



REPUBLIC OF VANUATU

Assent: 12/06/2008
Commencement: 07/07/2008

REGISTRATION OF UNITED KINGDOM TRADE MARKS (AMENDMENT) ACT NO. 15 OF 2008

An Act to amend the Registration of the United Kingdom Trade Marks Act [CAP 81].

Be it enacted by the President and Parliament as follows:

1 Amendment

The Registration of United Kingdom Trade Marks Act [CAP 81] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF THE REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT [CAP 81]

1 Title

Delete “UNITED KINGDOM”, substitute “EU”.

2 Section 1

Insert the following definitions in their correct alphabetical positions:

“**Comptroller** means the Comptroller –General of Patents, Designs and Trade Marks of a Member State, or the Government authority entrusted with the registration of trade marks in a Member State;

EU means the European Union established by the Maastricht Treaty (formerly the Treaty on European Union);

Member State means a country which is a Member State of the European Union;”

3 Section 1 (definition of “Registrar”)

(a) Delete “United Kingdom”

(b) Delete “who shall be a public servant.”

4 Section 1 (definition of “United kingdom”)

Repeal the definition.

5 Section 2

Repeal the section, substitute

“2. Application to register trade marks registered in EU member states

If a person:

(a) is a registered proprietor of a trade mark in a Member State; or

(b) is a person deriving title from the registered proprietor by assignment or other transmission,

by virtue of an entry in the register of trade marks kept under the law of the Member State or in accordance with the terms of a treaty, convention, arrangement, or agreement to which the Member State is a party, the person may apply, at any time during the period of registration in the Member State, to have the trade mark registered in Vanuatu in

respect of all or any of the goods or services for which the trade mark is registered in the Member State.”

6 Section 3

Delete the words “the Comptroller-General”, substitute “Comptroller of the Member State, giving full particulars of the registration of the trade mark in the Member State”

7 Section 4

(a) After “Registrar may” insert “on payment of the prescribed fee”

(b) After “goods”, insert “or services”

8 Section 5

Repeal the section, substitute

“5 Effect of certificate

A registered proprietor of a trade mark in a Member State is entitled in Vanuatu to the privileges and rights in the use of the trademark in respect of the goods or services entered in the Register *as mutatis mutandis* would be conferred on him or her under the law of the Member State.”

9 Section 6

(a) Delete “United Kingdom” (wherever occurring), substitute “Member State”

(b) After “goods”, insert “or services”

10 Section 8

Repeal the section, substitute

“8 Jurisdiction of supreme court

(1) This section applies if a person claims that his or her interest has been prejudicially affected by the issue of a certificate of registration in respect of a trademark.

(2) On application by the person, the Supreme Court may declare that the exclusive privileges and rights conferred by the certificate have not been acquired.

(3) The Supreme Court may declare on any grounds *mutatis mutandis* upon which the registration of a trademark may be revoked under the law of a Member State, in which the trademark is registered.”

11 Section 10

Repeal the section, substitute

“10. Registered users

Any person entered in the trade mark register of a Member State under the law of the Member State as:

- (a) a registered user; or
- (b) a licensee,

in relation to the use of a registered trade mark in respect of which a certificate of registration under this Act is in force, may apply to be registered in Vanuatu as a registered user of the trade mark in respect of all or any of the goods or services, subject to any conditions or restrictions entered in the trade mark register of the Member State.”

12 Section 11

- (a) Delete “the United Kingdom Register of Trade Marks giving full particulars of the entry in the United Kingdom Register under the said section 28,” substitute “the Comptroller of the Member State giving full particulars of the entry in the register of trade marks kept under the law of the Member State,”
- (b) After “goods”, insert “or services”
- (c) Delete “United Kingdom” (third occurring), substitute “Member State”

13 Section 14 (heading)

- (a) Delete the heading, substitute “**Renewal of registration**”
- (b) Delete “United Kingdom” (wherever occurring), substitute “Member State”

14 Schedule

Repeal the Schedule, substitute

“SCHEDULE

(section 12)

The fees specified in the second column are to be paid in respect of the acts specified in the first column, corresponding to such fees.

	<i>Fee US\$</i>
To issue a certificate of registration under section 4 (subject to an additional class fee for each class over one US\$50)	250
To inspect any document filed, or any entry made in the Register- for each class	25
To register any assignment or other mode of transfer under section 9	100

To register any renewal of registration under section 14 (subject to an additional class fee for each class over US\$ 50)	250
To register any alteration under section 15	100
To provide a certified copy or extract from the Register - for each class	25
To file any document not otherwise provided for	20
To :	
(a) provide a copy of any document filed under the Act-for each page (subject to a minimum total of US\$10)	2
(b) certify any such copy	50"