

CHAPTER 377A

THE REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT

Arrangement of Sections

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REGISTRATION OF
UNITED KINGDOM TRADE MARKS

(3rd December, 1946.)

4/1946.
S.R.O. 22/1956.
18/1989.

- 1.** This Act may be cited as the Registration of United Kingdom Trade Marks Act. **Short title.**
- 2.** In this Act— **Interpretation.**
- "Court" means the High Court;
- "register" means the register of Trade Marks required to be kept under this Act;
- "Registrar" means the Registrar of the Court.
- 3.** Any person being the registered proprietor of a trade mark in the United Kingdom by virtue of an entry in the register of trade marks kept under the Trade Marks Act, 1938, or any Act amending or substituted for that Act, or any person deriving title from such registered proprietor by assignment or other mode of transfer, may apply at any time during the existence of the registration in the United Kingdom to have such trade mark registered in Antigua and Barbuda in respect of some or all of the goods comprised in the United Kingdom registration. **Application for registration.**
1 & 2 Geo. 6 c. 22.
- 4.** An application for registration of a trade mark under this Act shall be made to the Registrar and accompanied by a certified representation of the trade mark and a certificate of the Comptroller General of the United Kingdom Patent Office (under his title of Registrar of Trade Marks) giving full particulars of the registration of the trade mark in the United Kingdom and such other documents as may from time to time be prescribed. **Procedure on application.**
- 5.** Upon such application being lodged, together with the documents mentioned in section 4, the Registrar shall enter the prescribed particulars in the register and shall issue **Issue of certificate.**

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a certificate of registration to the applicant who shall then be the registered proprietor in Antigua and Barbuda of the trade mark in respect of the goods entered in the register.

Privileges of proprietor.

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

Duration of privileges.

7. The privileges and rights conferred by section 6 shall date from the date of registration in the United Kingdom and shall continue in force, subject to the provisions of section 14, for so long as the registration in the United Kingdom remains in force in respect of the goods for which the trade mark is registered in Antigua and Barbuda:

Provided that no action for infringement of the trade mark shall be entertained in respect of any use of the trade mark prior to the date of issue of the certificate of registration in Antigua and Barbuda.

Right of action for passing off.

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

Powers of Court.

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

Assignment of privileges.

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

11. (1) Any person entered in the United Kingdom Register of Trade Marks under section 28 of the Trade Marks Act, 1938, as a registered user in respect of any goods of a trade mark in respect of which a certificate of registration under this Act is in force, may apply to be registered in Antigua and Barbuda as a registered user of the mark in respect of some or all of such goods, subject to any conditions or restrictions entered in the United Kingdom Register.

Application by
United Kingdom
registered user to
be registered in
Antigua and
Barbuda.
1 & 2 Geo. 6
c. 22.

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

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

Rules.

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

Keeping and
inspection of
register.

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

14. (1) If the registration in the United Kingdom of a trade mark registered under this Act is renewed, the registered proprietor may, within three months after the date of renewal in the United Kingdom or such further period as may be prescribed, notify the Registrar who shall then, on sufficient evidence thereof and on payment of the prescribed fee, renew the registration in the register in the prescribed manner.

Renewal of
registration.

(2) If the registration in the register is not so renewed it shall be cancelled by the Registrar.

**Powers of
Registrar.**

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

(a) cancel the registration of a trade mark or of a registered user thereunder either wholly or as regards any particular goods in respect of which the trade mark or the registered user is registered;

(b) correct any clerical error in or in connection with any application under this Act or in any matter which is entered in the register;

(c) enter in the register any change in the name description or address of the person who is registered as proprietor or user of a trade mark.
