

## TRADE MARKS RULES

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FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

## TRADE MARKS RULES

91/1956. [45 of 1979].

*made under section 51*

## Short Title and Commencement

### Citation.

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

## Interpretation

### Interpretation.

2. In these Rules—

“agent” means an agent duly authorised to the satisfaction of the Registrar;

“the Office” means the office of the Registrar;

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

## Fees

### Fees.

*First Schedule.*

3. The fees to be paid in relation to trade marks shall be those prescribed in the First Schedule.

## **Forms**

### **Forms.**

#### *Second Schedule.*

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

## **Classification of Goods**

### **Classification of goods.**

#### *Third Schedule.*

5. For the purposes of trade marks registrations, and of registrations of registered users thereunder, goods are classified in the manner appearing in the Third Schedule.

## **Documents**

### **Size, etc, of documents.**

6. Subject to any other directions that may be given by the Registrar, all applications, notices, statements, papers having representations affixed or other documents authorised or required by the Act or these Rules to be made, left or sent, at or to the Office or with or to the Registrar, shall be upon strong paper and, except in the case of statutory declarations and affidavits, on one side only of a size of approximately thirteen inches by eight inches, and shall have on the left-hand part thereof a margin of not less than one inch and a half.

### **Signature of documents 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 qualified partner stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorised to sign the document.

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

(3) A document purporting to be signed for or on behalf of an association of persons may be signed by any person who appears to the Registrar to be duly qualified.

## **Address**

## Address.

8. (1) Where any person is by the Act or these Rules bound to furnish the Registrar with an address, the address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of trade or business of the person whose address is given.

(2) The Registrar may require the address to include the name of the street, and the number in the street or name of the premises, if any.

## Address for service.

9. (1) The Registrar may require an applicant, opponent or agent, or a registered proprietor or registered user of a trade mark, who does not reside or carry on business within Trinidad and Tobago to give an address for service within Trinidad and Tobago, and such address may be treated as the actual address of that person for all purposes connected with the matter in question.

(2) Any registered proprietor or registered user of a trade mark, or any person about to be registered as such, may, if he so desires, give upon [Form TM—No. 27](#) an address for service for entry in the Register, and such address may be entered by the Registrar.

(3) All applications on [Form TM—No. 27](#) under this rule shall be signed by the applicant for registration or the registered proprietor or registered user, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

(4) In any case in which no address for service is entered in the Register, the Registrar may treat the trade or business address of the registered proprietor or registered user as therein entered as his address for service for all purposes connected with the registration.

(5) Any written communication addressed to a party or person as mentioned above at an address given by him, or treated by the Registrar, as his address for service shall be deemed to be properly addressed.

(6) The Registrar, at any time that a doubt arises as to the continued availability of an address for service entered in the Register, may request the person for whom it is entered, by letter addressed to his trade or business address in the Register, to confirm the address for service, and if within three months of making such a request the Registrar receives no confirmation of that address, he may strike it off the Register.

## Agents

### Agency.

10. (1) Except as otherwise required by these Rules, any application, request or notice which is required or permitted by the Act or these Rules to be made or given to the Registrar, and all other communications between an applicant or a person making such a request or giving such a notice and the Registrar, and between the registered proprietor or a registered user of a trade mark and the Registrar or any other person, may be signed, made or given by or through an agent.

(2) Any such applicant, person making request or giving notice, proprietor or registered user, may appoint an agent to act for him in any proceeding or matter before or affecting the Registrar under the Act and these Rules by signing and sending to the Registrar an authority to that effect in the [Form TM—No. 1](#), or in such other written form as the Registrar may deem sufficient. In case of

such appointment, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so appointing him, all communications directed to be made to such person in respect of the proceeding or matter may be addressed to such agent, and all attendances upon the Registrar relating thereto may be made by or through such agent. In any particular case the Registrar may require the personal signature or presence of an applicant, opponent, proprietor, registered user or other person.

(3) The Registrar shall not be bound to recognise as such agent any person who has been convicted of an offence or whose name has been struck off the Roll of Solicitors or who has been suspended from acting as a Solicitor.

## Registrable Trade Marks

### Registrable trade marks.

11. (1) The Registrar may refuse to accept any application for the registration of a mark upon which any of the following appear:

- (a) the words “Patent”, “Patented”, “Registered”, “Registered Design”, “Copyright”, “Entered at Stationers’ Hall”, “To counterfeit this is a forgery”, or words to like effect;
- (b) representations of the President or any colourable imitations thereof;
- (c) the words “Red Cross” or “Geneva Cross”, and representations of the Geneva and other crosses in red, or of the Swiss Federal Cross in white on a red ground or silver on a red ground, or such representations in a similar colour or colours.

(2) Where there appears in a trade mark the registration of which is applied for a representation of a cross in any colour, not being one of those mentioned in [subrule 1\(c\)](#), the Registrar may require the applicant as a condition of acceptance to undertake not to use the cross device in red, or in white on a red ground or silver on a red ground, or in any similar colour or colours.

### Royal Arms, etc.

12. Representations of the Royal or Imperial Arms, crests, armorial bearings or insignia, or devices so nearly resembling them as to be likely to lead to mistake, or of the British Royal or Imperial crowns, or of the Royal, Imperial or National flags, or the words “Royal” or “Imperial” or any other words, letters or devices likely to lead persons to think that the applicant either has or recently has had Royal patronage or authorisation, or the word “Anzac”, may not appear on trade marks the registration of which is applied for.

### Arms of city, etc. [45 of 1979].

13. Subject to the next following rule, where a representation of the armorial bearings, insignia, orders of chivalry, decorations or flags of any state, Colony, city, borough, town, place, society, body corporate, institution or person appears on a mark, the Registrar, before proceeding to register the mark, shall, if he so require, be furnished with a consent to the registration and use of such emblems from such official or other person as appears to the Registrar to be entitled to give consent, and in default of such consent he may refuse to register the mark.

### Restraint of arms, etc. of convention countries. [45 of 1979].



14. The Registrar shall refuse to register any mark consisting of, or so nearly resembling as to be likely to be mistaken for, any national, territorial or civic flag, arms, crest or emblem or official control and guarantee stamp, notice of the objection to the use of which as a commercial device has been received by the Registrar pursuant to the provisions of the Convention except either with the consent of such person, authority, society or organisation as may be considered to have been intended to be protected by this rule or otherwise in accordance with the provisions of the Convention.

### **Living persons or persons recently dead.**

15. Where the name or representation of any person appears on a trade mark, the Registrar shall, if he so require, before proceeding to register the mark be furnished with consent from him or, in the case of a person recently dead, from his legal representatives, and in default of such consent he may refuse to register the mark.

### **Name of description of goods on a trade mark.**

16. (1) Where the name or description of any goods appears on a trade mark, the Registrar may refuse to register such mark in respect of any goods other than the goods so named or described.

(2) Where the name or description of any goods appears on a trade mark, which name or description in use varies, the Registrar may permit the registration of the mark for those and other goods, and in that case the applicant shall state in his application that the name or description will be varied when the mark is used upon goods covered by the specification other than the named or described goods.

## **Application for Registration of a Trade Mark Specification**

### **Form of application. Specification.**

17. (1) An application to the Registrar for the registration of a trade mark shall be signed by the applicant or his agent. For a trade mark other than a Certification or Defensive trade mark the application shall be made on [Form TM—No. 2](#). For a Certification trade mark the application shall be made on [Form TM—No. 4](#) and for a Defensive trade mark the application shall be made on [Form TM—No. 26](#). Each application shall be for registration in respect of goods in one class of the Third Schedule only.

#### *Third Schedule.*

(2) Every application claiming priority under [section 76](#) or [77](#) by reason of an application to register the trade mark made or deemed to have been made in a Convention country as defined in [Section 76](#) in a Commonwealth country not being a Convention country as defined in [Section 77](#) which country shall be named, shall state the date of that application, and the applicant shall furnish a certificate by the Registrar or other registering authority of that country, or shall otherwise verify the application made or deemed to have been made therein to the satisfaction of the Registrar.

(3) In the case of an application for registration in respect of all the goods included in a class, or of a large variety of goods, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if and when it is registered.

## **Representation of mark.**

18. (1) Every application for the registration of a trade mark shall contain a representation of the mark in the space provided on the application form for that purpose.

(2) Where the representation exceeds such space in size the representation shall be mounted upon linen, tracing cloth or such other material as the Registrar may consider suitable. Part of the mounting shall be affixed in the space mentioned above and the rest may be folded.

## **Additional forms and representations.**

19. There shall be sent with every application for registration of a trade mark four additional representations of the mark. The representation of the mark on the application and the additional representations shall correspond exactly.

## **Representations to be durable.**

20. All representations of marks must be of a durable nature.

## **Separate applications.**

21. Each application for the registration of the same mark in a different class shall be treated as a separate and distinct application, and in all cases where a trade mark is registered under the same official number for goods in more than one class, the registration in respect of the goods included in each separate class shall be deemed to be a separate registration for all the purposes of the Act.

## **Representations to be satisfactory.**

22. The Registrar, if dissatisfied with any representation of a mark, may at any time require another representation satisfactory to him to be substituted before proceeding with the application.

## **Specimens of trade marks in exceptional cases.**

23. (1) Where a drawing or other representation or specimen cannot be given in manner mentioned above, a specimen or copy of the trade mark may be sent either of full size or on a reduced scale, and in such form as the Registrar may think most convenient.

(2) The Registrar may also, in exceptional cases, deposit in the Office a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the Register in such manner as he may think fit.

## **Series of trade marks.**

24. Where application is made for the registration of a series of trade marks under [section 26\(3\)](#), a representation of each trade mark of the series shall be included, all as mentioned above, in the application form.

## **Transliteration and translation.**

25. (1) Where a trade mark contains a word or words in characters other than Roman, there shall, unless the Registrar otherwise directs, be indorsed on the application form, a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such indorsement shall state the language to which the word belongs and shall be signed by the applicant or his agent.

(2) Where a trade mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof together with the name of the language, and such translation and name, if he so requires, shall be indorsed and signed as mentioned above.

## **PROCEDURE ON RECEIPT OF APPLICATION FOR REGISTRATION OF A TRADE MARK**

### **Search.**

26. Upon receipt of an application for the registration of a trade mark in respect of any goods the Registrar shall cause a search to be made, amongst the registered marks, and pending applications, for the purpose of ascertaining whether there are on record in respect of the same goods or description of goods any marks identical with the mark applied for, or so nearly resembling it as to render the mark applied for likely to deceive or cause confusion, and the Registrar may cause the search to be renewed at any time before the acceptance of the application, but shall not be bound to do so.

### **Acceptance, absolute of conditional objection.**

27. After such search, and consideration of the application, and of any evidence of use or of distinctiveness or of any other matter which the applicant may or may be required to furnish, the Registrar may accept the application absolutely, or he may object to it, or he may express his willingness to accept it subject to such conditions, amendments, disclaimer, modifications or limitations as he may think right to impose.

### **Registrar's objections. Hearing.**

28. If the Registrar objects to the application, he shall inform the applicant of his objections in writing, and unless within one month the applicant applies for a hearing or makes a considered reply in writing to those objections he shall be deemed to have withdrawn his application.

### **Registrar's conditions, etc. Hearing.**

29. (1) If the Registrar is willing to accept the application subject to any conditions, amendments, disclaimer, modifications or limitations, he shall communicate such willingness to the applicant in writing, and, if the applicant objects to such conditions, amendments, disclaimer, modifications, or limitations he shall, within one month from the date of the communication apply for a hearing or communicate his considered objections in writing, and if he does not do so he shall be deemed to have withdrawn his application.

(2) If the applicant does not object to such conditions, amendments, disclaimer, modifications or limitations, he shall forthwith notify the Registrar in writing, and alter his application accordingly.

## Decision of Registrar.

30. (1) The decision of the Registrar, at a hearing as in [rule 28](#) or [rule 29](#), or without a hearing if the applicant has duly communicated his considered objections or considered reply, in writing, and has stated that he does not desire to be heard, shall be communicated to the applicant in writing, and if the applicant objects to such decision he may within one month by applying upon [Form TM—No. 3](#) require the Registrar to state in writing the grounds of, and the materials used by him in arriving at, his decision.

(2) In a case where the Registrar makes any requirements to which the applicant does not object, the applicant shall comply therewith before the Registrar issues such statement in writing. The date when such statement is sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

## Disclaimer.

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

## DEFENSIVE TRADE MARKS

### Application under Section 36.

32. (1) An application for the registration of a defensive trade mark under [section 36](#) shall be made, addressed and sent to the Registrar on [Form TM—No. 26](#), and shall be accompanied by a statement of case setting forth full particulars of the facts on which the applicant relies in support of his application, verified by a statutory declaration made by the applicant or some other person approved for the purpose by the Registrar.

(2) The applicant may send with this declaration, or subsequently, such other evidence as he may desire to furnish, whether after request made by the Registrar or otherwise, and the Registrar shall consider the whole of the evidence before deciding on the application.

(3) In all other respects, and where they are appropriate and it is not otherwise stated, these Rules shall apply to such applications as they apply to applications for the registration of ordinary trade marks.

## CERTIFICATION TRADE MARKS

### Application under section 50.

33. An application for the registration of a certification trade mark under [section 50](#) shall be made to the Registrar upon [Form TM—No. 4](#), and shall be accompanied by two duplicates of the application on unstamped copies of [Form TM—No. 4](#), and by six additional representations of the trade mark.

## Authorisation to proceed.

34. (1) These Rules shall apply to such applications as they apply to applications for the registration of ordinary trade marks, except that for references therein to acceptance of an application there shall be substituted references to authorisation to proceed with the application, and that the applicant shall not be deemed to have abandoned his application if in the circumstances of [rule 28](#) or [rule 29](#) he does not apply for a hearing or reply in writing.

(2) The address of an applicant to register a certification trade mark shall be deemed to be a trade or business address for all the purposes for which such an address is required by these Rules.

### **Case: draft regulations.**

35. (1) The applicant shall send to the Registrar with his application or when required by the Registrar a case setting out the grounds on which he relies in support of his application together with draft regulations for governing the use of the mark and [Form TM—No. 28](#), all being in duplicate.

(2) The Registrar may communicate to the applicant any observations he may have to make on the sufficiency of the case or the suitability of the draft regulations and the applicant may modify either of those documents.

## **Advertisement of Application**

### **Advertisement of application.**

36. (1) An application for the registration of a trade mark required or permitted to be advertised by [section 20](#) or [paragraph 2](#) of the Schedule to the Act shall be advertised in the *Gazette* during such times and in such manner as the Registrar may direct.

(2) In the case of an application with which the Registrar proceeds only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant, the words “By Consent” shall appear in the advertisement.

(3) If no representation of the trade mark be included in the advertisement of the application, the Registrar shall refer in such advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.

### **Wood block or electrotype printing.**

37. For the purposes of such advertisement the applicant may, at the appropriate time, supply or be required to supply a printing block (or more than one, if necessary) of the trade mark satisfactory to the Registrar, of such dimensions as may from time to time be approved or directed by the Registrar, or shall supply such information or other means of advertising the trade mark as may be required by the Registrar; and the Registrar, if dissatisfied with the printing block supplied by the applicant or his agent, may require a fresh block before proceeding with the advertisement.

### **Advertisement of series.**

38. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in [section 26\(3\)](#), the applicant may be required to supply a printing block (or more than one if necessary) satisfactory to the Registrar of any or of each of the trade marks constituting the series; or the Registrar may, if he thinks fit, insert with the

advertisement of the application a statement of the manner in which the several trade marks differ from one another.

### **Advertisement under section 22 or section 49.**

39. Advertisements under [sections 22\(5\), 49\(2\) and 49\(4\)](#) shall *mutatis mutandis* be made in the same manner as advertisements relating to an application for registration.

## **Opposition to Registration**

### **Opposition.**

40. Any person may within three months from the date of any advertisement in the *Gazette* of an application for registration of a trade mark give notice on [Form TM—No. 5](#) to the Registrar of opposition to the registration.

### **Notice of opposition.**

41. (1) The notice shall include a statement of the grounds upon which the opponent objects to the registration.

(2) If registration is opposed on the ground that the mark resembles marks already on the Register, the numbers of such trade marks and the numbers of the *Gazette* in which they have been advertised shall be set out.

(3) The notice shall be accompanied by an unstamped duplicate which the Registrar will forthwith send to the applicant.

### **Counter-statement.**

42. (1) Within one month from the receipt of such duplicate the applicant shall send to the Registrar a counter-statement on [Form TM—No. 6](#) setting out the grounds on which he relies as supporting his application.

(2) The applicant shall also set out what facts, if any, alleged in the notice of opposition he admits.

(3) The counter-statement shall be accompanied by an unstamped duplicate.

### **Evidence in support of opposition.**

43. Upon receipt of the counter-statement and duplicate the Registrar will forthwith send the duplicate to the opponent and within one month from the receipt of the duplicate the opponent shall leave with the Registrar such evidence by way of statutory declaration as he may desire to adduce in support of his opposition and shall deliver to the applicant copies thereof.

### **Evidence in support of application.**

44. If an opponent leaves no evidence, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition but, if he does leave evidence, then, within one month from the receipt of the copies of declarations the applicant shall leave with the Registrar such

evidence by way of statutory declaration as he desires to adduce in support of his application and shall deliver to the opponent copies thereof.

### **Evidence in reply by opponent.**

45. Within one month from the receipt by the opponent of the copies of the applicant's declarations the opponent may leave with the Registrar evidence by statutory declaration in reply, and shall deliver to the applicant copies thereof. This evidence shall be confined to matters strictly in reply.

### **Further evidence.**

46. No further evidence shall be left on either side but, in any proceedings before the Registrar, he may at any time if he thinks fit give leave to either the applicant or the opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit.

### **Exhibits.**

47. (1) Where there are exhibits to declarations filed in an opposition, copies or impressions of such exhibits shall be sent to the other party on his request and at his expense, or, if such copies or impressions cannot conveniently be furnished, the originals shall be left with the Registrar in order that they may be open to inspection.

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

### **Hearing.**

48. (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 case.

(2) Such appointment shall be for a date 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 so notify the Registrar on [Form TM—No. 7](#).

(4) A party who receives notice as mentioned above and who does not, within seven days from the receipt thereof, so notify the Registrar on [Form TM—No. 7](#), may be treated as not desiring to be heard and the Registrar may act accordingly.

### **Extension of time.**

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

### **Security for costs.**

50. Where a party giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such notice neither resides nor carries on business in Trinidad and Tobago, the Registrar may require him to give security, in such form as the Registrar may deem sufficient,



for the costs of the proceedings before the Registrar, for such amount as to the Registrar may seem fit, and at any stage in the opposition proceedings may require further security to be given at any time before giving his decision in the case.

### **Costs is uncontested case.**

51. In the event of an opposition being uncontested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was lodged.

### **Opposition to application under section 50.**

52. Within three months from the date of any advertisement in the *Gazette* of an application for the registration of a certification trade mark, any person may give notice to the Registrar on [Form TM—No. 5](#) of opposition under [paragraph 2](#) of the Schedule to the Act, and [rules 41](#) to [51](#) shall apply to the proceedings thereon; in any case of doubt any party may apply to the Registrar for directions.

## **Non-Completion**

### **Non-completion within twelve months.**

53. (1) Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall on [Form TM—No. 8](#) give notice in writing to the applicant at his trade or business address of the non-completion, but if the applicant has authorised an agent for the purpose of the application he shall instead send the notice to the agent and shall send a duplicate thereof to the applicant.

(2) If after fourteen days from the date when the notice was sent, or such further time as the Registrar may allow, the registration is not completed, the application shall be deemed to be abandoned.

## **Entry in the Register, and Associated Marks**

### **Entry in register.**

54. (1) As soon as may be after the expiration of three months from the date of the advertisement in the *Gazette* of any application for the registration of a trade mark, the Registrar shall, subject to any opposition and the determination thereof, and subject to the provisions of [section 23](#), enter the trade mark in the Register.

(2) The entry of a trade mark in the Register shall give the date of the registration, the goods in respect of which it is registered, and all particulars mentioned in [section 3\(1\)](#), including both the trade or business address and the address for service (if an application on [Form TM—No. 27](#) for the entry thereof has been approved), particulars of the trade, business, profession, occupation or other description of the proprietor, particulars of any undertakings by the proprietor entered on the form of application, particulars affecting the scope of the registration or the rights conferred by the registration, and such other particulars as are prescribed.



(3) In the case of an application as mentioned above which the Registrar accepts only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant for registration, the above-mentioned entry in the Register shall state that it is “By Consent” and shall give the number of the previous registration or the application for registration.

### **Associated marks.**

55. (1) Where a mark is registered as associated with any other mark or marks the Registrar shall note in the Register in connection with the first-mentioned mark the numbers of the marks with which it is associated and shall also note in the Register in connection with each of the associated marks the number of the first-mentioned mark as being a mark associated therewith.

(2) An application by a registered proprietor under [section 32\(5\)](#) to the Registrar to dissolve the association between two or more associated trade marks shall be made on [Form TM—No. 16](#), and shall include a statement of the grounds of the application.

### **Death of applicant before registration.**

56. In case of the death of any applicant for the registration of a trade mark after the date of his application, and before the trade mark applied for has been entered in the Register, the Registrar, after the expiration of the prescribed period of advertisement and the determination of any opposition to the application, may, on being satisfied of the applicant’s death, enter in the Register, in place of the name of such deceased applicant, the name, address and description of the person owning the trade mark, on such ownership being proved to the satisfaction of the Registrar.

## **Renewal**

### **Renewal of registration.**

57. (1) At any time not more than six months before the expiration of the last registration of a trade mark any person may leave at the Office a fee for the renewal of the registration of the mark upon [Form TM—No. 9](#), and if he is not the registered proprietor, shall sign a statement on the Form that he is directed by the registered proprietor to pay the fee (if such be the case) and shall give his address.

#### *Notification of receipt of renewal fee.*

(2) Before taking any further step the Registrar may either (a) require the person leaving the fee to furnish within ten days an authority to pay the fee signed by the registered proprietor, and if he does not furnish such authority may return the fee and treat it as not received, or (b) communicate with the registered proprietor stating that the fee has been received and that the registration will in due course be renewed.

### **Notice before removal of trade mark from register.**

58. At a date not less than one month and not more than two months before the expiration of the last registration of a mark, if no fee upon [Form TM—No. 9](#) has been received, the Registrar shall notify the registered proprietor in writing of the approaching expiration.

## Removal of trade mark from Register.

### Restoration.

59. Where, at the expiration of the last registration of a trade mark the renewal fee has not been paid, the Registrar may remove the mark from the Register as of the date of the expiration of the last registration, but may, upon payment of the renewal fee upon [Form TM—No. 9](#) together with a restoration fee upon [Form TM—No. 10](#), restore the mark to the Register if satisfied that it is just to do so, and upon such conditions as he may think fit to impose.

### Record of removal of mark.

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

## Assignments and Transmissions

### Joint application for entry of assignment or transmission.

61. Where a person becomes entitled by assignment or transmission to a registered trade mark he may, jointly with the registered proprietor, make application to the Registrar on [Form TM—No. 12](#) to register his title.

### Application for entry of assignment or transmission by subsequent proprietor.

62. Where a person becomes entitled to a registered trade mark in the manner referred to in [rule 61](#), and no joint application as therein mentioned is made, he shall make application to the Registrar on [Form TM—No. 13](#) to register his title.

### Particulars to be stated in application.

63. (1) An application under [rule 61](#) or [rule 62](#) shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims, and such instrument shall be produced for inspection by the Registrar, preferably at the time of application.

(2) The full names of all the partners in a partnership shall be given in the body of the application.

### Copies of documents.

(3) The Registrar may in any case require and retain an attested copy of any instrument produced for inspection in proof of title, but such copy shall not be open to public inspection.

### Case accompanying application.

64. (1) Where in the case of an application on [Form TM—No. 12](#) or [Form TM—No. 13](#) the person applying for registration of his title does not claim under any document or instrument which is capable in itself of furnishing proof of his title, he shall, unless the Registrar otherwise directs,

either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be proprietor of the trade mark is based, and showing that the trade mark has been assigned or transmitted to him.

(2) If the Registrar so require, the case shall be verified by a statutory declaration on [Form TM—No. 14](#).

### **Proof of title.**

65. The Registrar may call on any person who applies to be registered as proprietor of a registered trade mark for such proof or additional proof of title as he may require for his satisfaction.

### **Application for entry of assignment without goodwill.**

66. (1) An application under [rule 61](#) or [rule 62](#) relating to an assignment, on or after the commencement of the Act of a trade mark in respect of any goods shall state (a) whether the trade mark was, at the time of the assignment, used in a business in any of those goods and (b) whether the assignment was made otherwise than in connection with the goodwill of that business, and, if both those circumstances subsisted, then the applicant shall leave with the Registrar a copy of the Registrar's directions, to advertise the assignment, obtained upon application under section 31 and [rule 70](#), and such proof, including copies of advertisements or otherwise, as the Registrar may require that his directions have been fulfilled; and if the Registrar is not satisfied that the directions have been fulfilled, he shall not proceed with the application.

(2) For the purposes of [section 43\(3\)](#), the period within which a corporation may be registered as the subsequent proprietor of a registered trade mark, upon application made under [rule 61](#) or [rule 62](#), shall be six months from the date of advertisement in the *Gazette* of the registration of the trade mark or such further period not exceeding six months as the Registrar may allow, on application being made to him on [Form TM—No. 11](#) by the applicant for registration of title or the registered proprietor, as the case may be, at any time before or during the period for which the extension can be allowed.

### **Entry in Register.**

67. When the Registrar is satisfied as to the title of the person claiming to be registered, he shall cause him to be registered as proprietor of the trade mark in respect of the relevant goods, and shall enter in the Register his name, trade or business address and description and particulars of the assignment or transmission.

### **Separate registrations.**

68. Where pursuant to an application under [rule 61](#) or [rule 62](#), and as the result of a division and separation of the goods of a registration or a division and separation of places or markets, different persons become registered separately under the same official number as subsequent proprietors of a trade mark, each of the resulting separate registrations in the names of those different persons shall be deemed to be a separate registration for all the purposes of the Act.

### **Registrar's certificate of approval as to certain assignments and transmissions.**

69. (1) Any person who desires to obtain the Registrar's certificate under [section 29\(2\)](#), or his notification of approval under [section 30\(1\)](#), or under [section 73](#), shall send to the Registrar, with his application on [form TM—No. 31](#) or [No. 32](#), as the case may be, a statement of case in duplicate setting out the circumstances, and a copy of any instrument or proposed instrument effecting the assignment or transmission.

(2) The Registrar may call for any evidence of further information that he considers necessary, and the statement of case shall be amended if required to include all the relevant circumstances and shall if required be verified by a statutory declaration.

(3) The Registrar, after hearing if so required the applicant and any other person whom the Registrar may consider to be interested in the transfer, shall consider the matter and issue a certificate thereon or a notification in writing of approval or disapproval thereof, as the case may be.

(4) Where a statement of case is amended, two fair copies thereof in its final form shall be left with the Registrar.

(5) The Registrar shall seal a copy of the statement of case in its final form to the certificate or notification.

### **Registrar's directions for advertisement of assignment without goodwill of trade mark in use.**

70. (1) An application to the Registrar under [section 31\(1\)](#) shall be made by the assignee on [Form TM—No. 33](#) and shall state the date on which the assignment was made.

(2) The application shall give particulars of the registration in the case of a registered trade mark, and, in the case of an unregistered trade mark, shall show the mark and give particulars of the registered trade mark that has been assigned therewith in accordance with [section 28](#).

(3) The Registrar may call for any evidence or further information, and if he is satisfied with regard to the various matters he shall issue directions in writing with respect to the advertisement of the assignment.

(4) The Registrar may refuse to consider such an application in a case to which [section 30\(1\)](#) applies unless his approval has been obtained under the said subsection and a reference identifying the Registrar's notification of approval is included in the application.

(5) A request to the Registrar for an extension of the period within which the application may be made, which shall be on [Form TM—No. 34](#), may be made at any time before or during the period for which extension can be allowed. The extension of the period which the Registrar may allow shall not exceed three months.

### **Alteration of Address**

#### **Alteration of address in Register.**

71. (1) A registered proprietor or registered user of a trade mark whose trade or business address is changed so that the entry in the Register is rendered incorrect shall forthwith request the Registrar on [Form TM—No. 15](#) to make the appropriate alteration of the address in the Register, and the Registrar shall alter the Register accordingly if he is satisfied in the matter.

(2) A registered proprietor or registered user of a trade mark whose address for service in Trinidad and Tobago entered in the Register is changed, whether by discontinuance of the entered address or otherwise, so that the entry in the Register is rendered incorrect, shall forthwith request the Registrar on [Form TM—No. 27](#) to make the appropriate alteration of the address in the Register, and the Registrar shall alter the Register accordingly if he is satisfied in the matter.

(3) A registered proprietor or registered user of a trade mark whose registered trade or business address or address for service is altered by a public authority, so that the changed address designates the same premises as before, may make the aforesaid request to the Registrar on an unstamped copy of [Form TM—No. 15](#) or an unstamped copy of [Form TM—No. 27](#), as the case may be, and if he does so he shall leave therewith a certificate of the alteration given by the said authority. If the Registrar is satisfied as to the facts of the case, he shall alter the Register accordingly, but shall not require the form to be stamped.

(4) In case of the alteration of the address of a person entered in the Register as the address for service of more than one registered proprietor or registered user of trade marks, the Registrar may, on proof that the said address is the address of the applicant and if satisfied that it is just to do so, accept an application from that person on a [Form TM—No. 27](#) amended so as to suit the case for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given in the form, and may alter the entries accordingly.

(5) All applications under this rule on [Form TM—No. 27](#) shall be signed by the registered proprietor or the registered user, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

## Applications to the Registrar for Rectification

### Application to rectify or remove a trade mark from the Register.

72. (1) An application to the Registrar under any of the [sections 35, 36, 46](#) or [47](#) for the making, expunging or varying of any entry in the Register shall be made on [Form TM—No. 23](#), and shall be accompanied by a statement setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks.

(2) Where the application is made by a person who is not the registered proprietor of the trade mark in question it shall be accompanied by an unstamped copy of the application and a copy of the statement, and these copies will be transmitted forthwith by the Registrar to the registered proprietor.

### Further procedure.

73. Upon such application being made, and copy thereof transmitted to the registered proprietor, if necessary, the provisions of [rules 42](#) to [51](#) shall apply *mutatis mutandis* to the further proceedings thereon; but the Registrar shall not rectify the Register or remove the mark from the register merely because the registered proprietor has not filed a counter-statement. In any case of doubt any party may apply to the Registrar for directions.

### Intervention by third parties.

74. (1) Any person other than the registered proprietor alleging interest in a registered trade mark in respect of which an application is made on [Form TM—No. 23](#) may apply to the Registrar on [Form TM—No. 24](#) for leave to intervene, stating thereon the nature of his interest, and the Registrar may refuse or grant such leave, after hearing (if so required) the parties concerned, upon such conditions and terms as he deems fit.

(2) Before dealing in any way with the application for leave to intervene the Registrar may require the applicant to give an undertaking to pay such cost as in the circumstances he may award to any party.

## **Applications for Alteration of the Register by Correction, Change, Cancellation or Striking Out Goods, or for Entry of Disclaimer, Memorandum or Note.**

### **Application under section 48(1).**

75. (1) An application to the Registrar under [section 48\(1\)](#) for the alteration of the Register by correction, change, cancellation or striking out goods, or for the entry of a disclaimer or memorandum, may be made by the registered proprietor of the trade mark or by such person as may satisfy the Registrar that he is entitled to act in the name of the registered proprietor.

(2) Such applications shall be made on Form [TM—No. 15](#), [TM—No. 17](#), [TM—No. 18](#), [TM—No. 19](#), [TM—No. 20](#), [TM—No. 21](#) or [TM—No. 27](#) as may be appropriate; but an application on [Form TM—No. 19](#), or [TM—No. 20](#), or [TM—No. 27](#) shall be signed by the registered proprietor or other person entitled under this Rule unless in exceptional circumstances the Registrar otherwise allows or, in the case of [Form TM—No. 27](#) only, it is signed by an agent expressly authorised for the purpose of such an application.

### **Evidence.**

76. In the case of an application as in [rule 75](#), the Registrar may require such evidence by statutory declaration or otherwise as he thinks fit as to the circumstances in which the application is made.

### **Advertisement of certain applications.**

77. Where application is made, on [Form TM—No. 21](#), to enter a disclaimer or memorandum relating to a trade mark, the Registrar, before deciding upon such application, shall advertise the application in the *Gazette* in order to enable any person desiring so to do to state, within one month of the advertisement, any reasons in writing against the making of the entry of the disclaimer or memorandum.

### **Certificates of validity to be noted.**

78. (1) Where the Court has certified as provided in [section 56](#) with regard to the validity of a registered trade mark, the registered proprietor thereof may request the Registrar on [Form TM—No. 37](#) to add to the entry in the Register a note that the certificate of validity has been granted in the course of the proceedings which shall be named in the Form.



(2) An office copy of the certificate shall be sent with the request, and the Registrar shall so note the Register and publish the note in the *Gazette*.

## Applications to alter Registered Trade Marks

### Alteration of registered mark.

79. Where a person desires to apply under [section 49](#) that his registered trade mark may be added to or altered, he shall make his application in writing on [Form TM—No. 22](#), and shall furnish the Registrar with four copies of the mark as it will appear when so added to or altered.

### Advertisement before decision.

80. (1) The Registrar shall consider the application and shall, if it appears to him expedient, advertise the application in the *Gazette* before deciding it.

(2) Within one month from the date of such advertisement any person may give notice of opposition to the application, on [Form TM—No. 35](#) accompanied by an unstamped duplicate of the notice, and may also send therewith a further statement of his objections in duplicate.

(3) The Registrar shall send the duplicate notice, and the duplicate of any further statement of objections, to the applicant, and [rules 41](#) to [52](#) shall apply *mutatis mutandis* to the further proceedings thereon.

(4) In any case of doubt any party may apply to the Registrar for directions.

### Decision.

### Advertisement.

### Notification.

81. If the Registrar decides to allow the application he shall add to or alter the mark in the Register, and if the mark so added to or altered has not been advertised under [rule 80](#), he shall advertise it in the *Gazette* and in any case shall insert in the *Gazette* a notification that the mark has been altered.

### Advertisement illustration.

82. In connection with an application to alter a registered trade mark the Registrar may at any time call on the applicant to supply a printing block satisfactory to the Registrar and suitable for advertising the mark with the addition or alteration as mentioned above, if in the opinion of the Registrar an advertisement describing the addition or alteration in words would not be likely to be understood by persons interested in the matter.

## Rectification and Alteration of Certification Trade Mark Entries and Regulations

### Rectification of certification Trade Mark entries by the Registrar.

83. An application on any of the grounds mentioned in [paragraph 4](#) of the Schedule to the Act, made by an aggrieved person to the Registrar for an order expunging or varying an entry in the Register of or relating to a certification trade mark, or varying the relevant deposited regulations, shall be made on [Form TM—No. 30](#) and shall include full particulars of the grounds on which the application is made.

## Alteration of Certification Trade Mark Regulations

### Alteration of regulations.

84. (1) An application by the registered proprietor of a certification trade mark for an alteration of the deposited regulations shall be made on [Form TM—No. 29](#).

(2) Where the Registrar causes such an application to be advertised the time within which any person may give notice to the Registrar of opposition to the application shall be one month from the date of the advertisement.

## Registered Users

### Application for entry of Registered User.

85. An application to the Registrar for the registration under [section 37](#) of a person as a registered user of a registered trade mark shall be made by that person and the registered proprietor on [Form TM—No. 38](#).

### Entry and notification.

86. (1) The entry of a registered user in the Register shall state the date on which it was made.

(2) In addition to the trade or business address of the registered user it may include an address for service, if an application by him on [Form TM—No. 27](#) therefor has been approved.

(3) A notification in writing of the registration of a registered user shall be sent to the registered proprietor of the trade mark, to the registered user, and to every other registered user whose name is entered in relation to the same registration of a trade mark, and shall be inserted in the *Gazette*.

### Registered proprietor's application to vary entry.

87. An application by the registered proprietor of a trade mark for the variation of the registration of a registered user of that trade mark under [section 41\(1\)\(a\)](#) shall be made on [Form TM—No. 39](#), and shall be accompanied by a statement of the grounds on which it is made and, where the registered user in question consents, by the written consent of that registered user.

### Application by registered proprietor of user to cancel entry.

88. An application by the registered proprietor or any registered user of a trade mark for the cancellation of the registration of a registered user of that trade mark under [section 41\(1\)\(b\)](#) shall be made on [Form TM—No. 40](#), and shall be accompanied by a statement of the grounds on which it is made.



## Application under section 41(1)(c) to cancel entry.

89. An application by any person for the cancellation of the registration of a registered user under [section 41\(1\)\(c\)](#) shall be made on [Form TM—No. 41](#), and shall be accompanied by a statement of the grounds on which it is made.

## Notification and hearing.

90. (1) The Registrar shall notify in writing applications under [rules 85, 86 and 87](#) to the registered proprietor and each registered user (not being the applicant) under the registration of the trade mark.

(2) Any person so notified who intends to intervene in the proceedings shall within one month of the receipt of such notification give notice to the Registrar on [Form TM—No. 42](#) to that effect and shall send therewith a statement of the grounds of his intervention.

(3) The Registrar shall thereupon send copies of such notice and statement to the other parties, so that the intervention may be known to the applicant, the registered proprietor, the registered user whose registration is in suit, and any other registered user who intervenes.

(4) Any such party may, within such time or times as the Registrar may appoint, leave evidence in support of his case, and the Registrar after giving the parties an opportunity to be heard may accept or refuse the application or accept it subject to any conditions, amendments, modifications or limitations he may think right to impose.

## Registered user's application under section 48(2).

91. (1) Applications under [section 48\(2\)](#) shall be made on [Form TM—No. 15](#), or [TM—No. 17](#), or [TM—No. 18](#), or [TM—No. 27](#) as may be appropriate, by a registered user of a trade mark, or by such person as may satisfy the Registrar that he is entitled to act in the name of a registered user; and the Registrar may require such evidence by statutory declaration or otherwise as he may think fit as to the circumstances in which the application is made.

## Cancellation by Registrar.

(2) In case of the registration of a registered user for a period, in accordance with [section 37\(4\)\(d\)](#) the Registrar shall cancel the entry of the registered user at the end of the period.

(3) Where some or all of the goods are struck out from those in respect of which a trade mark is registered, the Registrar shall at the same time strike them out from those specifications of registered users of the trade mark in which they are comprised.

(4) The Registrar shall notify every cancellation or striking out under this subrule to the registered users whose permitted use is affected thereby and the registered proprietor of the trade mark.

## Extension of Time

### Extension of time.

92. If in any particular case the Registrar is satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any proceeding under these Rules, not

being a time expressly provided in the Act or prescribed by [rule 66](#) or [rule 70](#), he may extend the time upon such notice to other parties, and proceedings thereon, and upon such terms as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceeding.

### **Excluded days.**

93. Whenever the last day fixed by the Act, or by these Rules, for doing any act or thing at the Office shall fall on a day when the Office is not open or on a Saturday, which days shall be excluded days for the purposes of the Act and these Rules, it shall be lawful to do the act or thing on the first day following such excluded day which is not an excluded day.

## **Discretionary Power**

### **Hearing.**

94. Before exercising adversely to any person any discretionary power given to the Registrar by the Act, or these Rules, the Registrar shall, if so required, hear a person thereon.

### **Application for hearing.**

95. An application for a hearing shall be made within one month from the date of notification by the Registrar of any objection to an application or the date of any other indication that he proposes to exercise a discretionary power.

### **Notice of hearing.**

96. (1) Upon receiving such application the Registrar shall give the person applying ten days' notice of a time when he may be heard.

(2) Within five days from the date when such notice would be delivered in the ordinary course of post the person applying shall notify the Registrar whether or not he intends to be heard on the matter.

### **Notification of decision.**

97. The decision of the Registrar in the exercise of any such discretionary power as mentioned above shall be notified to the person affected.

## **Power to Dispense with Evidence**

### **Dispensing with evidence.**

98. Where under these Rules any person is required to do any act or thing, or to sign any document, or to make any declaration 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 from any reasonable cause such person is unable to do such act or thing, or to sign such document, or to make such declaration, or that such document or evidence cannot be produced or left as mentioned above, it shall be lawful for the Registrar, upon

the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, signature, declaration, document or evidence.

## Amendments

### Amendment of documents.

99. Any document or drawing or other representation of a trade mark may be amended, and any irregularity in procedure which in the opinion of the Registrar may be excused without detriment to the interests of any person may be corrected, if the Registrar thinks fit, and on such terms as he may direct.

## Certificates

### Certificates by Registrar.

100. (1) The Registrar may give a certificate, as to any entry, matter or thing which he is authorised or required by the Act or these Rules to make or do, upon receipt of a request therefor on [Form TM—No. 25](#) from any person who, if the Registrar thinks fit so to require, can show an interest in the entry, matter or thing to his satisfaction.

(2) Except in a case falling under [rule 101](#) the Registrar shall not be obliged to include in the certificate a copy of any mark, unless he is furnished by the applicant with a copy thereof suitable for the purpose.

### Marks registered without limitation of colour.

101. Where a mark is registered without limitation of colour the Registrar may grant a certificate of registration, for the purpose of obtaining registration abroad, either in the colour in which it appears upon the Register or in any other colour or colours; but in the last-mentioned case the certificate shall be marked: “For use in obtaining registration abroad only”.

### Certificates for use in obtaining registration abroad.

102. (1) Where a certificate or registration of a trade mark is desired for use in obtaining registration abroad, the Registrar shall include in the certificate a copy of the mark and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose and, if the applicant fails to do so, may refuse to issue the certificate.

(2) The Registrar may state in the certificate such particulars concerning the registration of the mark as to him may seem fit, and may omit therefrom reference to any disclaimers appearing in the Register; but in the last-mentioned case the certificate shall be marked: “For use in obtaining registration abroad only”.

## Declarations

### Manner in which, and person before whom, declaration is to be taken.

**103.** The statutory declarations required by the Act and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows:

- (a) in Trinidad and Tobago, before any Justice or any Commissioner of Affidavits or other officer authorised by law in any part of Trinidad and Tobago to administer an oath for the purpose of any legal proceeding;
- (b) in any other part of the Commonwealth, before any Court, Judge, Justice or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and
- (c) if made out of the Commonwealth, before a diplomatic agent or a consular officer of Trinidad and Tobago, or a notary public, or a Judge or Magistrate.

### **Notice of seal of officer taking declaration to prove itself.**

**104.** Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by [rule 103](#) to take a declaration in testimony that the declaration was made and subscribed before him, may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.

## **Applications to and Orders of the Court**

### **Application to Court.**

**105.** Every application to the Court under the Act shall be served on the Registrar.

### **Order of Court.**

**106.** (1) Where an order has been made by the Court in any case under the Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the office an office copy of such order, together with [Form TM—No. 36](#) if required.

(2) The Registrar may, if necessary, thereupon be rectified or altered by the Registrar.

### **Publication of Order of Court.**

**107.** 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 *Gazette* .

**Rule 3. [45 of 1979 51/1980].**

## **FIRST SCHEDULE**

### **FEES**

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



Matter or Proceeding	Amount	Corresponding Form
	\$. c	
1. On application not otherwise charged to register a trade mark for a specification of goods included in one class ..	75.00	<a href="#">TM—No. 2</a>
1a. On application to register a series of trade marks under <a href="#">section 26(3)</a> for a specification of goods included in one class .. .. .	75.00	<a href="#">TM—No. 2</a>
1b. On application to register a defensive trade mark for a specification of goods included in one class .. ..	75.00	<a href="#">TM—No. 26</a>
1c. On application under <a href="#">section 50</a> to register a certification trade mark for a specification of goods included in one class .. .. .	75.00	<a href="#">TM—No. 4</a>
1d. On applications made at the same time under <a href="#">section 50</a> to register one certification trade mark for specification of goods not all included in one class— In respect of every class .. .. . Total fee in no case to exceed \$150 for any number of classes	75.00	<a href="#">TM—No. 4</a>
2. On a request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used .. .. .	15.00	<a href="#">TM—No. 3</a>
3. On notice of opposition before the registrar under <a href="#">section 21</a> , for each Application opposed, by opponent ..	20.00	<a href="#">TM—No. 5</a>
3a. On lodging a counter-statement in answer to a notice of opposition under <a href="#">section 21</a> , for each application opposed, by the applicant; or in answer to an application under any of the <a href="#">sections 35, 36, 46</a> and <a href="#">47</a> , by the proprietor in respect of each trade mark; or in answer to a notice of opposition under <a href="#">section 49</a> for each application opposed, by the proprietor	20.00	<a href="#">TM—No. 6</a>



<p>3b. On the hearing of each opposition under <a href="#">section 21</a>, by applicant and by opponent respectively; or on the hearing of an application under any of the <a href="#">sections 35,36, 46</a> and <a href="#">47</a>, by applicant and by proprietor respectively; or on the hearing of an opposition under <a href="#">section 49</a>, by proprietor and by opponent respectively .. .. .</p>	<p>50.00</p>	<p><a href="#">TM—No. 7</a></p>
<p>4. Upon each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark</p>	<p>5.00</p>	<p>—</p>
<p>4a. On an application to dissolve the association between registered trade marks ..</p>	<p>30.00</p>	<p><a href="#">TM—No. 16</a></p>
<p>5. On application to register a registered user of a registered trade mark in respect of goods within the specification thereof ..</p>	<p>50.00</p>	<p><a href="#">TM—No. 38</a></p>
<p>5a. On application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications Thereof and subject to the same Conditions and restrictions in each case—</p>	<p>50.00</p>	<p><a href="#">TM—No. 38</a></p>
<p>For the first mark .. .. .</p>	<p>50.00</p>	<p><a href="#">TM—No. 38</a></p>
<p>And for every other mark of the Proprietor included in the application and statement of case .. .. .</p>	<p>5.00</p>	<p></p>
<p>5b. On application by the proprietor of a single trade mark, under <a href="#">paragraph (a) of section 41(1)(a)</a>, to vary the entry of a registered user thereof ..</p>	<p>50.00</p>	<p><a href="#">TM—No. 39</a></p>
<p>5c. On application by the proprietor of more than one trade mark under <a href="#">paragraph (a) of section 41(1)</a> to vary the entries of a registered user thereof: For the first mark .. .. . And for every other mark of the proprietor for which the same is registered, included in the application .. .. .</p>	<p>50.00</p>	<p><a href="#">TM—No. 39</a></p>
<p>For the first mark .. .. .</p>	<p>50.00</p>	<p><a href="#">TM—No. 39</a></p>
<p>And for every other mark of the proprietor for which the same is registered, included in the application .. .. .</p>	<p>5.00</p>	<p></p>



5d.	On application by the proprietor or registered user of a single trade mark, under <a href="#">paragraph (b) of section 41(1)(b)</a> for cancellation of the entry of a registered user thereof .. .. .	30.00	<a href="#">TM—No. 40</a>
5e.	On application by the proprietor or registered user of more than one trade mark under <a href="#">paragraph (b) of section 41(1)(b)</a> , for cancellation of the entries of a registered user thereof— For the first mark .. .. . And for every other mark of the same proprietor for which the same user is registered, included in the application .. .. .	30.00 5.00	<a href="#">TM—No. 40</a>
5f.	On application, under entry of <a href="#">paragraph (c) of section 41(1)</a> , to cancel the a registered user of a single trade mark ..	30.00	<a href="#">TM—No. 41</a>
5g.	On application, under <a href="#">Paragraph (c) of section 41(1)</a> to cancel the entries of a registered user of more than one trade mark— .. .. . For the first mark .. .. . And for every other mark of the same proprietor for which the same user is registered, included in the application .. .. .	30.00 5.00	<a href="#">TM—No. 41</a>
5h.	On notice under <a href="#">section 41(3)</a> and <a href="#">rule 89</a> , of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks .. ..	15.00	<a href="#">TM—No. 42</a>
6.	On request to enter in the register and a certificate of validity, under <a href="#">section 56</a> and <a href="#">rule 78</a> — For the first registration certified .. .. . And for every other registration certified in the same certificate .. .. .	20.00 5.00	<a href="#">TM—No. 37</a>
6a.	On application under <a href="#">section 43(3)</a> and <a href="#">rule 66</a> for extension of time for registering a corporation as subsequent proprietor of trade marks on one assignment— Not exceeding two months .. .. .	30.00	<a href="#">TM—No. 11</a>



	Not exceeding four months ..	45.00	<a href="#">TM—No. 11</a>
	Not exceeding six months ..	60.00	<a href="#">TM—No. 11</a>
7.	On application for certificate of the Registrar, under <a href="#">section 29(2)</a> and <a href="#">Rule 69</a> —		
	For the first mark proposed to be assigned .. .. .	50.00	<a href="#">TM—No. 31</a>
	And for every other mark of the same proprietor included in that assignment .. .. .	5.00	
7a.	On application for approval of the Registrar, under <a href="#">section 30(1)</a> or <a href="#">section 73</a> and <a href="#">rule 69</a> —		
	For the first mark .. .. .	30.00	<a href="#">TM—No. 32</a>
	And for every other mark of the same proprietor included in the same transfer .. .. .	5.00	
7b.	On application for directions by the Registrar for advertisement of assignment of trade marks in use, without goodwill—		
	For one mark assigned .. .. .	30.00	<a href="#">TM—No. 33</a>
	And for every other mark assigned with the same devolution of title .. .. .	5.00	
7c.	On application for extension of time for applying for directions for advertisement of assignment of trade marks in use, without goodwill, in respect of one devolution of title—		
	Not exceeding one month ..	30.00	<a href="#">TM—No. 34</a>
	Not exceeding two months ..	45.00	<a href="#">TM—No. 34</a>
	Not exceeding three months ..	60.00	<a href="#">TM—No. 34</a>
8.	On application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark—		
	If made within six months from the date of acquisition of proprietorship or the coming into force of these rules .. .. .	30.00	<a href="#">TM—No. 12</a> or <a href="#">13</a>
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship or the coming into force of these Rules .. .. .	40.00	<a href="#">TM—No. 12</a>



	If made after expiration of twelve months from the date of acquisition of proprietorship or the coming into force of these Rules	50.00	or <a href="#">13</a> <a href="#">TM—No. 12</a> or <a href="#">13</a>
8a.	On application to register a subsequent title proprietor of more than one trade mark standing in the same name, the devolution of being the same in each case— If made within six months from the date of acquisition of proprietorship or the coming into force of these Rules— For the first mark .. .. And for every other mark ..	30.00 5.00	<a href="#">TM—No. 12</a> or <a href="#">13</a>
8b.	On application to register a subsequent title proprietor of more than one trade mark standing in the same name, the devolution of being the same in each case— If made after expiration of six months but within twelve months from the date of acquisition of proprietorship or the coming into force of these Rules: For the first mark .. .. And for every other mark .. .. If made after expiration of twelve months from the date of acquisition of proprietorship or the coming into force of these Rules— For the first mark .. .. And for every other mark .. ..	40.00 5.00 40.00 5.00	<a href="#">TM—No. 12</a> or <a href="#">13</a> <a href="#">TM—No. 12</a> or <a href="#">13</a>
9.	On application to change the name or description of a proprietor or a registered user of a single trade mark where there has been no change in the proprietorship or in the identify of the user .. ..	15.00	<a href="#">TM—No. 18</a>
9a.	On application to change the name or of more description of a proprietor or a registered user than one trade mark standing in the same name, where there has been no		

	change in the proprietorship or in the identity of the user, the change being the same in each case—		
	For the first mark .. .. .	15.00	<a href="#">TM—No. 18</a>
	And for every other mark .. .. .	5.00	
10.	For renewal of registration of a trade mark at expiration of last registration ..	60.00	<a href="#">TM—No. 9</a>
10a.	For renewal of registration of a series of trade marks under <a href="#">section 26(3)</a> at expiration of last registration—		
	For the first mark of the series ..	60.00	<a href="#">TM—No. 9</a>
	And for every other mark of the series	5.00	
10b.	For renewal of registrations of the same certification trade mark with the same date for goods in more than one class—		
	In respect of every class .. .. .	60.00	<a href="#">TM—No. 9</a>
10c.	Restoration fee under <a href="#">rule 59</a> .. .. .	50.00	<a href="#">TM—No. 10</a>
11.	On an application to the Registrar for leave to add to or alter a single registered trade mark .. .. .	50.00	<a href="#">TM—No. 22</a>
11a.	On an application to the Registrar for leave to add to or alter more than one registered trade mark of the same proprietor, being identical marks, the addition or alteration to be made, in each case, being the same—		
	For the first mark .. .. .	50.00	<a href="#">TM—No. 22</a>
	And for every other mark .. .. .	30.00	
11b.	On notice of opposition to application for leave to add to or alter registered trade marks, each application opposed ..	30.00	<a href="#">TM—No. 35</a>
12.	For altering one or more entries of the trade or business address of a registered proprietor or a registered user of a trade mark where the address in each case is the same and is altered in the same way (unless exempted from fee under <a href="#">Rule 82</a> )—		
	For the first entry .. .. .	10.00	<a href="#">TM—No. 15</a>
	And for every other entry .. .. .	5.00	



13.	For every entry in the register of a not rectification thereof or an alteration therein, otherwise charged .. ..	20.00	<a href="#">TM—No. 36</a>
14.	For cancelling the entry or part of the entry of a trade mark upon the register of the application of the registered proprietor of the trade mark .. ..	15.00	<a href="#">TM—No. 19</a> or <a href="#">20</a>
15.	On application, under any of the <a href="#">sections 35, 36, 46</a> and <a href="#">47</a> , for rectification of the register or removal of trade mark from the register .. ..	50.00	<a href="#">TM—No. 23</a>
15a.	On application for leave to intervene in <a href="#">46</a> proceedings under any of the <a href="#">sections 35, 36</a> , and <a href="#">47</a> for rectification of the register or removal of trade mark from the register .. ..	50.00	<a href="#">TM—No. 24</a>
16.	On request, not otherwise charged, for to correction of clerical error or for permission amend application ..	10.00	<a href="#">TM—No. 17</a>
17.	On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register .. ..	10.00	<a href="#">TM—No. 21</a>
18.	On application to the Registrar under <a href="#">rule 83</a> to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of a certification trade mark or of certification trade marks of the same registered proprietor where the regulations are substantially the same .. ..	50.00	<a href="#">TM—No. 30</a>
18a.	On request to the Registrar by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof— For the regulations of one such registration .. ..	30.00	<a href="#">TM—No. 29</a>
	For the same or substantially the regulations of each other registration same proposed to be altered in the same way and included in the same request .. ..	3.00	



19.	For certificate of the Registrar of the registration of a trade mark .. .. .	20.00	<a href="#">TM—No. 25</a>
19a.	For certificate of the Registrar of the registration of a series of trade marks under <a href="#">section 26(3)</a> .. . . .	20.00	<a href="#">TM—No. 25</a>
20.	For cancelling or making one or more entries of an address for service of a registered proprietor or a registered user of a trade mark where the address in each case is the same, on application made after the registration in each case— For the first entry .. .. . And for every other entry included in the application .. . . .	5.00 .. . . . 3.00	<a href="#">TM—No. 27</a>
20a.	For altering one or more entries of an address for service in the register included in one application for alteration, where the address and the alteration in each case are the same— For the first entry .. .. . And for every other entry .. . . .	5.00 .. . . . 3.00	<a href="#">TM—No. 27</a>
21.	For inspecting register or notice of opposition, counter-statement or decision in connection with any opposition or application for rectification of the register relating to any particular trade mark .. . . .	2.00	—
22.	For office copy of documents, for every page or part thereof .. . . .	1.00	—
23.	For certifying office copies M.S. or photographic or printed matter .. .. .	10.00	—

For advertising according to advertisement rates.

For the purpose of these fees (except as specially provided above) every mark of a series under [section 26](#) shall be deemed to be a mark separately registered.

**SECOND SCHEDULE**

[\(rule 4\)](#)

FORMS

FORM TM—No. 1

TRADE MARKS ACT

*Form of Authorisation of Agent in a matter or proceeding under the Act*

\* I (or We) .....

.....

have appointed<sup>(a)</sup> .....

of .....

.....

to act as my (or our) agent for<sup>(b)</sup> .....

..... No .....

and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.

I (or We) hereby revoke all previous authorisations, if any, in respect of the same matter or proceeding.

I (or We) hereby declare that I am (or we are) a  
(c) .....

Dated this ..... day of ..... 19.....  
(d) .....

Address<sup>(e)</sup> .....

[To be struck out if the person appointing the Agent desires his own address to be treated as the address for service after registration.]

I (or We) also authorise the said <sup>(a)</sup>.....  
..... to complete [Form TM—No. 27](#) requesting the entry of an address for service as part of any registration obtained under the above authorisation.

Dated this ..... day of ..... 19.....  
(d) .....

Address<sup>(e)</sup> .....

\* The full name of all the partners in a firm must be inserted, and the kind and country of incorporation of bodies corporate stated.

(a) Here insert name and address of agent.

(b) Here state the particular matter or proceeding for which the agent is appointed, giving the reference number, if known.

(c) Here state nationality.

(d) To be signed by the person appointing the agent.

(e) Here insert the full trade or business address of the person appointing the agent.

(a) Here insert name and address of agent.

(d) To be signed by the person appointing the agent.

(e) Here insert the full trade or business address of the person appointing the agent.



To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

FORM TM—No. 2

(rule 17) TRADE MARK \$75

TRADE MARKS ACT

*Application for Registration of Trade Mark in Part\* of the Register*

One representation to be fixed within this space and four others to be supplied.

Representations of a large size may be folded, but must then be mounted upon linen or other suitable material and affixed hereto.

Application is hereby made for Registration in Part\* of the Register of the accompanying Trade Mark in Class ..... in respect of<sup>(a)</sup> .....

.....  
in the name of<sup>(b)</sup> .....  
whose trade or business address is<sup>(c)</sup> .....

.....  
trading as<sup>(d)</sup> .....  
by whom it is<sup>(e)</sup> proposed to be used and who claim(s) to be the proprietor(s) thereof.

<sup>(f)</sup> .....  
.....  
.....

Dated this ..... day of ..... 19.....

\* Write distinctly here "A" or "B", according to the registration desired.  
\* Write distinctly here "A" or "B", according to the registration desired.  
(a) Here specify the goods. Only goods included in one and the same class should be specified. A separate application Form is required for each class.  
(b) Here insert legibly the full name, description and nationality of the individual, firm, or body corporate making the application. The names of all partners in a firm must be given to full. If the applicant is a body corporate, the kind and country of incorporation should be stated.  
(c) Here insert the full trade or business address of the applicant.  
(d) Here insert the trading style (if any).  
(e) If the mark is already in use, strike out the words; "proposed to be" and insert "being"  
(f) For additional matter if required; otherwise to be left blank.



(g) .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rule 30\)](#)

TRADE MARK \$15

FORM TM—No. 3

TRADE MARKS ACT

*Request for Statement of Grounds of Decision*

IN THE MATTER OF <sup>(a)</sup> .....  
the Registrar is hereby requested to state in writing the grounds of his decision, dated the  
..... day of ..... 19....., after the hearing on the ..... day of ..... 19.....,  
and the materials used by him in arriving at the decision.

Dated this ..... day of ..... 19.....

(b) .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

If the Registrar has made any requirement to which the Applicant does not object, the  
Applicant shall comply therewith before the Registrar issues the grounds of his decision. [See [rule  
30](#)]

[\(rules 17, 33\)](#)

FORM TM—No. 4

TRADE MARKS Fee: \$75

TRADE MARKS ACT

*Application for Registration of Certification Trade Mark under section 50*

(To be accompanied by two unstamped duplicates.)

<sup>(g)</sup> Signature. L.R.O. I/1980

<sup>(a)</sup> Insert words and number identifying the matter or proceeding.

<sup>(b)</sup> Signature.



One representation to be fixed within this space, and six others to be supplied.

Representations of a larger size may be folded, but must then be mounted upon linen or other suitable material and affixed hereto.

Application is hereby made for Registration in Part A of the Register of the accompanying Certification Trade Mark in Class ....., in respect of <sup>(a)</sup> ..... in the name of <sup>(b)</sup> ..... whose address is <sup>(c)</sup> .....

Dated this ..... day of ..... 19.....

(d) .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rules 40, 52\)](#)

TRADE MARKS \$20

FORM TM—No. 5

TRADE MARKS ACT

*Notice of Opposition to Application for Registration of a Trade Mark*

(To be accompanied by an unstamped duplicate.)

IN THE MATTER OF an Application No ..... by .....  
of .....

<sup>(a)</sup>I (or We) ..... hereby give notice of my (or our) intention to oppose the Registration of the Trade Mark advertised under the above number for Class ..... in the *Gazette* of the ..... day of ....., 19 ....., No. ...., page .....

The grounds of opposition are as follows:—

- 
- (a) Here specify the goods. Only goods included in one and the same class should be specified. A separate application Form is required for each class.
  - (b) Here insert the full name, description and nationality of the applicant. If the applicant is a body corporate, the kind and country of incorporation should be stated.
  - (c) Here insert the full address of the applicant.
  - (d) Signature.
  - (a) Here state full name and address.





(b) .....

Address for Service in Trinidad and Tobago in these proceedings:—

Dated this ..... day of ....., 19.....

(c) .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rule 42\)](#)

TRADE MARKS \$20

FORM TM—No. 6

TRADE MARKS ACT

*Form of Counter-Statement*

(To be accompanied by an unstamped duplicate)

IN THE MATTER OF an Opposition No .....

to Application No .....

I, (or We,) ..... the applicant(s) for  
Registration of the above Trade Mark, hereby give notice that the following are the grounds on  
which I (or we) rely as supporting my (or our) application:

.....  
.....

I (or We) admit the following allegations in the notice of Opposition:

.....  
.....

Address for service in Trinidad and Tobago in these proceedings:

(b) If registration is opposed on the ground that the mark resembles marks already on the Register, the numbers of those marks and of the *Gazettes* in which they have been advertised are to be set out. The numbers of any marks in the Collection of Refused Cotton Marks that are relied on should also be given.

(c) Signature.



.....  
.....  
Dated this ..... day of ....., 19....

(a) .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rule 48\)](#)

FORM TM—No. 7

TRADE MARKS \$50

TRADE MARKS ACT

*Notice to the Registrar of Attendance as Hearing*

I (or We) <sup>a)</sup> ..... of .....  
..... hereby give notice that the Hearing of the  
arguments in the Case of:

(b)<sup>(1)</sup> Opposition No ..... to Application for registration of a  
Trade Mark No. ....

(2) Application that the entry in the Register in respect of Trade Mark  
No..... may be removed.

(3) ..... may be amended by alteration of or addition to the Trade Mark,

(4) ..... may be amended by a conversion of the specification of goods,

(5) ..... may be amended otherwise than by any change in the mark or of the  
specification on conversion,

which, by the Registrar's Notice to me (*or us*) dated the ..... day of .....19 ..... is  
fixed for .....a.m. *or* p.m. at the Registrar's Office on the ..... day of .....  
19....., *will be attended* by me (*or us*) or by some person on my (*or our*) behalf.

Dated this ..... day of ....., 19.....

(c) .....

(a) Signature.

<sup>a)</sup> Here insert name and address.

(b) Strike out words here that are not applicable, so as to state *one* of the cases (1) to (5) only.

(c) Signature.



(d)

.....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rule 53\)](#)

FORM TM—No. 8

TRADE MARKS ACT

*Notice of Non-completion of Registration*

No.....

The Registrar, as required by [Section 24](#) of the Trade Marks Act and [rule 53](#) of the Trade Marks rules made thereunder (copies of which are printed on the back hereof), has to point out that the registration of the trade mark, in respect of which your application numbered as above was made on the ..... day of ..... 19..... has not been completed by reason of your default. Unless it is completed within fourteen days from this date the application will be treated as abandoned.

Dated this ..... day of ....., 19.....

To.....

.....  
.....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rules 57, 58, 59\)](#)

FORM TM—No. 9

TRADE MARKS Fee: \$60 10a or 10b

TRADE MARKS ACT

*\*Renewal of Registration of Trade Mark*

(d) Address

\* This form will be returned if it is filed more than *six months* before the expiration of the last registration.



(a) I, (or We) ..... of  
..... hereby leave the prescribed  
fee of..... for Renewal of Registration of the Trade Mark No.....  
in Class....., † which I am directed by the proprietor of the Trade Mark, that is to say by  
(b) .....  
..... to pay.\*

Dated this ..... day of....., 19.....

(c) .....

(d) .....

The Statement on the back of this Form must be filled in, and signed.

To the Registrar,

Registrar General's Office,

Port-of-Spain.

[To appear on the back of the Form:]

The Registrar is requested to send notice of renewal of the registration to (e) the Registered Proprietor at the following address:—

.....

.....

(f) .....

Dated this ..... day of ....., 19.....

(rule 59) TRADE MARKS \$50

FORM TM—No. 10

TRADE MARKS ACT

*Restoration of Trade Mark removed from Register for Non-payment of Fee*

(a) Insert here the name and address of the person leaving the fee.

† If the fee is left by the proprietor himself, this passage should be struck out.

(b) If the fee is *not* left by the proprietor himself, insert his name and address here.

\* This form will be returned if it is filed more than *six months* before the expiration of the last registration.

(c) Signature of the person leaving the fee.

(d) Address of the person signing.

(e) If the request is signed by the Registered Proprietor strike out here the words “the Registered Proprietor” and substitute the word “me”.

(f) Signature.



(To accompany [Form TM—No. 9](#))

I, (or we) hereby transmit the additional fee of \$50 (along with [Form TM—No. 9](#)) for the restoration to the Register of the Trade Mark No ..... in Class.....

Dated this ..... day of ....., 19.....

- (a) .....
- (b) .....

To the Registrar,  
Registrar General’s Office,  
Port-of-Spain.

N.B. This Form must be signed by the person(s) signing the [Form TM—No. 9](#) which accompanies it.

[\(rule 66\)](#)

FORM TM—No. 11

TRADE MARKS Fee: 6a

TRADE MARKS ACT

*Application under [rule 59](#) for extension of time, in accordance with section 43(3), for the registration of the name of a Corporation as Subsequent Proprietor of a Trade Mark in the Register.*

*Application is hereby made by <sup>(a)</sup>..... of ..... for an extension of time by <sup>(b)</sup>..... months of the period of six months allowed by [section 43\(3\)](#) and [rule 66](#) for registering its name, by force of one assignment, as proprietor of the following Trade Mark(s) registered upon application(s) conforming to paragraph <sup>(a)</sup> of [section 43\(1\)](#):—*

<sup>(c)</sup> Registration Number	Class
.....	.....
.....	.....
.....	.....

Dated this ..... day of ....., 19.....

- 
- (a) Signature.
  - (b) Address.
  - (a) Here Insert the name and address of the applicant.
  - (b) Here Insert “two” or “four”, or “six”.
  - (a) Here Insert the name and address of the applicant.
  - (c) Additional numbers may be given in a signed schedule on the back of the Form.



(d) .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

(rule 61) TRADE MARKS Fee: 8 or 8a

FORM TM—No. 12

TRADE MARKS ACT

*Joint Request to the Registrar by Registered Proprietor and Transferee to register the Transferee as subsequent Proprietor of Trade Marks upon the same devolution of title*

We <sup>(a)</sup> .....  
and <sup>(b)</sup> .....  
hereby request, under [rule 61](#), that the name of <sup>(c)</sup> .....  
carrying on business as <sup>(d)</sup> .....  
at <sup>(e)</sup> ....., may be entered in the  
Register of Trade Marks as proprietor of the Trade Mark(s) No .....\* in Class .....  
as from the <sup>(f)</sup> ..... by  
virtue of <sup>(g)</sup> .....

<sup>(h)</sup> The trade mark at the time of the assignment was <sup>(h)</sup> (not) used in a business in the goods in question, and the assignment (took) <sup>(h)</sup> (did not take) place on or after the appointed day otherwise than in connection with the goodwill of a business in the goods, <sup>(h)</sup> and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith, and a statement of the dates of issue of any publications containing them.

Dated this ..... day of ..... 19.....

- 
- (d) Signature.
  - (a) Name and address of Registered Proprietor, or other Assignor or Transmitter.
  - (b) Full name, trade address and nationality of Transferee.
  - (c) Name of Transferee.
  - (d) Description of Transferee.
  - (e) Trade or business address of Transferee.
  - \* Additional numbers may be given in a signed schedule on the back of the Form.
  - (f) Date of acquisition of proprietorship.
  - (g) Full particulars of the instrument of assignment or transmission, if any, or statement of case.
  - (h) Strike out any words not applicable (*See rule 66*).
  - (h) Strike out any words not applicable (*See rule 66*).
  - (h) Strike out any words not applicable (*See rule 66*).
  - (h) Strike out any words not applicable (*See rule 66*).



(i) .....  
(i) .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

*Note.*—The instrument under which the Transferee claims should preferably accompany this Form.

A request for the entry of an address for service of the subsequent proprietor may be made on an *unstamped* copy of [Form TM—No. 27](#) if it accompanies this Form.

([rules 62, 64](#))

FORM TM—No. 13

TRADE MARKS Fee: 8 or 8a

TRADE MARKS ACT

*Request to the Registrar to register a subsequent Proprietor of a Trade Mark or Trade Marks upon the same devolution of title*

I (or We) <sup>(a)</sup> .....

hereby request that my (or our) name ..... may be entered in the Register of Trade Marks as proprietor ..... of Trade Mark(s) No .....\* in Class ..... as from the <sup>(b)</sup> .....

I am (or We are) entitled to the Trade Mark(s) by virtue of <sup>(c)</sup> .....

<sup>(d)</sup> The trade mark at the time of the assignment was <sup>(d)</sup> (not) used in a business in the goods in question, and the assignment <sup>(d)</sup> (took) (did not take) place on or after the appointed day otherwise

<sup>(i)</sup> Signature of Assignor or Transmitter.

<sup>(i)</sup> Signature of Transferee.

<sup>(a)</sup> Here insert full name, trade or business address, nationality and description.

\* Additional numbers may be given in a signed schedule on the back of the Form.

<sup>(b)</sup> Date of acquisition of proprietorship.

<sup>(c)</sup> Here insert full particulars of the instrument of assignment or transmission, if any, or statement of case.

<sup>(d)</sup> Strike out any words not applicable (*see* rule 66).

<sup>(d)</sup> Strike out any words not applicable (*see* rule 66).

<sup>(d)</sup> Strike out any words not applicable (*see* rule 66).



than in connection with the goodwill of a business in the goods, <sup>(d)</sup> and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith, and a statement of the dates of issue of any publications containing them.

Dated this ..... day of ..... 19.....

(e) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

*Note.*—The instrument under which the Transferee claims should preferably accompany this Form.

A request for the entry of an address for service of the subsequent proprietor may be made on an *unstamped* copy of [Form TM—No. 27](#) if it accompanies this Form.

[\(rule 64\)](#)

FORM TM—No. 14

TRADE MARKS ACT

*Declaration (only to be furnished when requested by the Registrar) in support of Statement of Case accompanying [Form TM—No. 12](#) or [TM—No. 13](#)*

I, ..... of ..... do hereby solemnly and sincerely declare that the particulars set out in the Statement of Case, exhibit marked ..... and left by me in connection with my request to be registered as subsequent proprietor of the Trade Mark No ..... in Class ....., are true and comprise every material fact and document affecting the present proprietorship of the Trade Mark.

<sup>(a)</sup> And I make this solemn declaration conscientiously believing the same to be true and according to the Statutory Declarations Act and I am aware that if there is any statement in this declaration which is false in fact, which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

(b) .....

Declared at ..... }  
this ..... day of ..... 19.....

Before me <sup>(c)</sup> .....

<sup>(d)</sup> Strike out any words not applicable (*see* rule 66).

<sup>(e)</sup> Signature.

<sup>(a)</sup> This paragraph is not required when the declaration is made out of Trinidad and Tobago.

<sup>(b)</sup> To be signed here by the person making the declaration.

<sup>(c)</sup> Signature and title of Authority before whom the declaration is made.





To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

([rules 71, 75, 91](#))

FORM TM—No. 15

TRADE MARKS †Fee: 12

TRADE MARKS ACT

*Request for Alteration of Trade or Business Address in Register of Trade Marks*

\* IN THE MATTER OF the Trade Mark(s) No .....  
registered in Class .....

I (or We) .....  
of ....., being  
the Registered <sup>(a)</sup> {Proprietor(s) User(s)} of the Trade Mark(s) numbered as above, request that my  
(or our) trade address in the Register of Trade Marks be altered to .....

Dated this ..... day of ..... 19....

(b) .....

*Note*—A Registered Proprietor or Registered User whose address has been altered by a public authority, so that the changed address designates the same premises as before, may make also the statement below in order to avoid payment of the stamp fee.

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[For use only in case of an address changed by a public authority, without change of premises:]

The change of address, for the entry of which application is made above, was ordered by

(a) .....

† *Note*—If the above statement be made, and a certificate of the alteration given by the named authority be supplied, the Registrar, if satisfied as to the facts of the case, will not require Form TM—No. 15 to be stamped (*see* [rule 71](#)).

\* Additional numbers may be given in a signed schedule on the back of the Form.

(a) Strike out one of these words.

(b) Signature.



.....  
.....  
.....

on the ..... day of ..... 19.....

(b) .....

(rule 55) TRADE MARKS \$30

FORM TM—No. 16

TRADE MARKS ACT

*Application to the Registrar under [section 32\(5\)](#) and [rule 55](#) to dissolve the Association between a registered Trade Mark and (an)other registered Trade Mark(s)*

To be accompanied by a Statement of Case

IN THE MATTER OF a Trade Mark

No..... registered in Class.....

I (or We) .....

..... being the Registered Proprietor(s) of the above-numbered Trade Mark, hereby apply that the association of this Trade Mark with the following Trade Mark(s) registered in my (our) name:—

No ..... registered in Class .....

No ..... registered in Class ..... may be dissolved and the Register amended accordingly.

The grounds for this application are set forth in the accompanying Statement of Case.

Dated this ..... day of ..... 19.....

(a) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

(rule 91)

FORM TM—No. 17

TRADE MARKS \$10

(a) Here insert the name of the public authority ordering the change, and the date thereof.

(b) Signature of the Registered Proprietor or User, as the case may be.

(a) Signature.



TRADE MARKS ACT

*Request for Correction of Clerical Error; or for permission to amend Application*

IN THE MATTER OF <sup>(a)</sup> .....

I (or We), being the .....  
hereby request that .....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Dated this ..... day of ..... 19.....  
(b) .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

(rules 75, 91) TRADE MARKS Fee: 9 or 9a.

FORM TM—No. 18

TRADE MARKS ACT

*Request to enter Change of Name or Description of Registered Proprietor (or Registered User) of  
Trade Mark Upon the Register*

I (or We,) <sup>(a)</sup> .....

hereby request that <sup>(b)</sup> ..... name(s) and description(s) may be entered in the Register of  
Trade Marks as <sup>(c)</sup> {proprietor(s) of the registered user(s) Trade Mark(s) No ..... \* registered  
in Class .....

(a) Here insert words and reference number identifying the entry or application.  
(b) Signature.  
(a) Here insert present name, address and description of Registered Proprietor or Registered User.  
(b) My or our.  
(c) Strike out the words that are not applicable.  
\* Additional numbers may be given on a signed schedule on the back of the Form.



(d) ..... entitled to (c) {the said Trade Mark use the said Trade Mark as registered user(s).

There has been no change in the (c) {actual proprietorship identity of the registered user(s)} of the said Trade Mark, but (e) .....

The entry at present standing in the Register gives my (or our) name(s) and description(s) all as follows .....

Dated this ..... day of ..... 19.....

(f) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

[\(rule 75\)](#)

TRADE MARKS \$15

FORM TM—No. 19

TRADE MARKS ACT

*Application by Registered Proprietor of Trade Mark for the cancellation of Entry thereof in Register*

(Paragraph (c) of section 48(1)(c) and [rules 75](#) and [76](#))

IN THE MATTER OF Trade Mark No .....

Class .....

Name of Registered Proprietor .....

Trade or business address .....

Description .....

(d) I am or We are.

(c) Strike out the words that are not applicable.

(c) Strike out the words that are not applicable.

(e) Here state the circumstances under which the change of name took place.

(f) Signature.



Application is hereby made by .....  
of <sup>(a)</sup> ..... [or by .....  
a member of the Firm of .....  
of <sup>(a)</sup> ..... on  
behalf of my said Firm] .....  
that the entry in the Register of Trade Marks of the Trade Mark No..... in Class.....  
may be cancelled.

Dated this ..... day of ..... 19.....

(b) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

Note—[rule 75](#) requires that an application on [Form TM—No. 19](#) shall be signed by the Registered Proprietor of the Trade Mark, or other person entitled under that Rule, unless in exceptional circumstances the Registrar otherwise allows.

[\(rule 75\)](#) TRADE MARKS \$15

FORM TM—No. 20

TRADE MARKS ACT

*Application by Registered Proprietor of Trade Mark to the Registrar to strike out Goods from those for which the Trade Mark is Registered*

[\(Paragraph \(d\) of section 48\(1\)\(d\) and rules 75 and 76\)](#)

IN THE MATTER OF Trade Mark No .....

registered in Class .....

Name of Registered Proprietor .....

Trade or business address .....

Description .....

Application is hereby made by .....  
of <sup>(a)</sup> ..... [or by .....

<sup>(a)</sup> Here insert the trade or business address and description of the applicant(s) or his (their) firm.

<sup>(a)</sup> Here insert the trade or business address and description of the applicant(s) or his (their) firm.

<sup>(b)</sup> Signature.

<sup>(a)</sup> Here insert the trade or business address and description of the applicant(s) or his (their) firm.



a member of the Firm of .....  
of <sup>(a)</sup> .....  
on behalf of my said Firm] .....

.....  
for the striking out of <sup>(b)</sup> .....  
from the goods for which the Trade Mark No ..... is registered in Class .....

Dated this ..... day of ..... 19.....

(c) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

*Note*—[rule 75](#) requires that an application on [Form TM—No. 20](#) shall be signed by the Registered Proprietor of the Trade Mark, or other person entitled under that rule, unless in exceptional circumstances the Registrar otherwise allows.

[\(rules 75, 77\)](#)

TRADE MARKS \$10

FORM TM—No. 21

TRADE MARKS ACT

*Request by Registered Proprietor of a Trade Mark that a Disclaimer or Memorandum relating thereto may be registered*

Request is hereby made by <sup>(a)</sup> .....  
of.....  
for the addition to the entry in the Register in connection with Trade Mark No..... in  
Class..... of the following .....  
namely— .....

.....  
.....  
.....

Dated this..... day of..... 19.....

(b) .....

To the Registrar,

(a) Here insert the trade or business address and description of the applicant(s) or his (their) firm.

(b) Here designate the goods to be struck out.

(c) Signature.

(a) Here insert the name, trade, or business address and description of the Registered Proprietor.

(b) Signature.



Registrar General's Office,  
Port-of-Spain.

(rule 79) TRADE MARKS Fee: 11 or 11a

FORM TM—No. 22

TRADE MARKS ACT

*Application by Registered Proprietor under section 49 for an addition to or alteration of a Registered Trade Mark. (rules 79 and 82)*

IN THE MATTER OF the Trade Mark

No..... in Class.....

Application is hereby made by <sup>(a)</sup> .....  
of..... being the Registered Proprietor(s) of the  
Registered Trade Mark numbered as above, that the Registrar shall add to it or alter it in the  
following particulars, that is to say—<sup>(b)</sup>

Four copies of the mark as it will appear when so altered are filed herewith.

Dated this..... day of..... 19.....

<sup>(c)</sup> .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

(rules 72, 74)

TRADE MARKS \$50

FORM TM—No. 23

TRADE MARKS ACT

*Application to the Registrar for the Rectification of the Register or the Removal of a Trade Mark from the Register*

(To be accompanied by an unstamped copy and a Statement of Case in duplicate.)

IN THE MATTER OF the Trade Mark No..... registered in the name of

<sup>(a)</sup> Here insert name, trade or business address and description.

<sup>(b)</sup> Here fill in full particulars.

<sup>(c)</sup> Signature.



..... in Class.....

I (or We) <sup>(a)</sup> .....

.....  
hereby apply that the entry in the Register in respect of the above-mentioned Trade Mark may be removed <sup>(b)</sup> rectified in the following manner:

.....  
.....

The grounds of my (our) application are as follows:—

.....  
.....  
.....

No action concerning the Trade Mark in question is pending in the Court. Address for service in Trinidad and Tobago in these proceedings:

.....  
.....

Dated this..... day of..... 19.....

(c) .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rule 74\)](#)

TRADE MARKS \$50

FORM TM—No. 24

TRADE MARKS ACT

*Application to the Registrar for Leave to intervene in Proceedings relating to the Rectification of the Register or the Removal of a Trade Mark from the Register*

IN THE MATTER OF Trade Mark

No ..... registered in the name of

<sup>(a)</sup> Here state full name and address.

<sup>(b)</sup> Strike out the word (or words) that is (are) not applicable.

<sup>(c)</sup> Signature.





..... in Class .....

I (or We) <sup>(a)</sup> .....

hereby apply for leave to intervene in the proceedings relating to the rectification or removal of the entry in the Register in respect of the above-mentioned Trade Mark.

My (our) interest in the Trade Mark is .....

.....

.....

.....

Address for Service in Trinidad and Tobago in these proceedings:

.....

.....

Dated this ..... day of ..... 19 .....

(b) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

[\(rule 100\)](#)

TRADE MARKS Fee: 19 or 19a

FORM TM—No. 25

TRADE MARKS ACT

*Request for General Certificate of the Registrar (including Certificate of Registration of a Trade Mark)*

[\(rule 100\)](#)

IN THE MATTER OF\* the Trade Mark No. ...., registered as

Class .....\*

I (or We) .....

of .....

hereby request the Registrar to furnish me (us) with

<sup>(a)</sup> Here state full name and address.

<sup>(b)</sup> Signature.

\* ...\* These words may be varied to suit other cases.

\* ...\* These words may be varied to suit other cases.



(b) his Certificate that <sup>(a)</sup> .....

.....

.....

(b) a Certificate of registration of the Trade Mark <sup>(b)</sup> for use in obtaining registration abroad.

Dated this ..... day of ..... 19 .....

<sup>(c)</sup> .....

<sup>(d)</sup> .....

“[rule 102](#).—(1) Where a certificate of registration of a trade mark is desired for use in obtaining registration abroad, the Registrar shall include in the certificate a copy of the mark and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose and if the applicant fails to do so, may refuse to issue the certificate.

(2) The Registrar may state in the certificate such particulars concerning the registration of the mark as to him may seem fit, and may omit therefrom reference to any disclaimers appearing in the register, but in the last-mentioned case the certificate shall be marked: 'For use in obtaining registration abroad only'.”

To the Registrar,

Registrar General's Office,

Port-of-Spain.

([rules 17, 32](#))

TRADE MARKS Fee: \$75

FORM TM—No. 26

TRADE MARKS ACT

Application under [section 36](#) and [rule 32](#) for Registration of an Invented Word (or Words) in Part<sup>†</sup> of the Register as a Defensive Trade Mark.

One representation to be fixed within this space, and \* four others to be supplied.

- (b) Strike out words that are not applicable.
- (a) Here set out the particulars which the Registrar is requested to certify.
- (b) Strike out words that are not applicable.
- (b) Strike out words that are not applicable.
- (c) Signature
- (d) Address

<sup>†</sup> Write distinctly here “A” or “B”, according to the registration desired.





*Form of Request to the Registrar by a Registered Proprietor or a Registered User of a Trade Mark, or a person about to be so registered, to enter, alter, or substitute an Address for Service as part of his Registration (rules 9, 71).*

Request is made by <sup>(a)</sup> .....

.....  
who is about to be registered as (or) who is the Registered <sup>(b)</sup> Proprietor (User) of Trade Mark(s) No. .... \* registered in Class ..... for the <sup>(c)</sup> inclusion, addition, alteration or substitution of an address for service in the United Kingdom in or to the entry thereof so that the address for service in Trinidad and Tobago may read: <sup>(d)</sup> .....

Dated this ..... day of ..... 19 .....

<sup>(e)</sup> .....

*Note:*—A Registered Proprietor or Registered User whose address for service in Trinidad and Tobago has been altered by a public authority, so that the changed address designates the same premises as before, may make also the statement for which there is provision on the back of this Form in order to avoid payment of the stamp fee.

*Note:*—By [rules 9](#) and [71](#) an application on [Form TM—No. 27](#) must be signed by the Applicant for registration or the Registered Proprietor or Registered User, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

[To appear on the back of the Form:—]

(For use only in case of an address for service changed by a public authority, without change of premises.)

The change of address, for the entry of which application is made on the other side of this Form, was ordered by <sup>(a)</sup> .....

.....

on the ..... day of ..... 19 .....

Dated this ..... day of ..... 19 .....

<sup>(b)</sup> .....

*Note:*—If the above statement be made, and a certificate of the alteration given by the named authority be supplied, the Registrar, if satisfied as to the facts of the case, will not require [Form TM—No. 27](#) to be stamped. (See [rule 71](#)).

- 
- (a) Here insert the full name and trade or business address of the person making the request.
  - (b) Strike out from the underlined words those that are not applicable and strike out one of the words “Proprietor” or “User” as the case may be.
  - \* Additional numbers may be given in a signed schedule on the back of the Form.
  - (c) Cancel words that are not applicable.
  - (d) State here the precise entry or changed entry desired.
  - (e) Signature.
  - (a) Here insert the name of the public authority ordering the change, and the date thereof.
  - (b) Signature of the Registered Proprietor or Registered User, as the case may be.



To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rule 35\)](#)

FORM TM—No. 28

TRADE MARKS ACT

section 50—Schedule of the Act

*Regulations for governing the use of Certification Trade Mark No.* .....  
in Class .....  
in respect of <sup>(a)</sup> .....

[For Official Use.]

Advertised in *Gazette* No. .... at page ..... on the .....  
day of .....

[Date of Application and Registration ..... 19 .....] ]

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rule 84\)](#)

TRADE MARKS Fee: 18a

FORM TM—No. 29

TRADE MARKS ACT

*Request for the consent of the Board of Trade to alteration of the deposited Regulations for use of a  
Certification Trade Mark*

[section 50](#)—Schedule of the Act—[rule 84](#)

Application is hereby made by <sup>(a)</sup> .....  
.....  
.....

<sup>(a)</sup> Here specify the goods of the registration.  
<sup>(a)</sup> Here state name and address of the proprietor(s) as registered.



who is (or are) the Proprietor(s) of the Certification Trade Mark(s) No. <sup>(b)</sup> .....  
\* registered in Class ..... in respect of <sup>(c)</sup> .....

.....t  
hat the deposited Regulations for governing the use of the Mark may be altered in the manner  
shown in red in the accompanying copies <sup>(d)</sup> of the Regulations as proposed to be altered, and for  
the consent of the Registrar to such alteration.

Dated this ..... day of ..... 19 .....  
<sup>(e)</sup> .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rule 83\)](#)

TRADE MARKS \$50

FORM TM—No. 30

TRADE MARKS ACT

[section 50](#)—Schedule of the Act—[rule 83](#)

*Application to the Board of Trade for an order Expunging or Varying an entry in the Register  
relating to a Certification Trade Mark or Varying the deposited Regulations*

[To be accompanied by an unstamped copy and a Statement of Case in duplicate.]

IN THE MATTER OF Certification Trade Mark No. ....  
registered in the name of .....  
in Class .....

I (or We) <sup>(a)</sup> .....

.....  
being an aggrieved person(s), hereby apply for an order of the Board of Trade that:

<sup>(b)</sup> If the same Regulations apply to more than one registration, the numbers of all registrations  
should be stated.

\* Additional numbers and Specifications may be given in a signed schedule on the back of the  
Form.

\* Additional numbers and Specifications may be given in a signed schedule on the back of the  
Form.

<sup>(c)</sup> Here state the specifications of the respective registrations.

\* Additional numbers and Specifications may be given in a signed schedule on the back of the  
Form.

<sup>(d)</sup> Three copies should be furnished.

<sup>(e)</sup> Signature.

<sup>(a)</sup> Here state full name and address.



1. <sup>(b)</sup>The Entry in the Register in respect of the above-mentioned Trade Mark may be<sup>(c)</sup>{expunged. varied in the following manner: .....

.....  
.....

2. <sup>(b)</sup>The deposited Regulations governing the use of the above-mentioned Trade Mark may be varied in the following manner: .....

.....  
.....

The grounds of my (our) application are as follows:

.....  
.....

Address for Service in Trinidad and Tobago in these proceedings:

.....  
.....

Dated this ..... day of ..... 19 .....

(d) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

[\(rule 69\)](#)

TRADE MARKS Fee: 7.

FORM TM—No. 31

TRADE MARKS ACT

*Application for the Certificate of the Registrar under [section 29\(2\)](#) and [rule 69](#) with reference to a proposed Assignment of a Registered Trade Mark*

(To be accompanied by a Statement of Case in duplicate and a copy of the proposed assignment.)

IN THE MATTER OF Trade Mark(s) No.(s) ..... registered in the name of .....  
in Class(es) .....

Application is hereby made by <sup>(a)</sup> .....

- 
- (b) Strike out either paragraph that is not applicable.
  - (c) Strike out one of these lines.
  - (b) Strike out either paragraph that is not applicable.
  - (d) Signature.



.....  
.....

of .....  
being the Registered Proprietor(s) of the above-numbered registered trade mark(s), for the Registrar's Certificate under [section 29\(2\)](#) with reference to a proposed assignment of the registered trade mark(s)

No.(s) ..... to <sup>(b)</sup> .....

of .....  
in circumstances that are stated fully in the accompanying Statement of Case.

Dated this ..... day of ..... 19 .....  
(c) .....

FORM TM—No. 32

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rule 69\)](#)

TRADE MARKS Fee: 7a

TRADE MARKS ACT

*Application for the Approval by the Registrar under [section 30](#) and [rule 69](#) of a proposed assignment, or of a transmission (since the commencement of the Act), of a Trade Mark resulting in exclusive rights in different persons for different parts of Trinidad and Tobago.*

(To be accompanied by a Statement of Case in duplicate and a Copy of the Instrument proposed for the Assignment or effecting the Transmission.)

IN THE MATTER OF a Trade Mark(s)

\*Registered under No.(s) ..... in

Class(es) ..... \*the property of .....

.....

(a) Here insert the name and trade or business address of the Registered Proprietor.

(b) Here insert the name and trade or business address of the proposed assignee.

(c) Signature.

\* To be struck out in the case of unregistered trade marks.

Strike out either paragraph (1) or paragraph (2).

\* To be struck out in the case of unregistered trade marks.

Strike out either paragraph (1) or paragraph (2).





Application is hereby made by .....

(1)<sup>(a)</sup> .....  
of .....  
the Proprietor of the trade mark(s) shown in the accompanying Statement of Case<sup>(b)</sup> [registered in his name] and<sup>(b)</sup> [used by him] in respect of the following goods: .....  
*for the approval by the Registrar* of a proposed assignment of the trade mark(s) to <sup>(c)</sup> .....  
..... of .....  
in respect of the following goods:.....to  
be sold or otherwise traded in in <sup>(d)</sup> .....  
†[and to <sup>(c)</sup> ..... of .....  
..... in respect of the following goods  
..... to be sold or otherwise traded in  
in <sup>(d)</sup> .....] in circumstances that are stated fully in the accompanying  
Statement of Case.

(2)<sup>(e)</sup> .....  
who claims that the trade mark(s) shown in the accompanying Statement of Case was  
(were), in respect of the following goods, namely .....  
and on the <sup>(f)</sup> ..... day of ..... 19 .....; transmitted  
to <sup>(g)</sup> him (to <sup>(h)</sup> ..... of  
..... (who was his  
predecessor in title)), by or from <sup>(i)</sup> .....  
of .....  
by whom the Trade Mark was then used in respect of the following goods, namely .....  
all in circumstances that are stated fully in the accompanying Statement of Case, *for the  
approval by the Registrar* of the aforesaid transmission.

Dated this ..... day of ..... 19 .....

(j) .....

To the Registrar,

- (a) Insert here the same and trade or business address of the Proprietor.
- (b) Strike out either if not applicable.
- (b) Strike out either if not applicable.
- (c) Insert here the names and trade or business addresses of the proposed assignee or assignees.
- (d) Insert the name of the place or places in Trinidad and Tobago.
- † Strike out the bracketed passage if not required.
- (c) Insert here the names and trade or business addresses of the proposed assignee or assignees.
- (d) Insert the name of the place or places in Trinidad and Tobago.
- (e) Insert here the name and trade or business address of the person who claims a transmission to him.
- (f) Insert here the date of the transmission, which must not precede the appointed day.
- (g) Strike out the words that are not applicable.
- (h) Insert here the name and trade or business address of the predecessor in title, if any.
- (i) Insert here the name and trade or business address of the person who transmitted.
- (j) Signature.



Registrar General's Office,  
Port-of-Spain.

(rule 70)

TRADE MARKS Fee: 7b

FORM TM—No. 33

TRADE MARKS ACT

*Application to the Registrar under [section 31\(1\)](#) and [rule 70](#) for Directions for the Advertisement of an Assignment of Trade Marks otherwise than in connection with the goodwill of the business.*

[To be accompanied by an unstamped duplicate.]

Application is hereby made by <sup>(a)</sup> .....  
of .....  
for the Registrar's Directions with respect to the advertisement of an assignment to him (them) of the following Trade Marks otherwise than in connection with the goodwill of the business in which they were used at the time of assignment, namely:—

(1) Registered Trade Marks:

*Registration Number*<sup>†</sup>

*Class*

*Goods in respect of which the Mark has been used and is assigned.*

all of which are or were registered in the name of <sup>(b)</sup> .....  
of .....  
who is the assignor;

(2) Unregistered Trade Marks <sup>(c)</sup>, all being Marks used in his business at the time of the assignment in respect of the goods stated below, by <sup>(b)</sup> .....  
of .....  
who is the assignor:

*Representation of Mark*<sup>†</sup>

*Goods in respect of which the Mark has been used and is assigned.*

<sup>(a)</sup> Here insert the name and trade or business address of the assignee (applicant).

<sup>†</sup> Additional Marks and numbers may be given in a signed schedule on the back of the Form.

<sup>(b)</sup> Here insert the name and trade or business address of the proprietor (assignor).

<sup>(c)</sup> *Only chase unregistered trade marks passing by the one assignment and used in the same business and for the same goods as those for which one or more of the registered marks are registered may be stated here.*

<sup>(b)</sup> Here insert the name and trade or business address of the proprietor (assignor).

<sup>†</sup> Additional Marks and numbers may be given in a signed schedule on the back of the Form.



The date of assignment was the ..... day of ..... 19 .....

The instrument effecting the assignment is sent herewith, together with a copy thereof.

It is suggested that advertisement shall be directed as follows, namely, in .....

Dated this ..... day of ..... 19 .....

(d) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

(rule 70)

TRADE MARKS Fee: 7c.

FORM TM—No. 34

TRADE MARKS ACT

*Application for Extension of Time in which to apply for the Registrar's Directions for the advertisement of an assignment of Trade Marks otherwise than in connection with the goodwill of the business (section 31(1) and rule 70).*

Application is hereby made by <sup>(a)</sup> .....  
of .....  
for extension of time of <sup>(b)</sup> ..... month(s) in which to apply for the Registrar's Directions for the advertisement of an assignment to him (them) of the following Trade Marks otherwise than in connection with the goodwill of the business in which they were used at the time of assignment, namely:—

(1) Registered Trade Marks:

*Registration Number<sup>†</sup> Class*

*Goods in respect of which the Mark has been used and is assigned*

all of which are or were registered in the name of <sup>(c)</sup> .....  
of .....  
who is the assignor:

(2) Unregistered Trade Marks, all being Marks used in his business at the time of assignment and in respect of the goods stated below, by <sup>(c)</sup> .....

(d) Signature.

(a) Here insert the name and trade or business address of the assignee (applicant).

(b) Here insert "one", or "two", or "three".

<sup>†</sup> Additional Marks and numbers may be given in a signed schedule on the back of the Form.

(c) Here insert the name and trade or business address of the proprietor (assignor).



of .....  
who is the assignor;

*Representation of Mark<sup>†</sup>*

*Goods in respect of which the Mark has  
been used and is assigned*

The date of assignment was the ..... day of ..... 19 .....

Dated this ..... day of ..... 19 .....

(d) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

[\(rule 80\)](#)

TRADE MARKS \$30

FORM TM—No. 35

TRADE MARKS ACT

*Notice of Opposition to Application under [section 49](#) for addition to or alteration of a Registered  
Trade Mark*

(To be accompanied by an unstamped duplicate.)

IN THE MATTER OF the Trade Mark No..... registered in the name  
of ..... in Class .....

I (or We,) <sup>(a)</sup> .....

hereby give notice of my (or our) intention to oppose the addition to or alteration of the Trade Mark  
numbered and registered as above, so that it shall be in the form shown in the application advertised  
in the Trade Marks Journal of the ..... day of .....  
19 ....., No. ...., page .....

The grounds of opposition are as follows:

.....  
.....  
.....  
.....

Address for Service in Trinidad and Tobago in these proceedings:

.....

(c) Here insert the name and trade or business address of the proprietor (assignor).

<sup>†</sup> Additional Marks and numbers may be given in a signed schedule on the back of the Form.

(d) Signature.

(a) Here state full name and address.



.....  
Dated this ..... day of ..... 19 .....  
(b) .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

(rule 106)  
TRADE MARKS \$20

FORM TM—No. 36

TRADE MARKS ACT

*Notice of Order of Court for Alteration or Rectification of Register of Trade Marks*

IN THE MATTER OF the Trade Mark, No. .... registered in  
Class ..... in the name of .....

Notice is hereby given to the Registrar that, by an Order of the Court made on the  
..... day of ..... 19 ....., it was directed that .....

.....  
.....  
.....  
.....

An Office Copy of the Order of the Court is enclosed herewith.

Dated this ..... day of ..... 19 .....  
\* .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

(rule 78)

TRADE MARKS Fee: \$20

FORM TM—No. 37

TRADE MARKS ACT

(b) Signature.

\* To be signed by the person interested or his agent.



*Request to the Registrar for entry on the Register and advertisement of a note of a Certificate of Validity by the Court under [section 56](#).*

IN THE MATTER OF Trade Mark(s) No.(s) ....., registered in Class ..... in the name of ..... I (or We), <sup>(a)</sup> .....

hereby request the Registrar to add to the above-numbered entry(ies) of a Trade Mark in the Register, and to advertise in the *Gazette*, a note that in

(b) .....

the Court certified that the validity of the said registration(s) came into question and was decided in favour of the proprietor of the Trade Mark in the terms of the accompanying Office Copy of the certificate of validity.

Dated this ..... day of ..... 19 .....

(c) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

[\(rule 85\)](#)

TRADE MARKS Fee: 5 or 5a

FORM TM—No. 38

TRADE MARKS ACT

*Application for Registration of Registered User*

[To be accompanied by a Statement of Case giving particulars and stating as required by [section 37\(4\)](#), verified by a Statutory Declaration made by the Proprietor, or by some person authorised to act on his behalf and approved by the Registrar.]

Application is hereby made by <sup>(a)</sup> .....

who is (or are) the registered proprietor(s) of Trade Mark(s) No.(s) ..... \* registered in Class ..... in respect of <sup>(b)</sup> .....

(a) Here state the name and address of the Registered Proprietor.  
(b) Here state the nature of the proceedings, with the names of the parties to them, in which the Certificate was given.  
(c) Signature.  
(a) Here insert full name, trade or business address and description of the registered proprietor(s).  
\* Additional numbers may be given in a signed Schedule on the back of the Form.  
(b) Here insert the specification in the register.



that <sup>(c)</sup> .....  
.....  
of <sup>(d)</sup> .....  
..... trading as <sup>(e)</sup> .....

who hereby joins in the application, may be registered as a registered user of the above-numbered registered trade mark(s) in respect of <sup>(f)</sup> .....

subject to the following conditions or restrictions:—

<sup>(g)</sup> .....

<sup>(h)</sup>The proposed permitted use is to end on the ..... day of .....  
19 ..... The proposed permitted use is without limit of period.

Dated this ..... day of ..... 19 .....

<sup>(i)</sup> .....

[A request for the entry of an address for service of the registered user may be made on an unstamped copy of [Form TM—No. 27](#) if it accompanies this Form]

To the Registrar,

Registrar General’s Office,

Port-of-Spain.

[\(rule 87\)](#)

TRADE MARKS Fee: 5*b* or 5*c*.

FORM TM—No. 39

TRADE MARKS ACT

*Application by the Registered Proprietor of a Trade Mark for variation of the registration of a Registered User thereof with regard to the goods or the conditions or restrictions ([Section 41\(1\)\(a\)](#); [rule 87](#)).*

[To be accompanied by a Statement of the Grounds for the application and the written consent (if given) of the Registered User.]

<sup>(c)</sup> Here insert the full name, description and nationality of the individual, firm, or body corporate, proposed as registered user. The names of all partners in a firm must be given in full. In the case of a body corporate brief particulars of the kind and country of incorporation should be stated.

<sup>(d)</sup> Here insert the full trade or business address of the proposed registered user.

<sup>(e)</sup> Here insert trading style (if any).

<sup>(f)</sup> Here insert designation of goods (which must be comprised within the specification).

<sup>(g)</sup> Write *None* if there are no conditions of restrictions.

<sup>(h)</sup> Strike out the words that are not applicable.

<sup>(i)</sup> Signature.



Application is hereby made by <sup>(a)</sup> .....

.....

.....

the proprietor of trade mark(s) No. ....\* registered in  
Class ..... in respect of <sup>(b)</sup> .....

.....

that the registration of <sup>(c)</sup> .....

.....

as a registered user of the above-numbered trade mark(s) in respect of <sup>(d)</sup> .....

.....

may be varied in the following manner: <sup>(e)</sup> .....

.....

Dated this ..... day of ..... 19 .....

<sup>(f)</sup> .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

[\(rule 88\)](#)  
TRADE MARKS Fee: 5*d* or 5*e*

FORM TM—No. 40

TRADE MARKS ACT

*Application by the Registered Proprietor of a Trade Mark or by any of the Registered Users of the Trade Mark for the cancellation of entry of a Registered User thereof ([Section 41\(1\)\(b\)](#); [rule 88](#)).*

(To be accompanied by a Statement of the Grounds for the application)

Application is hereby made by <sup>(a)</sup> .....

.....

.....

being <sup>(b)</sup> the Registered Proprietor (a Registered User) of trade mark(s) No. ....\*

<sup>(a)</sup> Here insert the full name, description and trade or business address of the registered proprietor.  
\* Additional numbers may be given in a signed schedule on the back of the Form.

<sup>(b)</sup> Here insert the specification in the register.

<sup>(c)</sup> Here insert the full name, description and trade or business address of the registered user.

<sup>(d)</sup> Here insert the goods in respect of which the user is registered.

<sup>(e)</sup> Here state in terms the manner in which it is requested that the entry should be varied.

<sup>(f)</sup> Signature.

<sup>(a)</sup> Here insert the full name, description and trade or business address of the applicant or of the applicants.

<sup>(b)</sup> Strike out the words that are not applicable.  
\* Additional numbers may be given in a signed schedule on the back of the Form.





registered in Class ..... in respect of <sup>(c)</sup> .....

for the cancellation of the entry under the above-mentioned registration(s) of <sup>(d)</sup> .....

as a registered user of the trade mark(s) in respect of <sup>(e)</sup> .....

The grounds for this application are set forth in the accompanying statement.

Dated this ..... day of ..... 19 .....

<sup>(f)</sup> .....  
.....  
.....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

[\(rule 89\)](#)

TRADE MARKS Fee: 5f or 5g

FORM TM—No. 41

TRADE MARKS ACT

*Application for cancellation of entry of a Registered User of a Trade Mark  
(Section 41(1)(c); [rule 89](#)).*

(To be accompanied by a Statement of the Grounds for the application.)

IN THE MATTER OF Trade Mark(s) No.(s) .....  
registered in Class ..... in the name of <sup>(a)</sup> .....

Application is hereby made by <sup>(b)</sup> .....  
.....  
(whose address for service in Trinidad and Tobago in these proceedings is .....)

<sup>(c)</sup> Here insert the specification in the register.

<sup>(d)</sup> Here insert the full name, description and trade or business address of the registered user whose entry is sought to be cancelled.

<sup>(e)</sup> Here insert goods in respect of which that registered user is entered.

<sup>(f)</sup> Signature(s).

\* Additional numbers may be given in a signed schedule on the back of the Form.

<sup>(a)</sup> Here insert the name, trade or business address and description of the registered proprietor as entered in the register.

<sup>(b)</sup> Here insert the name and address of the applicant for cancellation.



for the cancellation of the entry under the above-mentioned registration(s) of <sup>(c)</sup> .....  
.....  
as the registered user thereof in respect of <sup>(d)</sup> .....  
.....  
.....

The grounds of this application, particulars of which are given in detail in the accompanying statement of case, are <sup>(e)</sup> .....  
.....  
.....

Dated this ..... day of ..... 19 .....  
<sup>(f)</sup> .....

To the Registrar,  
Registrar General's Office,  
Port-of-Spain.

(rule 90)  
TRADE MARKS \$15

FORM TM—No. 42

TRADE MARKS ACT

*Notice to the Registrar under [section 41\(3\)](#) and [rule 90](#) of intention to intervene in proceedings for the variation or cancellation of an entry of a registered User of a Trade Mark.*

(To be accompanied by a Statement of the Grounds for intervention.)

IN THE MATTER OF a Trade Mark No. .... registered  
in Class ..... in the name of <sup>(a)</sup> .....  
and IN THE MATTER OF a registration of <sup>(b)</sup> .....  
.....  
thereunder as a Registered User of the Mark.

<sup>(c)</sup> Here insert the name, trade or business address and description of the registered user as entered in the register.

<sup>(d)</sup> Here insert the goods in respect of which the registered user is entered.

<sup>(e)</sup> Here insert one or more of the sub-paragraphs of paragraphs (c) of section 41(1) numbered ( i), (ii), (iii).

<sup>(f)</sup> Signature.

<sup>(a)</sup> Insert here the name of the Registered Proprietor.

<sup>(b)</sup> Insert here the name and trade or business address of the Registered User.



In reply to the Registrar's Notification, dated the ..... day ..... of ..... 19 ....., notice is hereby given of my intention to intervene in the proceedings in the above matter.

My address for service in Trinidad and Tobago for the purpose of these proceedings is .....  
.....  
.....

Dated this ..... day of ..... 19 .....

(c) .....

To the Registrar,

Registrar General's Office,

Port-of-Spain.

(c) Signature.