

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

2006, No. 14

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THE TRADE MARKS REGULATIONS, 2006 Made in exercise
of the powers contained under section 26 of the Trade Marks
Act, Act No.18 of 2003

PART 1

PRELIMINARY

1. These Regulations may be cited as the Trade Marks Regulations, 2006 and shall come into force on October 1, 2006. Short title and commencement.
2. In these Regulations, unless the context otherwise requires— Interpretation.
- “Act” means the Trade Marks Act, 2003;
- “published” includes publication on the Internet;
3. The fees to be paid in respect of matters arising under the Act or these Regulations shall be those specified in Schedule 1. Fees.
4. (1) The forms referred to in these Regulations are those set out in Schedule 2; and Forms.
- (2) Documents required or authorized by the Act or these Regulations to be sent to the Registrar may be transmitted by telefacsimile or electronic mail, and the date of application shall be the date of transmission, provided that the original of the document so transmitted is filed with the Registrar within one month of such transmission.
5. Applications shall be in the English language, and any document forming part of an application or submitted to the Registrar pursuant to the Act or these Regulations and which is in a language other than English shall be accompanied by an English translation. Language of documents and translations.
6. (1) Names of natural persons shall be indicated by the person’s family name and given name(s), the family name being indicated before the given name(s); the names of legal entities shall be indicated by their full, official designations. Indication of name, address, nationality and residence.

(2) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units, including the house number, if any; addresses shall also indicate telefacsimile and telephone numbers.

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

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

Signatures by partnerships, companies and associations.

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

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

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

PART 2

REGISTERED MARKS

Classification of marks.

8. The Registrar shall apply the International Classification of Goods and Services for the Purposes of the Registration of Marks adopted by the Nice Agreement of June 15, 1957, as updated subsequently, for all purposes relating to the registration and publication of marks.

9. The application for the registration of a mark shall be made on Form 1 and shall be signed by the applicant. An application may be made for the registration of a mark in respect of goods or services in one or more classes of the International Classification.

Application for registration of a mark.

10. (1) The application shall contain a durable graphic reproduction of the mark in the space provided therefor on Form 1. Where the reproduction exceeds the space in size, it shall be mounted upon hard and durable paper. Part of the mounting shall be affixed in the space aforesaid and the rest may be folded.

Reproduction of the mark.

(2) With applications for the registration of a mark other than a word mark in standard letters, three additional reproductions of the mark shall be submitted, and —

- (a) the reproduction of the mark on the application and the additional reproductions shall be identical;
- (b) the additional reproductions shall in all cases be noted with all such particulars as may from time to time be required by the Registrar; and
- (c) such particulars shall, if required, be signed by the applicant or his authorized agent.

(3) If the Registrar considers any reproduction of a mark unsuitable he may, at any time, require a suitable reproduction to be substituted.

(4) Where a drawing or other reproduction cannot be given in the aforesaid manner, a specimen or copy of the mark may be sent either of full size or on a reduced scale and in such a form as the Registrar may consider appropriate.

11. Where a mark consists of or contains a word or words in characters other than Roman, the application on Form 1, and the additional reproductions of the mark, shall be accompanied, unless the Registrar otherwise directs, by a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, stating the language to which each word belongs.

Transliteration and translation of the mark.

12. (1) The declaration referred to in section 4 (2) of the Act shall indicate —

Declaration of priority and translation of earlier application..

- (a) the date of the earlier application;
- (b) the number of the earlier application, subject to subregulation (2); and
- (c) the State in which the earlier application was filed or, where the earlier application is a regional or an international application, the Office with which it was filed and the country or countries for which it was filed.

(2) Where at the time of filing the declaration referred to in subregulation (1), the number of any earlier application is not known —

- (a) that number shall be furnished within two months from the date on which the application containing the declaration was filed; and
- (b) the Registrar may extend the time limit referred to in this subregulation for an additional period of three months if the applicant supplies evidence that, due to circumstances beyond his control, he was not able to comply with the prescribed time limit.

(3) Where the priorities of two or more earlier applications are claimed, in accordance with subregulation (1), the indication relating to those earlier applications may be included in a single declaration.

(4) The applicant may, at any time before the registration of the mark, amend the contents of the declaration referred to in the preceding subregulations.

Copy of earlier application.

13. The period for furnishing the certified copy of the earlier application shall be two months from the date of the request by the Registrar.

Withdrawal of application.

14. (1) The withdrawal of the application shall be made by a written declaration signed by the applicant and submitted to the Registrar.

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

15. (1) The Registrar shall accord as the filing date of the application the date on which the following elements are received: Filing date.

- (a) the name of the applicant;
- (b) an address to which communications can be directed;
- (c) a reproduction of the mark;
- (d) a specification of goods or services; and
- (e) the required filing fee for at least one class of goods or services.

(2) The Registrar shall, in writing, notify the applicant of the application number and the filing date.

16. (1) If, upon examination in accordance with section 5 of the Act, the Registrar objects to the application for registration of a mark, he shall notify the applicant in writing of his objections with all the relevant details and invite the applicant to amend the application, to submit his observations in writing or to apply for a hearing within two months from the date of the notification; if the applicant does not comply with the invitation within the set period, he shall be deemed to have withdrawn his application. Objection to or conditional acceptance of application; hearing.

(2) If, upon examination in accordance with section 5 of the Act, the Registrar decides to accept the application subject to amendments, modifications, conditions, disclaimers or limitations, he shall communicate his decision to the applicant in writing; and —

- (a) if the applicant objects to the amendments, modifications, conditions, disclaimers or limitations, he shall, within two months from the date of the communication, apply for a hearing or submit his observations in writing;
- (b) if the applicant does not object to such amendments, modifications, conditions, disclaimers or limitations, he shall notify the Registrar in writing and amend his application accordingly;
- (c) if the applicant does not respond in one way or the other within the set period, he shall be deemed to have withdrawn his application.

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

Refusal of application or conditional acceptance to which applicant objects.

17. Where, after a hearing or after consideration of the applicant's amendments or observations in writing, the Registrar refuses the application or accepts it subject to any amendments, modifications, conditions, disclaimers or limitations to which the applicant objects, he shall communicate his decision to the applicant in writing, and the applicant may, within one month from the date of such communication, upon payment of the prescribed fee, request the Registrar to state in writing the grounds of his decision and the materials used by him in arriving thereat.

Acceptance of application; publication.

18. Where the Registrar accepts the application unconditionally or accepts it subject to any conditions or limitations to which the applicant does not object, he shall proceed to publish the application setting out—

- (a) the filing date and, where applicable, the priority date;
- (b) the representation of the mark;
- (c) the goods or services in respect of which the registration of the mark is requested with an indication of the corresponding class or classes of the International Classification;
- (d) the name and address of the applicant; and
- (e) the name and address of the agent, if any.

Opposition proceedings: filing of notice of opposition.

19. (1) Any person may, within three months of the date on which the application was published, give notice to the Registrar of opposition to the registration on Form 3 which shall include a statement of the grounds of opposition.

(2) Where the opposition is based on a mark which has been registered, there shall be included in the statement of the grounds of opposition a representation of that mark and —

- (a) the details of the authority with which the mark is registered;
- (b) the registration number of that mark;
- (c) the classes in respect of which that mark is registered; and
- (d) the goods and services in respect of which —
 - (i) that mark is registered; and
 - (ii) the opposition is based;

(3) Where the opposition is based on a mark in respect of which an application for registration has been made, there shall be included in the statement of the grounds of opposition a representation of that mark and those matters set out in subregulation (2)(a) to (d), with references to registration being construed as references to the application for registration.

(4) The Registrar shall send a copy of Form 3 to the applicant and the date upon which this is done shall, for the purposes of regulation 20, be the “notification date”.

20. (1) The applicant shall, within the relevant period, file a Form 4, which shall include a counter-statement, otherwise his application for registration shall be deemed to be withdrawn.

Opposition proceedings: filing of counter-statement and cooling off period.

(2) Unless subregulation (3) applies, the relevant period shall begin on the notification date and end three months after that date.

(3) This subregulation applies where —

- (a) the applicant and the person opposing the registration agree to an extension of time for the filing of Form 4 by filing Form No 5; or
- (b) within the period of three months beginning on the notification date, either party files Form 7 requesting an extension of time for the filing of Form 4; and

(4) The Registrar shall send a copy of Form 4 to the person opposing the registration and the date upon which this is sent shall, for the purposes of regulation 21, be the “initiation date”.

Opposition
proceedings:
evidence rounds.

21. (1) The person opposing the registration shall, within three months of the initiation date file any evidence he considers necessary to adduce in support of his grounds of opposition.

(2) Where the person opposing the registration files no evidence under subregulation (1), he shall, unless the Registrar otherwise directs, be deemed to have withdrawn his opposition.

(3) The Registrar shall notify the applicant of any direction given under subregulation (2).

(4) The applicant may file any evidence he may consider necessary to adduce in support of his application —

(a) within three months of the evidence being filed under subregulation (1); or

(b) within three months of the Registrar sending him notification that a direction has been given under subregulation (2).

(5) Where the applicant files evidence under subregulation (4), the person opposing the registration may, within three months of such evidence being filed, file any evidence in reply; such evidence shall be confined to matters strictly in reply to the applicant’s evidence.

(6) The Registrar may, at any time if he thinks fit, give leave to either party to file evidence upon such terms as he thinks fit.

(7) Under this rule, evidence shall only be considered filed when —

(a) it has been received by the Registrar accompanied by Form 6; and

(b) it has been sent to all other parties to the opposition.

(8) Where the periods for filing evidence under subregulations (1) and (4) and, if relevant, subregulation (5)

have expired, the Registrar shall request that the parties give written notice of whether they wish to be heard.

(9) Where any party requests to be heard, the Registrar shall send to the parties notice of a date for the hearing.

22. (1) When the Registrar has made a decision on the acceptability of an application for registration following the procedure under regulations 19 to 21, he shall send the applicant and the person opposing the application written notice of it, stating the reasons for her decision.

Decision of Registrar in opposition proceedings.

(2) For the purpose of any appeal against the Registrar's decision the date of the decision shall be the date when notice of the decision is sent under subregulation (1) above.

23. (1) Where the Registrar finds that the conditions referred to in section 5 of the Act are fulfilled, and either—

Registration of marks; publication of reference thereto; issuance of certificate.

- (a) the registration of the mark has not been opposed within the prescribed time limit; or
- (b) the registration of the mark has been opposed and the opposition has been decided in the applicant's favour,

the Registrar shall register the mark in accordance with this Regulation, publish a reference to the registration and issue to the applicant a certificate of registration, or otherwise, he shall refuse the application;

(2) The Registrar shall allot to each marks he registers a number in the sequential order of registration;

(3) The registration of a mark shall include —

- (a) a representation of the mark;
- (b) the number of the mark;
- (c) the name and address of the registered owner;
- (d) the name and address of the agent, if any;

- (e) the filing date and date of registration;
- (f) if priority has been claimed and the claim has been accepted, the country or countries in which or for which the earlier application was filed; and
- (g) the list of goods or services in respect of which the registration of the mark had been made with an indication of the corresponding class or classes of the International Classification;

(4) The publication of the reference to the registration of a mark under subregulation (1) shall contain the particulars specified in subregulation (3); and

(5) The certificate of registration of a mark shall be issued on Form 12.

Renewal of
registration.

24. (1) The request for renewal of the registration of a mark under section 6(6) of the Act may be made during the six month period preceding the expiry of the registration and shall be signed by the registered owner or his agent.

(2) The renewal shall be subject to payment of the renewal fee which shall be paid within the period specified in subregulation (1) hereof or, upon payment of the prescribed surcharge, within the grace period allowed under section 6(7) of the Act.

(3) The renewal of the registration of a mark shall be recorded in the Register and shall be published.

(4) The Registrar shall issue to the registered owner a certificate of renewal which shall contain ---

- (a) the registration number of the mark;
- (b) the date of renewal and the date of the expiry;
- (c) the name and address of the registered owner;
and

- (d) the list of goods or services in respect of which the mark has been registered with an indication of the corresponding class or classes of the International Classification.

25. Regulations 8 to 24 shall apply, *mutatis mutandis*, to Collective marks. collective marks subject to the following —

- (a) an application for registration of a collective mark shall not be accepted unless, in the application for registration, the mark is designated as a collective mark, and unless the application is accompanied by a copy of the regulations governing the use of the mark, duly certified by the applicant; no legalization of such certification shall be required;
- (b) the regulations governing the use of the collective mark shall define the common characteristics or quality of the goods or services which the collective mark shall designate and the conditions under which and the persons by whom it may be used; they shall provide for the exercise of effective control of the use of the mark in compliance with those regulations, and shall determine adequate sanctions for any use contrary to the said regulations;
- (c) a copy of the regulations governing the use of the mark shall be appended to the registration of a collective mark;
- (d) publication of a reference to the registration of the collective mark, in accordance with regulation 23(1), shall include a summary of the regulations appended to the registration;
- (e) notification of changes effected in the regulations governing the use of the mark shall be in writing and filed with the Registrar;
- (f) all notifications of such changes shall be recorded in the Register; changes in the regulations shall have no effect until such recording; and, a summary of the recorded changes shall be published; and

(g) for the purposes of use of the collective mark in connection with section 17 of the Act, the registered owner of a collective mark may use the mark himself provided it is also used by other authorized persons in accordance with the regulations governing such use; use by such persons shall be deemed to be use by the registered owner.

Invalidation;
removal on the
ground of non-
use.

26. (1) The request, under section 7(1) of the Act, to invalidate the registration of a mark, shall be made together with the payment of the prescribed fee.

(2) Where the Court decides, on appeal under section 22(2) of the Act, that the mark shall be taken off the Register in respect of any of the goods or services for which it is registered, the Registrar shall, to that extent, remove the mark from the Register.

(3) The removal of a mark from the Register on the grounds of non-use shall be published.

Cancellation.

27. The registered proprietor of a mark may make a request in writing to the Registrar, accompanied by the prescribed fees, for the cancellation of the mark.

PART 3

GENERAL

Name, address
and address for
service.

28. There shall be furnished to the Registrar—

(a) by every applicant for the registration of a mark, an address for service in Antigua for the purpose of the application, and

(b) by every person (including the applicant for, or the owner of, a mark) concerned in any proceedings to which any of these Regulations relate, an address for service in Antigua;

and the address so furnished or, where another address (being an address in Antigua) has been furnished in place thereof, that address shall be treated for the purposes of that application or

those proceedings, as appropriate, as the address of that applicant or, as the case may be, of that person.

29. (1) A request by the owner of, or applicant for, a mark for the alteration of a name, nationality, address or address for service on record in respect of an application shall be made on Form 10 and shall be accompanied by the prescribed fee.

Change of name, address or address for service.

(2) Before acting on a request to alter a name or nationality, the Registrar may require such proof of the alteration as he thinks fit.

(3) If the Registrar is satisfied that the request should be allowed, he shall cause the application and, where the name, nationality or address has been recorded in the Register, the Register to be altered accordingly.

30. (1) The request, under section 17 of the Act, for the recording of a change of ownership of a title granted under the Act or of an application therefor shall be made to the Registrar on Form No. 11 and shall be subject to payment of the prescribed fee.

Changes in ownership; licence contracts.

(2) The publication of the change of ownership shall specify—

- (a) the title of registration concerned;
- (b) the filing date, the priority date, if any, and the date of registration;
- (c) the owner and the new owner; and
- (d) the nature of the change of ownership.

(3) A licence contract submitted for recordal under section 17(5) of the Act shall be accompanied by the prescribed fee.

31. (1) The appointment of an agent shall be by an authorisation of agent which shall be signed by the applicant or, if there are more than one, by each applicant.

Appointment of agent.

(2) The appointment of an agent may be filed together with Form 1 or within two months from its filing date, and if the appointment is not thus made and is not in accordance with section 18 of the Act, any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

(3) A local attorney at law or agent admitted to represent clients before the Intellectual Property Office may be appointed as an agent.

(4) An agent who is not a local attorney at law shall apply to the Registrar to be registered as an agent admitted to represent clients before the Intellectual Property Office.

(5) The address of the agent shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communications to the person or persons who appointed the agent shall be transmitted.

Excluded days.

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

Consultation of registers; extracts and copies of documents .

33. Consultation of the Registers shall be subject to payment of the prescribed fee; requests for certified copies of extracts from a Register or for copies of documents shall be made to the Registrar in writing and shall be subject to payment of the prescribed fee.

Corrections of errors.

34. Corrections of errors, under section 20 of the Act, may be made by the Registrar upon receipt of a request in writing and subject to such terms as he may consider appropriate, or on his own initiative; corrections made shall be communicated in writing to all interested persons, and, where considered necessary, shall be published by the Registrar.

Hearing.

35. (1) Before exercising adversely to any person any discretionary power given to the Registrar by the Act or these Regulations, the Registrar shall notify such person, in writing, of the opportunity to be heard thereon, and indicating a time

limit, which shall not be less than one month, for filing a request for a hearing;

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

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

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

(2) Subregulation (1) does not apply to the accordance of the filing date.

37. (1) Where under these Regulations evidence may be filed, it shall be by statutory declaration or affidavit; and Evidence.

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

38. (1) Any statutory declaration or affidavit filed under the Act or these Regulations shall be made before any officer authorized by law in any part of Antigua to administer an oath for the purpose of any legal proceedings; and Statutory declarations and affidavits.

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

39. Particulars of marks and other information required to be published under the Act or these Regulations shall be published in accordance with the directions of the Registrar. Publication.

40. Where no provision is made in the Act or these Regulations in respect of any matter arising in the administration of the Act, the Registrar may give such directions in respect thereof as he considers necessary in the circumstances. Administrative Directions.

SCHEDULE 1

(Regulation 3)

FEES

For registration of one mark	\$250.00
For registration of more than one mark for goods in one class—	
(a) for the first mark	\$250.00
(b) for each additional mark	\$75.00
For registration of the same mark for goods in more than one class—	
for the first mark	\$250.00
for each additional class	\$50.00
For the renewal of mark—	
on or before the date of expiration	\$175.00
within three months after expiration	\$200.00
more than three months after expiration	\$300.00
restoration of mark to the register	\$300.00
For any other alteration or rectification	\$40.00
For settling a special case by the Registrar	\$175.00
For inspecting the register	\$25.00
For office copies, per page	\$15.00
For certified copies and every certificate	\$50.00
For recording of Change of Name or Address	\$40.00
For filing counterstatement or any opposition proceedings document	\$100.00
For filing of license contract	\$50.00
Filing of any other document not included above	\$25.00

**SCHEDULE 2
(Regulation 4)
Forms**

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 1
THE TRADE MARKS ACT, 2003

For Official Use
Date of Receipt by
Registrar's Office:

APPLICATION No.:

(Office's Stamp)

APPLICATION FOR REGISTRATION
OF A MARK

To: The Registrar

FILING DATE:

Applicant's or Representative's File Reference:

**I. THE APPLICANT(S) REQUEST(S) THE REGISTRATION OF A MARK
IN RESPECT OF THE FOLLOWING PARTICULARS:**

Name:

Address:

Nationality:

Country of residence or principal place of business:

Telephone Number

Facsimile

Email

II. AGENT

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

accompanying this Form

to be filed within two
months from the filing of
this Form

Name:

Address:

Telephone number

Facsilile

Email

III. COLLECTIVE MARK

- This application for registration concerns a collective mark.
- The regulations governing the use of the collective mark are attached.

IV. REPRODUCTION OF MARK

- Transliteration accompanies application
- Translation accompanies application
- Fees accompany application

V. CLASSES

Registration is requested in respect of the following goods and/or services, listed under the applicable classes of the International Classification:

VI. ADDITIONAL INFORMATION accompanies this Form (specify)

VII. SIGNATURE
(Applicant/Agent)* (Date)

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

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 2
THE TRADE MARKS ACT, 2003
AUTHORISATION OF AGENT

For Official Use

Date of Receipt by Registrar's
Office:
APPLICATION No.:

I APPOINTMENT

The undersigned hereby appoints as his representative the person identified in item 3, below.

II NAME OF THE PERSON MAKING THE APPOINTMENT

III REPRESENTATIVE

Name:

Address:

Telephone

Facsimile

Email

IV. APPLICATION(S) AND/OR REGISTRATION(S) CONCERNED

This authorisation of agent concerns:

- all existing and future applications and/or registrations of the person making the appointment, subject to any exception indicated on an additional sheet.
 - the following application(s) and/or registration(s):
 - the application(s) concerning the following marks(s):
 - the application(s) having the following application number(s) as well as any registration(s) resulting therefrom:
 - If the spaces are not sufficient, check this box and provide the information on an additional sheet.
-

SIGNATURE OR SEAL

Name of the natural person who signs or whose seal is used:

Date of signature or of sealing:

Signature or seal:

VI. ADDITIONAL SHEETS AND ATTACHMENTS

- Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 3
 THE TRADE MARKS ACT, 2003
 NOTICE OF OPPOSITION AND STATEMENT OF GROUNDS

For Official Use
 Date of Receipt by
 Registrar's Office:

To: The Registrar
 Antigua and Barbuda

1. Mark number.	
2. Full name of the applicant or registered proprietor.	
3. Full name and address of the opponent.	
4. Name and address of the agent (if any)	
5. Are there any related proceedings currently with the Intellectual Property Office or the courts? If so, give application, registration or opposition number	
6. Under what sections of the Trade Marks Act are you opposing this application?	
7. Declaration Your signature Your name in BLOCK CAPITALS. Date	I believe that the facts stated in this notice and in the attached statement of grounds are true.
8. Name and daytime phone number of the person we should contact in case of query. Your Reference Number of sheets attached to this form	This is sheet 1 of

Notes You must attach a separate sheet for each earlier mark you rely on.
 If there is not enough space for your answers to any section, you may use extra blank sheets.

Number every extra sheet and say in question 8 above how many sheets you have used.

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 4

THE TRADE MARKS ACT, 2003

NOTICE OF DEFENCE AND COUNTERSTATEMENT

For Official Use

Date of Receipt by Registrar's

Office:

To: The Registrar
Antigua and Barbuda

1. Mark number.	
2. Full name of the applicant or registered proprietor.	
3. Opposition, invalidation, revocation, or rectification number.	
4. Name and address (including postcode) of the agent (if any).	
5. If a statement of use of any earlier marks has been given in support of the opposition or invalidation action, do you accept this statement?	
6. If you answered "No" to question 5, do you want the other side to provide proof of use of the earlier marks? If you want the other side to provide proof of use you must state in your counterstatement for which earlier marks and for which goods and services you require that proof.	

7. Counterstatement

<p>8. Declaration.</p> <p>Your signature.</p> <p>Your name in BLOCK CAPITALS.</p> <p>Date.</p>	<p>I believe that the facts stated in this notice of defence and counterstatement are true</p>
<p>9. Name and daytime phone number of the person we should contact in case of query.</p> <p>Your reference.</p> <p>Number of sheets attached to this form.</p>	<p>This is sheet 1 of</p>

Note If you need more space for your counterstatement you may attach separate sheets. Number each one and say in question 9 how many sheets you have used.

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 5

THE TRADE MARKS ACT, 2003

REQUEST FOR A COOLING OFF PERIOD

For Official Use

Date of Receipt by Registrar's

Office:

To: The Registrar
Antigua and Barbuda

1. Mark number	
2. Opposition number	
3. Full name of person or company making this request.	
4. Is this the applicant or the opponent?	
5. Name and address (including postcode) of the agent (if any).	
6. Declaration Your signature. Your name in BLOCK CAPITALS Date	I confirm that the other party to these proceedings has agreed to this request for a cooling off period
7. Name and daytime phone number of the person we should contact in case of query Your reference. Number of sheets attached to this form.	

Note You must get the other side's agreement to this request before you sign the declaration in question 6. You may attach their written agreement to this form if you wish.

We will not agree the request unless both sides want a cooling off period.

We cannot extend the twelve month cooling off period.

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 6

THE TRADE MARKS ACT, 2003

NOTICE OF GIVING EVIDENCE

For Official Use

Date of Receipt by Registrar's
Office:

To: The Registrar
Antigua and Barbuda

1. Mark number	
2. Opposition revocation rectification number	
3. Full name of person or company giving this evidence	
4. Is this the applicant, the opponent or the registered proprietor?	
5. Name and address of the agent (if any).	
6. List of evidence included	
7. Is this your last evidence in this round? Name of the person giving the evidence	Reference number(s) of their exhibits
8. Your signature. Your name in BLOCK CAPITALS Date	
9. Name and daytime phone number of the person we should contact in case of query. Your reference. Number of sheets attached to this form	This is sheet 1 of

Note If there is not enough space for your answers to question 6, you may use separate sheets.

Number each one and say in question 9 how many sheets you have used.

Do not count the number of sheets of evidence.

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 7
 THE TRADE MARKS ACT, 2003
 REQUEST FOR AN EXTENSION OF TIME

For Official Use
 Date of Receipt by Registrar's
 Office:

To: The Registrar
 Antigua and Barbuda

1. Mark number. Please put an 'M' in front of Madrid marks	
2. Is this request for a mark: (a) application which has not had a hearing; (b) application which has had a hearing; or (c) which is in dispute, for example, under opposition, invalidation, revocation, or rectification.	
3. If 2(c) applies, what is the opposition, invalidation, revocation, or rectification number. (See note 1.)	
4. How much more time do you want? (See note 2.)	
5. Why do you want more time?(Use a separate blank sheet if there is not enough space for your answer.)	
6. Full name of the person or company making this request.	
7. Your address (including postcode), or your agent's name and address, if you have one.	
8. Your signature Your name in BLOCK CAPITALS. Date	
9. Name and daytime phone number of the person we should contact in case of query Your reference Number of sheets attached to this form	

Notes

1. If the request is for a mark which is in dispute, you must send a copy of this request to everyone else involved in the case.
2. We do not normally agree requests for extensions of more than three months.

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 8 THE TRADE MARKS ACT, 2003	For Official Use Date of Receipt by Registrar's Office: APPLICATION No.: (Office's Stamp)
REQUEST FOR THE RENEWAL OF A REGISTRATION	

I. INDICATION THAT RENEWAL IS SOUGHT

The renewal of the registration identified in the present request is hereby requested.

II. REGISTRATION CONCERNED

Registration number:

Filing date of the application which resulted in the registration:

Registration date:

III. HOLDER(S)

If the holder is a natural person, the person's

(a) family or principal name:

(b) given or secondary name(s):

If the holder is a legal entity, the entity's full official designation:

Address

Telephone

Facsimile

Email

Check this box if there is more than one holder; in that case, list them on an additional sheet and indicate, in respect of each of them, the address and contact information.

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 9
THE TRADE MARKS ACT, 2003
RECORDING OF CHANGE IN OWNERSHIP

For Official Use
Received on:

To: The Registrar
Antigua and Barbuda

I. IN THE MATTER OF:

II. APPLICANT(S) OWNER(S)*

Name:

Address

III. REQUEST

The Registrar is hereby requested to record the change in ownership of
the above-identified

.....**

The present applicant(s)/owner(s)* is/are identified above.
The new applicant(s)/new owner(s)* is/are identified below.

IV. NEW APPLICANT(S)/NEW OWNER(S)*

Name:

Address:

Nationality:

Residence or principal place of business:

*Delete whichever does not apply

** Indicate application or title concerned.

Address for service in Antigua and Barbuda:

Telephone

Facsimile

Email

V ADDITIONAL INFORMATION

The following items accompany this Form:

- the original or a certified copy of the document evidencing t
of ownership,
- signed by or on behalf of the contracting parties
- other documents evidencing the change in ownership (spe
- fees
- other (specify)

VI SIGNATURES

(New Applicant/New Owner*)

(Date)

(Applicant/Owner*)

(Date)

* Delete whichever does not apply and type name under signature.

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 10

THE TRADE MARKS ACT, 2003

For Official Use

Received on:

To: The Registrar
Antigua and Barbuda

RECORDING OF CHANGE
IN NAME(S) OR ADDRESS(S)

I. IN THE MATTER OF:

II. APPLICANT(S)/OWNER(S)*

Name

Address

Address for service in Antigua and Barbuda:

Telephone

Facsimile

Email

III. REQUEST

The Registrar is hereby requested to record the change in name(s) or
addressee(s) in the present request

IV. INDICATION OF THE CHANGES

Data to be changed

Data as changed

- Check here if space is insufficient and an additional sheet is attached

V. ADDITIONAL INFORMATION

The following items accompany this Form:

- the original or a certified copy of the document evidencing the change in name
- other documents evidencing the change in name (specify)
- fees

VI. SIGNATURE (Applicant/Agent*) (Date)

* Delete whichever does not apply and type name under signature.

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 11

THE TRADE MARKS ACT, 2003
REQUEST FOR CORRECTION OF MISTAKES

For Official Use
Received on:

To: The Registrar
Antigua and Barbuda

I. IN THE MATTER OF:

II. APPLICANT(S)/OWNER(S)*

Name

Address

Address for service in Antigua and Barbuda:

Telephone

Facsimile

Email

III. REQUEST

The correction(s) identified in the present request is/are hereby requested.

IV. INDICATION OF THE CHANGES

Data to be changed

Data as changed

Check here if space is insufficient and an additional sheet is attached

V ADDITIONAL SHEETS AND ATTACHMENTS

- Check this box if additional sheets and/or attachments are
and indicate the total number of such sheets and/or attachr

VI SIGNATURE
(Applicant/Agent*) (Date)

* Delete whichever does not apply and type name under signature.

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 12
THE TRADE MARKS ACT, 2003

CERTIFICATE OF REGISTRATION OF MARK

The Mark shows above (Being a collective mark)* has been registered in the Register under No.

as of the in Class(es)

on in respect of
(date)

in the name of
.....
(address)

Dated this day of

.....
Registrar

Registration is for ten years from the date first above-mentioned and may be renewed for additional successive ten-year periods.

* Deleted if necessary.

Made this 6th day of September, 2006.

Colin V.A. Derriel,
Minister of Justice.

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