercising, adversely to any person, any discretionary power given to the Registrar by the Act or these Regulations, the Registrar shall notify such person, in writing, of the opportunity to be heard, and indicate a time limit, which shall not be less than one month, for filing a request for a hearing.

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

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

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

Service by mail

30. Any notice, application or other document sent to the Registrar by mail shall be deemed to have been given, made or filed at the time when it would be delivered in the ordinary course of the mail and in proving such sending, it shall be sufficient to prove that the letter containing such notice, application or other document was properly addressed and sent by registered mail.

Directions as to furnishing of documents

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

Correction of irregularities

32. Any irregularity in any procedure before the Registrar may be rectified on such terms as he or she may direct.

Dispensation by the Registrar

33. Where, under these Regulations, any person is to do any act or thing or any document or evidence is required to be produced or filed and it is shown to the satisfaction of the Registrar —

(a) that for any reasonable cause that person is unable to do that act or thing; or

(b) that the document or evidence cannot be produced or filed; the Registrar may, upon the production of such evidence and subject to such terms as he or she thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

Hours of business

34. The Registry of Companies and Intellectual Property shall be open to the public from Monday to Thursday inclusive each week, between

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the hours of 9:00 a.m. and 2:00 p.m. and on Fridays between the hours of 9:00 a.m. and 3:00 p.m. or such other time as the Companies & Intellectual Property (Registry) Act No. 12 of 2000, provides.

Evidence

35.— (1) Where under these Regulations evidence may be filed, it shall be by statutory declaration or affidavit.

(2) The Registrar may, if he or she thinks fit in any particular case, take oral evidence *in lieu* of or in addition to such evidence and shall allow any witness to be cross examined on his or her affidavit or declaration.

Statutory declarations and affidavits

36.— (1) Any statutory declaration or affidavit filed under the Act or these Regulations shall be made before any officer authorised by law in any part of Saint Lucia to administer an oath for the purpose of any legal proceedings.

(2) Statutory declarations or affidavits made outside Saint Lucia shall be made before a Consul or Notary Public.

General

37. The Registrar may acknowledge inquiries made to the office, but the Registrar need not furnish any applicant or other person with information that would require a search of the public records of the office, or provide advice on matters concerning the interpretation of the Act or Regulations or concerning other questions of law.

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FIRST SCHEDULE

FEES

MATTER	AMOUNT
1. Application for registration of geographical indication	\$250.00
2. Request for hearing	\$50.00
3. Request to the Registrar to state in writing grounds of decision to refuse application or to accept it subject to conditions	\$25.00
4. Publication fee	\$60.00
5. Notice of opposition to a registration of a geographical indication	\$50.00
6. Filing of counter-statement to notice of opposition	\$50.00
7. Registration fee	\$1,250.00
8. Request for refusal or invalidation of misleading mark	\$125.00
9. Request for geographical indication for wines and spirits	\$125.00
10. Search	\$10.00 for up to two files or Registers; \$2.00 for each additional file or Register
11. Certified copy of Certificate of Registration	\$1.00 per printed page; \$20.00 to certify
12. Certified copy of a document not being a Certificate of Registration	\$1.00 per printed page; \$10.00 to certify
13. Uncertified copy of any document	\$1.00 per page
14. Request for correction of errors	\$10.00
15. Request for extension of time	\$75.00

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SECOND SCHEDULE

FORMS

(Regulation 8 (1))

FORM 1

AUTHORISATION OF AGENT

(Geographical Indications Act 2000)

I/We* _____ hereby appoint the following attorney-at-law as my/our agent in respect of an application for a Geographical Indication entitled + _____, and empower the appointed agent to sign and amend the application, to prosecute it, to receive the registration certificate, and to cancel or rectify the registration, and ratify any act done by the agent in respect of the application or subsequent registration.

This authorisation revokes all previous authorisations.

Name of agent:	
Address for Service	
Mailing address	
Tel Number	
Fax Number	
E-mail address	

Dated this _____ day of _____ 20____.

Signature: ++ _____
(Please print name of Signatory)

*Fill in full name and address of applicant

+ Insert title/name of Geographical Indication

++ To be signed by applicant and bear seal of company or partnership if appropriate

*Geographical Indications Regulations***FORM 2**

(Regulation 10(1))

APPLICATION FOR REGISTRATION OF GEOGRAPHICAL INDICATION**(Geographical Indications Act 2000)***For official use only***Application #:**

The Applicant(s) request(s) the registration of a geographical indication in respect of the following particulars:

1. Applicant (s)

(Additional information is contained on supplemental page)¹

Name:

Address

Mailing Address

**Nationality/
Principal place
of business** **Residence**

Telephone # Fax # E-mail

Capacity in which application is being used:**2. Authorisation of agent is**

attached

will be filed within two months from the filing of this form

3. Geographical Indication

The geographical indication for which registration is sought is the following:

¹ Indicate the numbers contained on the supplemental pages in Roman numerals (e.g. I Applicants)

*Geographical Indications Regulations***FORM 3**

(Regulation 16(1))

NOTICE OF OPPOSITION**(Geographical Indications Act 2000)****1. IN THE MATTER OF****Application No** _____ **for Registration of Geographical Indication****Filing Date of Application:**

Published in the Gazette dated the _____ day of 20 in Vol. No Page

2. OPPONENT(S)¹

Name (s)

Address (es)

Additional information is contained on a supplemental page Address for service in Saint Lucia²**3. GROUNDS FOR OPPOSITION**

The grounds for opposition are as follows:

Additional information is contained in the supplemental page Supporting evidence accompanies this form

¹ If there is more than one person or competent authority, together, opposing the registration of the geographical indication, the data concerning each opponent must appear on a supplementary page if the space provided is not sufficient. Indicate the numbers continued on the supplementary page by their numerals and titles.

² Where an Attorney-at-law has been appointed, the address for service of the Attorney-at-law shall be treated as the address to which communications shall be transmitted. (Regulation 2292))

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4. **AGENT**

The following agent has been appointed by the applicant(s) in the Authorisation of agent

Accompanying this form

Name:

Address:

Tel # Fax # E-mail

5. **NAMEANDSIGNATURES**

Signature (s)

Opponents(s)/ Agent¹

¹ Type name(s) under signature and delete whichever does not apply. The typed names and signatures of all opponents should appear (one below the other)

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FORM 4

(Regulation 17)



SAINT LUCIA

CERTIFICATE OF REGISTRATION OF GEOGRAPHICAL INDICATION

(Geographical Indications Act 2000)

I, _____ Registrar of Companies and Intellectual Property in the State of Saint Lucia hereby certify in accordance with Section 5 (5) of the Geographical Indications 2000 Act and regulation 17 (4) that a geographical indication having the Registration No. _____ has been registered in the name(s) of:

Name (s): _____

Address(es): _____

on: _____ in respect to a geographical indication
(date)
registered pursuant to an application filed on: _____
(date)

being a geographical indication used for: _____
(goods)

and which applies to: _____
(geographical area)

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

Dated: _____ / _____ / _____

Registrar of Companies &
Intellectual Property

Geographical Indications Regulations

4. **AGENT**

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

Accompanying this Form

Name

Address

Tel# Fax # E-mail

5. **NAMEANDSIGNATURES**

(Signature) Applicant/Agent* Date

* Type the name(s) under signature and delete whichever does not apply

*Geographical Indications Regulations***FORM 6**

(Regulation 21(1))

**REQUEST TO REFUSE OR INVALIDATE REGISTRATION
OF A MARK CONFLICTING WITH A GEOGRAPHICAL INDICATION
FOR WINES AND SPIRITS****(Geographical Indications Act 2000: Section 18)****1. IN THE MATTER OF:**Application for Registration/Registration No* Filing/Registration*
of Mark:

Date:

Application/Registration * Published in the Official Gazette

(Vol.)	(No.)	(Page)	(Date)
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2. APPLICANT (S)⁺

Name (s):

Address (es):

Additional information is contained on the supplemental page

Address for service in Saint Lucia:

3. GROUNDS FOR REQUESTThe grounds for request to refuse or invalidate the registration of the
above-identified mark are as follows:Additional information is contained on the supplemental page Supporting evidence accompanies this form

* Delete whichever does not apply

⁺ If there is more than one person or competent authority, together, opposing the registration of the geographical indication, the date concerning each opponent must appear at number 2. If the space provided is not sufficient on the supplementary page. Indicate the numbers continued on the supplemental page by their numerals and title.

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4. **AGENT**

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

Accompanying this Form

Name:

Address:

Tel#

Fax #

E-mail

5. **NAME AND SIGNATURES**

(Signature)

Applicant/Agent*

Made this 4th day of June, 2003.

PETRUS COMPTON,
Attorney General.

* Type the name(s) under signature and delete whichever does not apply