

THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

944F¹

Vol. CXLVI

WEDNESDAY, APRIL 19, 2023

No. 81B

No. 116B

Extract from the Minutes of the meeting of the Honourable Senate held on Friday, March 24, 2023:

PUBLIC BUSINESS

The Honourable Senator Aubyn Hill, Minister of Industry, Investment and Commerce, continued debate on the motion:

THE TRADE MARKS ACT

THE TRADE MARKS (AMENDMENT) RULES, 2022, RESOLUTION

WHEREAS section 78 of the Trade Marks Act (hereinafter referred to as the Act) provides that the Minister may from time to time make such rules, subject to affirmative resolution—

- (a) for regulating the practice under the Act including the service of documents;
- (b) for classifying goods for the purposes of registration of trade marks;
- (c) for making or requiring duplicates of trade marks and other documents;

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- (d) for securing and regulating the publishing and selling or distributing in such manner as he may think fit, of copies of trade marks and other documents;
 - (e) for the regulation of trade mark agents;
 - (f) prescribing fees payable under this Act;
 - (g) generally, for regulating the business of the Office of the Registrar of Companies in relation to trade marks and all things by this Act placed under the direction or control of the Registrar:

AND WHEREAS on the 15th day of December, 2022, the Minister made the Trade Marks (Amendment) Rules, 2022:

NOW THEREFORE, BE IT RESOLVED by this Honourable House as follows:

1. This Resolution may be cited as the Trade Marks (Amendment) Rules, 2022, Resolution.
2. The Trade Marks (Amendment) Rules, 2022, which was laid on the Table of the Senate on the 10th day of February 2023, is affirmed.

Senator Donna Scott Mottley and Senator Sherene Golding Campbell also spoke on the motion.

Seconded by: Senator Donna Scott Mottley

Agreed to

(Senator Ransford Braham, CD, entered and took his seat.)

(Senator Damion Orande Crawford entered and took his seat.)

I certify that the above is a true extract from the Minutes.

VALRIE A. CURTIS, CD, BH(M), JP
Clerk to the Houses.

No. 116C

Extract from the Minutes of the meeting of the House of Representatives held on Wednesday, April 19, 2023:

PUBLIC BUSINESS

The Honourable Nigel Clarke, DPHIL, Minister of Finance and the Public Service, moved:

THE TRADE MARKS ACT

THE TRADE MARKS (AMENDMENT) RULES, 2022, RESOLUTION

WHEREAS section 78 of the Trade Marks Act (hereinafter referred to as the Act) provides that the Minister may from time to time make such rules, subject to affirmative resolution—

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- (a) for regulating the practice under the Act including the service of documents;
 - (b) for classifying goods for the purposes of registration of trade marks;
 - (c) for making or requiring duplicates of trade marks and other documents;
 - (d) for securing and regulating the publishing and selling or distributing in such manner as he may think fit, of copies of trade marks and other documents;
 - (e) for the regulation of trade mark agents;
 - (f) prescribing fees payable under this Act;
 - (g) generally, for regulating the business of the Office of the Registrar of Companies in relation to trade marks and all things by this Act placed under the direction or control of the Registrar:

AND WHEREAS as the 15th day of December, 2022, the Minister made the Trade Marks (Amendment) Rules, 2022:

NOW THEREFORE, BE IT RESOLVED by this Honourable House as follows:

1. This Resolution may be cited as the Trade Marks (Amendment) Rules, 2022, Resolution.
2. The Trade Marks (Amendment) Rules, 2022, which was laid on the Table of the House on the 18th day of April, 2023, is affirmed.

Seconded by: Mr. Robert Miller

Agreed to.

I certify that the above is a true extract from the Minutes.

VALRIE A. CURTIS, CD, BH(M), JP
Clerk to the Houses.

No. 116D

THE TRADE MARKS ACT

THE TRADE MARKS (AMENDMENT) RULES, 2022, RESOLUTION

WHEREAS section 78 of the Trade Marks Act (hereinafter referred to as the Act) provides that the Minister may from time to time make such rules, subject to affirmative resolution—

- (a) for regulating the practice under the Act including the service of documents;
- (b) for classifying goods for the purposes of registration of trade marks;
- (c) for making or requiring duplicates of trade marks and other documents;
- (d) for securing and regulating the publishing and selling or distributing in such manner as he may think fit, of copies of trade marks and other documents;

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- (e) for the regulation of trade mark agents;
 - (f) prescribing fees payable under this Act;
 - (g) generally, for regulating the business of the Office of the Registrar of Companies in relation to trade marks and all things by this Act placed under the direction or control of the Registrar:

AND WHEREAS on the 15th day of December, 2022, the Minister made the Trade Marks (Amendment) Rules, 2022:

NOW THEREFORE, BE IT RESOLVED by this Honourable House as follows:—

1. This Resolution may be cited as the Trade Marks (Amendment) Rules, 2002, Resolution.
2. The Trade Marks (Amendment) Rules, 2022, which was laid on the table of the House on the 18th day of April, 2023, is affirmed.

THE TRADE MARKS ACT

THE TRADE MARKS (AMENDMENT) RULES, 2022

In exercise of the power conferred upon the Minister by section 78 of the Trade Marks Act, and of every other power hereunto enabling, the following Rules are hereby made:—

1. These Rules may be cited as the Trade Marks (Amendment) Rules, 2022, and shall be read and construed as one with the Trade Marks Rules, 2001 (hereinafter referred to as the principal Rules) and all amendments thereto.

2. Rule 2(1) of the principal Rules is amended by inserting, in the correct alphabetical sequence, the following—

“communication service” means a service by which a document may be sent or delivered and includes post, facsimile, electronic mail, courier or an electronic communication system;

“electronic communication system” has the meaning assigned to it under the Electronic Transactions Act;

“electronic document” has the meaning assigned to it under the Electronic Transactions Act;

“information” has the meaning assigned to it under the Electronic Transactions Act;

“Nice Classification of Goods and Services” means the system of classification of goods and services (as amended, revised and published from time to time) established under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, concluded at Nice in 1957, revised at Stockholm in 1967 and at Geneva in 1977, amended in 1979, and acceded to by Jamaica on the 7th day of November, 2005;”.

3. Rule 4 of the principal Rules is amended by—

- (a) renumbering the rule as paragraph (1) of the rule; and
- (b) inserting next after paragraph (1), as renumbered, the following—
 - “ (2) The Registrar may issue directions with respect to the use of any form.
 - (3) The Registrar shall cause to be published on the Office’s website—
 - (a) directions issued by the Registrar with respect to the use of any form;
 - (b) any amendment of directions with respect to the use of a form; and
 - (c) any amendment of a form.
 - (4) Except in relation to an international application, a requirement under these Rules to use a prescribed form is satisfied by the use either of a replica of that form or of a form that is acceptable to the Registrar and—
 - (a) contains the information required by the prescribed form; and
 - (b) complies with these Rules and any directions as to the use of such a form.”

4. Rule 5 of the principal Rules is amended by—

- (a) deleting paragraph (2) and substituting therefor the following—
 - “ (2) Where an application relates to a trade mark which—
 - (a) is three dimensional, the application shall contain—
 - (i) a graphical representation;
 - (ii) a photographic reproduction; or
 - (iii) a computer-generated image of the mark in three-dimensional format which shows multiple views of the mark from different perspectives;
 - (b) is a colour mark, the application shall contain a written description of the colour or colours and a reference to an internationally recognized colour identification system;
 - (c) is a sound mark, the application shall contain a graphical representation of the sound which shall include the musical score or a written description of the sound and an audio file of the sound;
 - (d) is a smell mark, the application shall contain a written description of the scent and may contain the chemical formulation that creates the scent;

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- (e) is a motion mark, the application shall contain a video file and a series of graphical images that sequentially represent the motion with a written description of the movement, provided that the Registrar allows the filing as a series of marks or is of the view that the various images represent one mark;
 - (f) is a touch mark, the application shall contain a written description of what the mark feels like, with a clear and unambiguous description of its touch characteristics;
 - (g) is a taste mark, the application shall contain a written description of the taste and may contain the chemical formulation that produces the taste;
 - (h) is a pattern mark, the application shall contain a reproduction showing the mark and a description detailing the nature of the regularly repeated elements;
 - (i) is a hologram mark, the application shall contain a video file and a graphic or photographic reproduction containing the views necessary for sufficiently identifying the holographic effect in its entirety; or
 - (j) is a multimedia mark, the application shall contain a written description of the image and the sound and an audio-visual file containing both the image and the sound.”; and
- (b) inserting next after paragraph (3) the following—
- “ (4) Where the applicant claims a colour or a combination of colours as a distinctive feature of a trade mark, the applicant shall include—
- (a) a statement to that effect on the Form TMI, specifying the colour or combination of colours claimed, by reference to an internationally recognised colour identification system; and
 - (b) copies, in colour, of the trade mark.”.

5. The principal Rules are amended by inserting next after rule 5 the following—

- “Request for expedited examination of trade mark registration application.
First Schedule.
- 5A.—(1) Subject to paragraph (5), an applicant for the registration of a trade mark may request that the Registrar expedite examination of the application.
- (2) A request for expedited examination of the application shall be made on Form TMI, or by such other means as the Registrar may permit in any particular case, and shall be subject to payment of the fee prescribed in the First Schedule.

(3) Where an applicant makes a request for expedited examination, the application fee and any class fees payable in respect of the application shall be payable at the time the application is made.

(4) Where the Registrar receives a request for expedited examination, the date on which the Registrar shall be deemed to have notified the applicant, whether or not it appears to the Registrar that the requirements for registration are met, shall be the date on which notice is sent to the applicant.

(5) The Registrar may, at any time—

- (a) suspend the right to request expedited examination under paragraph (1) for such period as the Registrar deems fit; or
- (b) resume the right to request expedited examination suspended under sub-paragraph (a).

(6) Where the Registrar suspends or resumes the right to request expedited examination under paragraph (5), the Registrar shall publish a notice in the Office and on the Office's website of the date—

- (a) from which the right is suspended; and
- (b) upon which the right shall resume.

(7) In this rule, a "request for expedited examination" means a request that the Registrar examine the application for registration under section 21 of the Act, and notify the applicant within an expedited period as the Registrar deems fit, from the date of filing of the application for registration, whether or not it appears to the Registrar that the requirements for registration are met.

(8) The Registrar shall, from time to time, publish in the Office and on the Office's website, a notice stating the expedited period referred to in paragraph (7).

Request for expedited processing of an application or request other than application for registration.

5B.—(1) Subject to paragraph (4), any request or application filed other than an application for registration of a trade mark, may be accompanied by a request by the applicant to the Registrar to expedite processing of the application or request.

(2) Where the applicant makes a request for expedited processing under this rule, such request shall be made by letter or by such other means as the Registrar may permit in any particular case, and the applicant shall pay—

First Schedule.

- (a) the fee prescribed in the First Schedule; and
- (b) the application fee and any class fees payable in respect of the application.

(3) Where the Registrar receives a request for expedited processing under this rule, the date on which the Registrar shall be deemed to have notified the applicant shall be the date on which notice is sent to the applicant.

(4) The Registrar may at any time—

- (a) suspend the right to request expedited processing under paragraph (1) for such period as the Registrar deems fit; or
- (b) resume the right to request expedited processing suspended under sub-paragraph (a).

(5) Where the Registrar suspends or resumes the right to request expedited processing under paragraph (4), the Registrar shall publish a notice in the Office and on the Office’s website of the date—

- (a) from which the right is suspended; and
- (b) upon which the right shall resume.”.

(6) In this rule, a “request for expedited processing” means a request that the Registrar process the application or request, and notify the applicant of the determination of the application or request within such expedited period as the Registrar deems fit from the date of filing of the application or request.

(7) The Registrar shall, from time to time, publish in the Office and on the Office’s website, a notice stating the expedited period referred to in paragraph (6).

Application resulting from the transformation of an international registration. First Schedule.

5C. For the purposes of section 26L of the Act, an application resulting from the transformation of an international registration shall be in the form set out as Form TM27 and filed on payment of the application fee prescribed in the First Schedule.”.

6. Rule 7 of the principal Rules is amended—

- (a) in paragraph (1), by deleting the words “Fourth Schedule” and substituting therefor the words “Version of the Nice Classification of Goods and Services in force at the time of the conversion”; and
- (b) by deleting paragraph (2) and substituting therefor the following—
 - “ (2) For the purposes of—
 - (a) a trade mark registration in respect of goods or services dated on or after the 1st day of December, 1958; and

- (b) any registration dated before that date in respect of which the specifications were converted under the old law,

the goods and services shall be classified in accordance with the version of the Nice Classification of Goods and Services in force at the time of the filing of the application or of the conversion of the registration, as the case may be.”.

7. Rule 8 of the principal Rules is amended—

- (a) in paragraph (1), by deleting the words “Fourth Schedule” and substituting therefor the words “version of the Nice Classification of Goods and Services in force at the time of the filing of the application”;
- (b) in paragraphs (2) and (3) by deleting the words “in the Fourth Schedule” in each case; and
- (c) inserting next after paragraph (3), the following—

“ (4) Subject to paragraph (5), an application for the registration of a trade mark shall not include a reference to class headings under the Nice Classification of Goods and Services.

(5) The Registrar shall refuse to consider an application for the registration of a trade mark that includes a reference to class headings under the Nice Classification of Goods and Services, unless the Registrar determines that the specification is not vague.”.

8. Rule 9 of the principal Rules is amended—

- (a) in paragraph (1)—
- (i) in sub-paragraph (c), by renumbering sub-sub-paragraphs (i) to (iii) as sub-sub-paragraphs (ii) to (iv) respectively, and inserting before sub-sub-paragraph (ii), as renumbered, the following—
- “ (i) under section 30 of the Act for the registration of a registrable transaction;”;
- (ii) in sub-paragraph (d), by deleting the word “and”;
- (iii) in sub-paragraph (e), by deleting the full stop and substituting therefor the words “; and”; and
- (iv) by inserting next after sub-paragraph (e) the following—
- “(f) any other person in relation to whom the Registrar requires an address for service to be filed.”;
- (b) in paragraph (3), by deleting the words “section 54 of”;

(c) by deleting paragraph (5) and substituting therefor the following—

“ (5) The Registrar may—

- (a) where no address for service is filed, treat as the address for service of the person concerned, the person’s trade or business address in Jamaica, if any; or
- (b) require the person concerned to file an address for service using the prescribed form.”; and

(d) by inserting next after paragraph (7) the following—

“ (8) Where a person has provided an address for service, that person may substitute a new address for service by notifying the Registrar on Form TM3 on payment of the fee prescribed in the First Schedule.

First
Schedule.

(9) Notwithstanding paragraph (1)(a), the holder of—

- (a) an international registration, where designating Jamaica in the international registration, is not required to file an address for service in Jamaica; and
- (b) an international registration designating Jamaica, shall file an address for service in Jamaica where—
 - (i) responding to a refusal from the Registrar;
 - (ii) making a subsequent application; or
 - (iii) making a request, directly to the Registrar, in respect of that registration.”.

9. Rule 12 of the principal Rules is amended—

- (a) in paragraph (1), by deleting the word “without” and substituting therefor the word “within”;
- (b) in paragraph (5), by deleting the words “who shall” and substituting therefor the word “and”;
- (c) by deleting paragraph (6) and inserting next after paragraph (5) the following—

“ (6) If the applicant fails to file a counter-statement within the period allowed by these Rules, the application for registration of the trade mark shall be deemed to be abandoned.

(6A) The holder of an international registration may file a counter-statement within a period of two months, from the date of notification by the International Bureau to the holder.

(6B) Where the holder of an international registration does not file a counter-statement within the period allowed by these Rules, the designation of Jamaica shall be deemed to be abandoned.”;

(d) by inserting next after paragraph (7) the following—

“ (7A) Within the period specified in paragraphs (1), (3), (7) and (9), the opponent and the applicant shall file, with the Registrar, notification in writing evidencing proof of service where applicable, on the other party.

(7B) The notification referred to in paragraph (7A) shall contain the following information—

- (a) the date and time of service;
- (b) the method of service;
- (c) the person on whom the documents were served;
- (d) whether the service was effected in person; and
- (e) the address of service.

(7C) A party who does not comply with paragraphs (7A) and (7B) may be treated as not desiring to be heard and the Registrar may act accordingly.”;

(e) in paragraph (9) by inserting next after the words “two months of the” the words “date of”; and

(f) in paragraph (12), by deleting the word “arguments” and substituting therefor the word “submissions”.

10. The principal Rules are amended by inserting next after rule 12, the following—

“Registrar may conduct hearings. 12A.—(1) The Registrar may decide that a hearing shall not be conducted orally, and may conduct the hearing by submissions made in writing.

(2) The Registrar may conduct a hearing orally if—

- (a) the Registrar so requires; or
- (b) in the case of a dispute between two or more parties, a party to the hearing requests to be heard orally, and the Registrar determines that hearing the oral submissions of that party or the other parties is in the interest of justice.

(3) Where a person is to be heard, orally or in writing, the Registrar shall give the parties the opportunity to provide submissions in writing before taking a decision that is adverse to any party.

(4) In these Rules, “hear”, “heard” and “hearing” includes proceedings conducted orally, or in writing.”.

11. Rule 15 of the principal Rules is amended by inserting next after paragraph (5) the following—

“ (6) A request for division of an international registration designating Jamaica shall be presented to the Registrar on the prescribed form.

(7) The request for division shall be filed on payment of the fee prescribed in the First Schedule and contain the following information—

First
Schedule.

- (a) the international registration number;
- (b) the name of the holder of the international registration; and
- (c) the goods and services for which division is to be recorded.

(8) Where the request does not comply with the requirements under paragraphs (6) and (7), the Registrar shall give the holder of the international registration the opportunity to make the request compliant by submitting the required information or paying the fee prescribed in the First Schedule, as the case may be, within such period stipulated by the Registrar.

(9) Where the holder does not provide the information or pay the fee within the stipulated period as determined by the Registrar, the request for division shall be deemed to be abandoned and the Registrar shall not forward it to the International Bureau.

(10) Where the Registrar finds that the request for division meets the requirements specified in paragraph (7), the Registrar shall submit the request to the International Bureau.

(11) The Registrar shall respond to any irregularities notified by the International Bureau, concerning a request for division made under paragraph (6) within the stipulated period, and where necessary, consult with the holder regarding the irregularities notified.

(12) The Registrar shall—

- (a) update the Register of Trade Marks with the new international registration number for the divisional international registration;
- (b) continue processing of the international registration and of the divisional international registration; and

- (c) notify the International Bureau of the relevant decisions concerning the scope of protection for the international registration and of the divisional international registration.”.

12. Rule 16 of the principal Rules is amended—

- (a) in paragraph (1), by inserting immediately after the words “at any time” the words “before preparations for the publication of any of the applications have been completed by the Registrar”; and
- (b) inserting next after paragraph (6) the following—

“ (7) A request for merger of international registrations resulting from the recording of a divisional international registration, with the international registration from which the international registration was divided, may be made to the Registrar on the prescribed form provided that the same person is the holder in both international registrations.

First Schedule. (8) A request under paragraph (7) shall be made on payment of the fee prescribed in the First Schedule.

First Schedule. (9) Where the request does not comply with the requirements under paragraphs (7) and (8), the Registrar shall give the holder of the international registration the opportunity to make the request compliant by submitting the required information or paying the fee prescribed in the First Schedule, as the case may be, within such period stipulated by the Registrar.

(10) Where the holder does not provide the information or pay the fee within the stipulated period determined by the Registrar, the request for merger shall be deemed to be abandoned and the Registrar shall not forward the request to the International Bureau.

(11) Where the Registrar finds that the request for merger meets the requirements specified in paragraph (8), the Registrar shall submit the request to the International Bureau.

(12) The Registrar shall respond to any irregularities notified by the International Bureau, concerning the request for merger under paragraph (7), within the stipulated period, and where necessary, consult with the holder regarding such irregularities.

(13) The Registrar shall update the Register of Trade Marks with the international registration number resulting from the merger.”.

13. Rule 17 of the principal Rules is amended by inserting next after paragraph (4) the following—

“ (5) Where, pursuant to paragraph (4), the Registrar deletes a trade mark from an application for registration, the application, in so far as it relates to the deleted mark, shall be treated as withdrawn.

(6) The division of an application into one or more applications under paragraph (3) shall be subject to the payment of a divisional fee, an application fee and a class fee, as applicable.”.

14. Rule 19 of the principal Rules is amended—

(a) in paragraph (3) by deleting the words “the Registrar” where it appears a second time and substituting therefor the words “that person”;

(b) in paragraph (5), by deleting the words “The Registrar” and substituting therefor the words “The person who files a notice and statement of grounds of opposition under paragraph (4)”; and

(c) by inserting next after paragraph (5), the following—

“ (6) A person required by this rule to send a copy of a document to another person shall file, with the Registrar, evidence that the person has so complied and the date in respect of such compliance.”.

15. Rule 21 of the principal Rules is amended by deleting paragraph (5) and inserting therefor the following—

“ (5) The person who files a notice and grounds of opposition under paragraph (4) shall send a copy of each to the proprietors, after which the procedure in rule 12 shall apply to the proceedings relating to opposition to an application for registration.

(6) A person required by this Rule to send a copy of a document to another person shall file, with the Registrar, evidence that the person has so complied and the date in respect of such compliance.”.

16. Rule 23 (2) is amended by deleting the words “Renewal of registration” and substituting therefor the words “Notwithstanding any failure of the Registrar to notify the proprietor in accordance with paragraph (1), renewal of registration”.

17. Rule 24 of the principal Rules is amended—

(a) in paragraph (2), by inserting next after the words “expiration of the last registration” the words “or from the date of the Registrar’s notice to the proprietor under rule 23(1)”; and

(b) in paragraph (3), by deleting the word “Where” and substituting therefor the words “Notwithstanding any failure of the Registrar to notify the proprietor in accordance with rule 23(1), where”; and

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- (c) in paragraph (4), by deleting—
 - (i) the word “additional” and substituting therefor the word “late”;
 - and
 - (ii) the words “actual registration” and substituting therefor the words “expiration of the last registration”.

18. Rule 25 of the principal Rules is amended by inserting next after paragraph (2) the following—

“ (3) Where a mark is restored to the register, no proceedings for infringement shall lie against a third party who, in good faith, has put goods on the market or supplied services under a sign which is identical with or similar to the mark, in respect of the period beginning with the date of expiration of the registration and ending on the date of restoration of registration published in accordance with paragraph (2).”.

19. Rule 26 of the principal Rules is amended—

- (a) by deleting paragraphs (2) and (3);
- (b) by renumbering paragraphs (4) to (8) as paragraphs (5) to (9), respectively;
- (c) by inserting next after paragraph (1) the following—
 - “ (2) Where an application is made under sub-paragraph (a) or (b) of paragraph (1), the applicant shall serve a copy of the application and statement on the registered proprietor and thereafter, file with the Registrar a notification in writing, evidencing proof of service on the proprietor.
 - (3) Within two months after the date of the receipt of the application and statement by the proprietor, the proprietor shall—
 - (a) file with the Registrar a counter-statement together with Form TM5;
 - (b) serve the duplicate of the counter-statement together with Form TM5, on the applicant, so, however, that that where an application for revocation is based on the ground of non-use under section 43(1)(a) of the Act, the proprietor shall also file with the counter-statement and Form TM5 evidence of the use by the proprietor of the mark, and if the proprietor fails to make such filing, the Registrar may treat the proprietor’s opposition to the application as having been withdrawn; and
 - (c) file with the Registrar a notification in writing evidencing proof of service on the applicant.
 - (4) The notification referred to in paragraphs (2) and (3) shall contain—
 - (a) the date and time of service;

- (b) whether service was effected in person;
- (c) the address of service;
- (d) the person on whom the documents were served; and
- (e) the method of service.”; and
- (d) in paragraph (5), as renumbered, by deleting the words “(6) and (7)” and substituting therefor the words “(7) and (8)”.

20. Rule 28 of the principal Rules is amended by—

- (a) deleting paragraph (a) and substituting therefor the following—
 - “(a) the date of the registration as determined in accordance with section 24(4) of the Act (that is to say, the date of filing of the application for registration) or the date of the international registration in the International Register, as the case may be;”;
- (b) renumbering paragraphs (g) to (j) as paragraphs (i) to (1), respectively, and inserting next after paragraph (f) the following—
 - (g) where the mark is registered pursuant to a transformation application, that fact;
 - (h) the number of the registration;”.

21. The principal Rules are amended by inserting next after rule 28, the following—

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|---|--|
| “Upon
request
Registrar to
note
international
registration
in register.
First
Schedule. | 28A. For the purposes of section 26O of the Act, a request to the Registrar to take note of an international registration in the register shall be made in the form set out as Form TM26 on payment of the fee prescribed in the First Schedule.”. |
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22. Rule 29 of the principal Rules is amended by inserting immediately after the words “of the Act” the words “or pursuant to section 61A of the Act”.

23. Rule 30 of the principal Rules is amended—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (d), by deleting the word “and”;
 - (ii) in sub-paragraph (e), by deleting the full stop and substituting therefor the words “; and”; and
 - (iii) inserting next after sub-paragraph (e), the following—
 - “(f) on the form prescribed by the International Bureau, where it relates to an international registration.”; and

(b) by deleting paragraph (2) and substituting therefor the following—

“ (2) An application made under paragraph (1) shall—

- (a) where the transaction is an assignment, be signed by or on behalf of the assignor; or
- (b) where the transaction is within the scope of sub-paragraph (b), be signed by or on behalf of the grantor of the licence.”.

24. Rule 31 of the principal Rules is amended by inserting next after paragraph (3) the following—

“ (4) A person may, upon payment of the fee specified in the First Schedule, request the Office to conduct a search of the Register and provide the results of the search.”.

25. Rule 35(1) of the principal Rules is amended—

- (a) in sub-paragraph (a), by deleting the words “Fourth Schedule” and substituting therefor the words “Version of the Nice Classification of Goods and Services in force at the time of the conversion”; and
- (b) in sub-paragraph (b), by deleting the word “International” and substituting therefor the word “Nice”.

26. The principal Rules are amended by inserting next after rule 37, the following—

“Request for preliminary search and advice. First Schedule. 37A. A person may make a request to the Registrar on Form TM23A for a preliminary search and advice in respect of the registrability of a trade mark on payment of the fee prescribed in the First Schedule.”.

27. Rule 41 of the principal Rules is amended by—

- (a) renumbering paragraph (4) as paragraph (6); and
- (b) inserting next after paragraph (3), the following—

“ (4) Where a person appoints an agent for the first time or appoints an agent in substitution for another, the newly appointed agent shall file Form TM3, on payment of the fee prescribed in the First Schedule.

(5) Any act required or authorised by the Act in connection with the registration of a trade mark or any procedure relating to a trade mark, may not be done by or to the newly appointed agent before the date on which the newly appointed agent files Form TM3.”.

28. Rule 42 of the principal Rules is amended by inserting next after paragraph (1), the following—

“ (1A) For the avoidance of doubt, a hearing under paragraph (1) shall include a hearing conducted orally or in writing.”.

29. The principal Rules are amended by deleting rule 45 and substituting therefor the following—

“Manage-
ment of
proceedings
by Registrar. 45.—(1) Except where the Act or these Rules otherwise provide, the Registrar may give such directions as to the management of any proceedings as the Registrar thinks fit, and in particular may—

- (a) require a document, information or evidence to be filed within such period as the Registrar may specify;
- (b) require a translation of any document;
- (c) require a party or a party’s legal representative to attend a hearing;
- (d) allow a party’s grounds of opposition, counter-statement or other statement of case to be amended;
- (e) stay the whole, or any part, of the proceedings either generally or until a specified date or event;
- (f) consolidate proceedings;
- (g) direct that part of any proceedings to be dealt with as separate proceedings;
- (h) exclude any evidence which the Registrar considers to be inadmissible; or
- (i) hold a hearing by telephone or by using any other method of direct oral communication.

(2) The Registrar may control the evidence by giving directions as to—

- (a) the issues on which evidence is required; and
- (b) the manner in which the evidence is to be placed before the Registrar.

(3) Where the Registrar gives directions, the Registrar—

- (a) may make the directions subject to conditions; and
- (b) shall specify the consequences of failure to comply with the directions or any conditions made under sub-paragraph (a).

(4) The Registrar may, at any stage of the proceedings, direct that the parties to the proceedings attend a case management conference or pre-hearing review.”.

30. The principal Rules are amended by inserting next after rule 50, the following—

“ *International Applications in Respect of Which
Jamaica is the Country of Origin*

Application
for interna-
tional
registration
of a mark.

50A.—(1) An application for the international registration of a mark shall be—

- (a) in the form set out by the International Bureau;
- (b) filed on payment of the applicable fees prescribed by the International Bureau; and
- (c) filed on payment of the handling fee prescribed in the First Schedule.

First
Schedule.

(2) In respect of an application under paragraph (1)—

- (a) the applicable fees referred to in sub-paragraph (b) shall be paid by the applicant directly to the International Bureau; and
- (b) the handling fee referred to in sub-paragraph (c) shall be paid by the applicant directly to the Registrar.

(3) Where the international application does not comply with the prescribed requirements, the Registrar shall allow the applicant, within a period stipulated by the Registrar, to—

- (a) submit any requested information;
- (b) submit an amended application; or
- (c) pay the handling fee.

(4) Where the applicant does not comply with paragraph (3), the international application shall be considered abandoned and the Registrar shall not forward it to the International Bureau.

Duty of
Registrar to
respond to
notification
of
irregularities.

50B.—(1) The Registrar shall respond as appropriate to the International Bureau as it relates to any notification of irregularities issued by the International Bureau, within three months from the date of the notification.

(2) Where necessary, the Registrar shall consult with the applicant as it relates to any irregularities referred to in paragraph (1).

(3) Where an irregularity has to be remedied by the Office, the Registrar shall consult with the applicant and allow the applicant no more than one month to provide the requested information or amended application, as the case may be.

(4) Where the information requested is received within the period specified, the Registrar shall forward the information to the International Bureau.

Duty of Registrar to notify the International Bureau on withdrawal, *etc.*, of basic application and registration.

50C.—(1) For the purposes of section 26D(6) of the Act, where the basic application or registration has been withdrawn, lapsed, renounced, rejected, revoked, invalidated, or otherwise cancelled in accordance with section 26D of the Act, the notification to the International Bureau by the Registrar shall indicate—

- (a) the number of the international registration;
- (b) the name of the holder;
- (c) the facts and decisions affecting the basic registration or basic application as the case may be and the effective date of those facts and decisions; and
- (d) if the said facts and decisions affect the international registration only with respect to some of the goods and services, those goods and services which are—
 - (i) affected by the facts and decisions; or
 - (ii) not affected by the facts and decisions.

(2) Where a judicial action or a proceeding began before the expiry of the five-year period but has not, before the expiry of that period, resulted in the final decision, or in withdrawal or renunciation, invalidation, revocation or other cancellation of the basic application or registration, the Registrar shall notify the International Bureau accordingly as soon as possible after the expiry of the said period.

(3) Once the judicial action or other proceeding referred to in paragraph (2) has resulted in a final decision or in the withdrawal, renunciation, invalidation, revocation or other cancellation of the basic application or registration, the Registrar shall promptly notify the International Bureau accordingly and provide the International Bureau with the information referred to in paragraph (1).”.

31. Rule 52 of the principal Rules is amended by—

- (a) renumbering the rule as paragraph (1) of the rule; and
- (b) inserting next after paragraph (1), as renumbered, the following—

“ (2) Notwithstanding rule 54, in the case of an irregularity or prospective irregularity which—

- (a) has occurred or appears to the Registrar as likely to occur in the absence of a direction under this rule; or

- (b) is attributable wholly or in part to an error, default or omission on the part of the Office or the Registrar and it appears to him that it should be rectified,

the Registrar may direct that the time or period in question shall be altered in such manner as the Registrar may specify.”.

32. Rule 53 of the principal Rules is amended—

- (a) by deleting paragraph (1) and substituting therefor the following—

“ (1) Where the time for doing anything under these Rules expires, the Registrar shall—

- (a) in the case of an excluded day, extend that time to the next day, not being an excluded day; or
- (b) in the case of such other day not being an excluded day, extend that time to such time as the Registrar may direct.”; and

- (b) in paragraph (2)(b) by deleting the words “the postal” and substituting therefor the words “any communication”.

33. Rule 54 of the principal Rules is amended—

- (a) in paragraph (1), by inserting next after the word “concerned,” the words “and upon payment of the fee prescribed in the First Schedule.”;
- (b) by inserting in relation to paragraph (1), the marginal note “First Schedule.”;
- (c) in paragraph (2)(b), by deleting the words “each affected person” and substituting therefor the words “every other party, each of whom shall have fourteen days from receipt to file any objection to the request”;
- (d) by deleting paragraph (4) and substituting therefor the following—

“ (4) Where a request for extension is made after the time period referred to in paragraph (3), the Registrar may extend such time period if—

- (a) the Registrar is satisfied with the reason given for the delay in requesting the extension; and
- (b) after consideration of any response or objection to the request by any other party, it appears to the Registrar that it is reasonable for the extension to be granted.”; and

- (e) deleting paragraph (6) and substituting therefor the following—

“ (6) The times or periods excepted from paragraph (1) are those prescribed by rules 9(7), 12(1), 12(3), 14(2), 19(4), 21(4), 24(2), 25, 26(3), 34(2) and 35(2).”.

34. Rule 55 of the principal Rules is amended by—

- (a) renumbering the rule as paragraph (1) of the rule;
- (b) inserting next after paragraph (1), as renumbered, the following—

“ (2) Unless otherwise specified, the delivery, to a person by the Registrar, of any information or electronic document through an electronic communication system, shall, unless the contrary is proven, be deemed to be effected upon the transmission of the information or electronic document to an address provided to the Registrar by that person, as an address for the receipt of such information or electronic document.”.

35. The principal Rules are amended by deleting rule 58 and substituting therefor the following—

“ 58.—(1) Where any trade mark, document or part thereof, is filed or sent to the Registrar pursuant to the Act or these Rules, in a language other than the English language, a translation of such language into the English language, of the trade mark, document or part thereof, shall be sent to the Registrar.

(2) The translation of a language other than the English language into the English language under paragraph (1), shall be prepared by a trained foreign language translator.

(3) Where the Registrar doubts the accuracy of an English language translation sent under paragraph (1), the Registrar may refuse to accept that translation and require an English language translation, prepared by another trained foreign language translator, to be sent to the Registrar.”.

36. The principal Rules are amended by deleting the First Schedule and substituting therefor the following—

Matter	Rule	Fee
“ FIRST SCHEDULE (Rules 3, 5, 5A, 5B, 5C, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28A, 30, 31, 32, 33, 35, 37, 37A, 39, 41, 50, 50A and 54)		
1.	Application for registration of trade mark or a series of marks in one class—	5, 17 and 20(3)
(a)	upon application	\$13,700.00
(b)	upon acceptance of registration (application fee does not include the cost of publication)	\$13,700.00
2.	Request for expedited examination (in addition to regular prescribed fee)—	5A
(a)	for one class	\$30,000.00
(b)	for each class over one	\$15,000.00
3.	Request for expedited processing, in addition to regular prescribed fee	5B
4.	Application for Registration resulting from transformation of an international registration	5C
5.	Request for—	12(4)
(a)	cooling off period	\$10,000.00
(b)	extension of cooling off period	\$10,000.00
6.	Request for—	32
(a)	certified copy of any document	\$1000 per page
(b)	uncertified copy of any document	\$500 per page
7.	Class fee for each class over one	8
8.	Request to amend the specification of goods or services	8(3)

FIRST SCHEDULE, *contd.*

	Matter —	Rule —	Fee —
9.	Certificate re: claim to priority	6	\$4,200.00
10.	Address for service	9	\$4,200.00
11.	Notice of opposition to the—		
	(a) registration of a mark	12(1)(a)	\$8,500.00
	(b) amendment of an application	14(2)	\$8,500.00
	(c) amendment of the regulations relating to a certification or collective trade mark	19(4)	\$8,500.00
	(d) alteration of a registered trade mark	21(4)	\$8,500.00
	(e) removal of an entry from the register	34(2)(a)	\$8,500.00
	(f) reclassification of a mark from Third Schedule to Nice Classification of Goods and Services	35(1)	\$8,500.00
12.	Filing of counter-statement in answer to—		
	(a) opposition to the registration of a mark	12(3)	\$8,500.00
	(b) an application for revocation of a mark	26(3)	\$8,500.00
13.	Filing of each statutory declaration/ affidavit as evidence in support of opposition to the registration of a mark	12(5)(a)	\$8,500.00
14.	Request to correct errors of wording, copying or obvious mistakes	13 and 14	\$4,200.00
15.	Request for division of an application	15	\$8,500.00
16.	Request for merger of either application or registration	16	\$12,000.00

FIRST SCHEDULE, *contd.*

	Matter	Rule	Fee
17.	Filing of regulations governing the use of a certification or collective mark	18	\$20,000.00
18.	Request to amend regulations governing the use of certification or collective mark	19	\$13,650.00
19.	(a) Request for alteration of a registered trade mark	21	\$8,500.00
	(b) Class fee for each class over one	21	\$4,200.00
20.	Notice of surrender or partial surrender of a trade mark	22	\$8,500.00
21.	(a) Renewal of registration	23	\$19,600.00
	(b) Class fee for each class over one	23	\$4,200.00
22.	Late renewal fee per class	24	\$4,200.00
23.	(a) Request for restoration of registration removed from the register for failure to renew	25	\$12,000.00
	(b) Class fee for each class over one	25	\$4,200.00
24.	(a) Request for rectification, revocation or invalidation of a registration	26	\$12,000.00
	(b) Class fee for each class over one	26	\$4,200.00
25.	Request for Registrar to take note of an international registration in register	28A	\$18,000.00
26.	(a) Request to enter details of an assignment, partial assignment or merger	30(1)(a)	\$12,000.00

FIRST SCHEDULE, *contd.*

	Matter	Rule	Fee
	(b) Class fee for each class over one	30(1)(a)	\$4,200.00
27.	(a) Request for registration of a licence under a registered trade mark	30(1)(b)	\$12,000.00
	(b) Class fee for each class over one	30(1)(b)	\$4,200.00
28.	(a) Request for amendment or termination of a licence	30(1)(c)	\$12,000.00
	(b) Class fee for each class over one	30(1)(c)	\$4,200.00
29.	(a) Request for registration of an assent by a personal representative in relation to a registered trade mark	30(1)(e)	\$12,000.00
	(b) Class fee for each class over one	30(1)(e)	\$4,200.00
30.	(a) Request for registration of an Order of a Court or Competent Authority transferring a registered trade mark	30(1)(e)	\$12,000.00
	(b) Class fee for each class over one	30(1)(e)	\$4,200.00
31.	Inspection of the register per hour or fractions thereof	31(1)	\$1,900.00
32.	Search of the register conducted by the Office	31(4)	\$3,200.00 per class
33.	Certified copy of extract of any entry in the register	32	\$1,000.00 per page
34.	Uncertified copy of extract of any entry in the register	32	\$500.00 per page
35.	(a) Request to enter change of name or address in relation to an application or registration	13 and 33	\$12,000.00

FIRST SCHEDULE, *contd.*

Matter	Rule	Fee
(b) Class fee for each class over one	13 and 33	\$4,200.00
36. Request for information relating to an application or registration	37	\$6,000.00
37. Request for preliminary search and advice	37A	\$4,200.00 per class
38. Inspection of documents relating to a published application or a registration	39	\$3,100.00 per hour or part thereof
39. Appointment of a trade mark agent domiciled in Jamaica	41	\$4,200.00
40. Request to the Registrar for a statement of the reasons for the Registrar's decision	50(2)	\$12,000.00
41. Request for extension of time to respond to a provisional refusal of an international registration	50A	\$6,000.00
42. Fees payable in respect of international applications and international registrations—	50A and 50(B)	
(a) handling fee for international applications		\$15,000.00
(b) amendment to an application for registration		\$6,000.00
43. Request for the extension of times or periods	54(1)	\$4,200.00
44. Transmitting information via facsimile to—		
(a) Jamaica		\$500.00 per page
(b) USA, Canada, Caribbean		\$800.00 per page
(c) Other countries		\$1,200.00 per page

FIRST SCHEDULE, *contd.*

	Matter	Rule	Fee
	—	—	—
45.	Publication in the <i>Intellectual Property Journal</i>		\$4,000.00
46.	Any matter or action to be taken not otherwise charged		\$4,200.00

Note: Unless otherwise stated, the fees are payable per application or per registration.”.

37. The principal Rules are amended by deleting the Second Schedule and substituting therefor the following—

Form No.	SECOND SCHEDULE	(Rule 4)
Form No.	Trade Marks Registry Forms	
Form No.	Title	
TM1	Application to Register a Trade Mark (including certification and collective marks)	
TM2	Application for Additional Classes (where goods and services were placed in incorrect class)	
TM3	Request to Appoint or Change an Agent or Enter or Change an Address for Service	
TM4	Notice of Opposition	
TM4A	Request for Cooling-Off Period	
TM5	Form for Counter-Statement	
TM6	Request to Change the Details of an Application or Registration	
TM7	Request to Divide an Application	
TM8	Request to Merge Either Applications or Registrations	
TM9	Filing of Regulations Governing the Use of a Certification or Collective Mark	
TM10	Application to Amend the Regulations Governing the Use of a Certification or Collective Mark	
TM11	Request for Alteration of a Registered Mark	
TM12	Notice to Surrender a Registered Mark	
TM13	Notice of a Partial Surrender of the Specification of Goods or Services for Which the mark is Registered	
TM14	Renewal of Registration	
TM15	Request for the Restoration and Renewal of a Registration Removed From the Register Because of Non-Payment of the Renewal Fee	
TM16	Application for the Revocation or Rectification of a Registration or for it to be Declared Invalid	

SECOND SCHEDULE, *contd.*

Form No.	Title
TM17	Application to Intervene in Proceedings for Revocation or Rectification of a Registration
TM18	Application to Record or Cancel a Registrable Transaction or Memoranda Relating to a Trade Mark but Not an Assignment or Licence
TM19	Application to Register a Change of Proprietor
TM20	Application for the Registration of a Licence for a Registered Trade Mark
TM21	Application to Remove or Amend a Licence
TM22	Request for Registrar's General Certificate
TM23	Request for Information About Applications and Registered Marks
TM23A	Request for Preliminary Search and Registrar's Advice
TM24	Request to the Registrar for a Statement of Grounds of Decision
TM25	Request for Extension of Time on an Application
TM26	Request to Registrar to Take Note of an International Registration in the Register
TM27	Application for Registration Resulting from Transformation of an International Registration

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM1

(Rules 5, 5A and 17)

TRADE MARKS REGISTRY

Application to Register a Trade Mark

Jamaica Intellectual Property Office
(including certification and collective marks)

1.	Your reference or name of mark								
2.	Representation of the mark								
3.	If the mark is not a word or a picture please indicate here (for example 3-dimensional)								
4.	If the application is for a series of marks, indicate how many marks are in the series								
5.	<table border="0"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Date</th> <th style="text-align: center;">Country</th> <th style="text-align: center;">Number</th> </tr> </thead> <tbody> <tr> <td>If this application claims priority, indicate the priority from overseas application date(s) claimed, the country and the number</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Date	Country	Number	If this application claims priority, indicate the priority from overseas application date(s) claimed, the country and the number			
	Date	Country	Number						
If this application claims priority, indicate the priority from overseas application date(s) claimed, the country and the number									
6.	List the classes in consecutive numerical order and list alongside each class the specific goods or services appropriate to that class								

If the space provided for the specification of goods/services is insufficient then please continue the list on the pre-printed continuation sheets.

List the classes in consecutive numerical order and list alongside each class the goods of services appropriate to that class.

SECOND SCHEDULE, *contd.*

Class Number	List of Goods or Services	Being used/Bona fide intention to use

7. Full name, address, Taxpayer Registration Number (TRN) (in the case where the person is resident in Jamaica) and postal code of the applicant
Nationality of the applicant:
If the applicant is a corporate body, give the country or state of incorporation:

TRN:

8. Name of the agent (*if applicable*):
'Address for service' in Jamaica to which all correspondence should be sent (see note (m)):
9. This application is for:
- (a) a regular trade mark;
 - (b) a certification mark;
 - (c) a collective mark;
 - (d) colour mark;
 - (e) sound mark;
 - (f) pattern mark;
 - (g) touch mark;
 - (h) taste mark;
 - (i) smell mark;
 - (j) hologram mark;
 - (k) multi-media mark,

(indicate (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) as appropriate).

SECOND SCHEDULE, *contd.*

10. Indicate any limitations (including colour) or disclaimers

11. I hereby request an expedited examination yes no

I hereby declare that, as indicated above, the trade mark is being used by the applicant or with his or her consent, in relation to the goods or services stated or there is a bona fide intention that it shall be so used.

Signature

Name (block capitals)

Date:

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Notes:

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used. The representation of the mark required by section 2 of the Form may be attached or accompany the form.*
- (d) *Once you have filled in this form you must sign and date it. The appropriate fees must accompany this form. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form shall be used for applying to register all types of trade marks (sections 16 to 20 of the Trade Marks Act refer).*
- (f) *If this application is for a certification mark, then you must file the regulations within nine (9) months after the date you file this form. (Paragraph 5 of Schedule 2 to the Trade Marks Act and Rule 18 of the Trade Marks Rules, 2001 refer).*

SECOND SCHEDULE, *contd.*

- (g) *If this application is for a collective mark, then you must file the regulations within 9 months after the date you file this form. (Paragraph 4 of Schedule 1 to the Trade Marks Act and Rule 18 of the Trade Marks Rules. 2001 refer).*
- (h) *Five (5) representations of the mark should be provided for the purpose of section 2. A trade mark must be capable of being represented graphically if it is not a word or a picture. This means you may need to give us a clear description of the mark in section 2. We can accept applications if the mark is larger than 8cm by 8cm, but no larger than A4.*
- (i) *You cannot make any significant change to the mark after you have filed the applications, (section 23 of the Trade Marks Act refers).*
- (j) *If you are applying for an international priority date, or dates, to any of the goods or services, then you should give all dates in section 5.*
- (k) *You must list all the goods or services which you want to register at section 6. If your application covers goods or services in more than one class, please group them together by class. Show the class number in the left-hand column. You will not be able to add any extra goods or services to your application after you have filed it with the Registry. You may be able to add classes in certain circumstances, for example, if some of the goods listed are in the wrong class, according to the Registrar.*
- (l) *Section 8 of the form asks you for details of your agent. All letters about this application shall be sent to the agent whose name you have written in section 8. If you do not have an agent we will send them to your address in Jamaica. Form TM3 should accompany the application. You can at any time change your agent or the address for service by sending us a Form TM3.*
- (m) *If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM2

(Rule 8)

TRADE MARKS REGISTRY

Jamaica Intellectual Property Office

Application for Additional Classes (where goods or services were placed in incorrect class)

1. Your reference or name of mark

2. Give details of the application to which this request relates

	Number	(Lowest) Class
--	--------	----------------

3. List additional classes to be added to the original application

4. Specification of goods or services for the additional classes

List the classes in consecutive numerical order and list alongside each class the goods or services appropriate to that class

Class Number	List of Goods or Services	Being used/Bona fide intention to use

SECOND SCHEDULE, *contd.*

5. Full name, address and postcode of the applicant

6. Name of agent (if applicable):

Address for service in Jamaica to
which all correspondence shall be sent
(see note (e))

Signature

Name (block capitals)

Date:

Name, email and daytime telephone number or person to contact

State number of any sheets attached to this form

Notes:

- (a) *These notes will help you to fill in this form. If you need any more help or you have any questions, please, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

Signature

Name (block capitals)

Date:

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate, sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it.*
- (e) *This form is used if you want to appoint an agent either for the first time or replace an existing agent recorded against a trade mark application or registration. You may also use it to enter or change an address for service. (Rules 9, 33 and 41 of the Trade Marks Rules, 2001 refer).*
- (f) *This form may be used for as many marks as you need. You should say at section 2, the registration or application numbers of all the marks affected by these changes. The applicable fees payable are per trade mark application or registration. For details of fees and ways to pay, please contact the Trade Marks Registry.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM4

(Rules 12, 19, 21
34 and 36)

TRADE MARKS REGISTRY

Notice of Opposition

Jamaica Intellectual Property Office

1. Your reference or name of mark

2. Give details of the application or registration Number (Lowest) Class
to which this request relates

3. Full name of the applicant or registered proprietor

4. Full name, address and postcode of opponent

5. Name of agent (if applicable):
Address for service in Jamaica to which all
correspondence shall be sent (including
postcode, see note (g))

Signature

Name (block capitals)

Date:

Name, email and daytime telephone number of person to contact

SECOND SCHEDULE, *contd.*

State number of any sheets attached to this form

Reminder

Have you attached

- *A signed copy of your grounds of opposition?*

Notes:

- These notes will help you fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- Write your answers in capital letters using black ink or you may type them.*
- If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- Once you have filled in the form you must remember to sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- This form shall be used to notify the Registrar that you want to oppose any of the following:*
 - Classification from schedule 3 to 4;*
 - An amendment of an application;*
 - An application;*
 - An amendment to a registered trade mark; or*
 - Amendments to the regulations relating to collective or certification marks.*
- This form must be filed within two months from the date of publication.*
- If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM4A

(Rule 12)

TRADE MARKS REGISTRY

Request for Cooling-off Period

Jamaica Intellectual Property Office

1. Trade Mark number	
2. Opposition number	
3. Full name of person or company making this request	
4. Taxpayer Registration Number	
5. Is this the applicant or the opponent?	
6. Name, email and address (including postcode) of the agent (if any)	
7. Declaration	I confirm that the other party to these proceedings has agreed to this request for a cooling-off period.
Your signature	
Date	
8. Name, email and daytime telephone number of person to contact	
9. Your reference	
Number of sheets attached to this form	

Note: You shall get the other party's written agreement to this request before you sign the declaration at section 7. Please attach the agreement to this Form.

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM5

(Rules 12 and 26)

TRADE MARKS REGISTRY

Form of Counter-Statement

Jamaica Intellectual Property Office

-
1. Your reference or name of mark
-
2. Give details of the application or counter- statement Number (Lowest) Class
-
3. Full name of the applicant or registered proprietor
-
4. Opposition or revocation number
-
5. Name of agent (if applicable):
Address for service in Jamaica to which all correspondence should be sent (see note (g))
-
- Signature
-
- Name (block capitals)
-
- Date
-
- Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

SECOND SCHEDULE, *contd.*

Reminder

- *Send the following on a separate sheet of paper:*
 - *Details of the grounds upon which the proprietor of the mark relies to support the application, registration or alteration.*
 - *A notification in writing evidencing proof of service as required by Rules 12 and 26.*

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form shall be used to defend your application against a third party who has lodged an opposition against your application or application to rectify, or to invalidate etc. your registration. (Rules 12 and 26 of the Trade Marks Rules, 2001 refer).*
- (f) *You must send us details of the grounds for this counter-statement on a separate sheet of paper.*
- (g) *If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

- (c) give details if the change is a result of an obvious mistake.

7. Name of agent (if applicable):

Address for service in Jamaica to which all correspondence shall be sent (see note (j))

Declaration

I declare that there has been no change in the actual proprietorship of the application or registration of the identity of the licensee.

Signature

Name (block capitals)

Date

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used if there is a change in the name and address of the proprietor, licensee or any person with an interest recorded against an application or registration. (Rules 13 and 33 of the Trade Marks Rules, 2001 refer).*

SECOND SCHEDULE, *contd.*

- (f) *If there has been a change in the actual proprietorship of the trade mark then fill in Form TM19 instead of this form.*
- (g) *If there has been a change in the identity of a licensee then fill in Form TM12 instead.*
- (h) *If you want to amend the representation of a registered mark then fill in form TM11 instead of this form.*
- (i) *This form may also be used for other amendments, such as those stemming from a clerical error.*
- (j) *If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM7

(Rule 15, 17)

TRADE MARKS REGISTRY

Request to Divide an Application
Jamaica Intellectual Property Office

1. Your reference or name of mark

2. Give details of the application to be divided Number (Lowest) Class

3. Is this request to:
 - (a) divide the specification of goods or services?
 - or
 - (b) divide a series of marks?
(indicate (a) or (b) as appropriate)
(see note (e))

4. If this request is to divide an application into more than two parts, write how many parts you want it divided into

5. Full name, email address and postcode of applicant

6. Name of agent (if applicable):

Address for service in Jamaica to which all correspondence should be sent (see note (h))

Signature

Name (block capitals)

Date

SECOND SCHEDULE, *contd.*

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Reminder

- *List on a separate sheet (a) the goods or services (by class number) to be removed to a divisional application or the geographical restriction to be applied or (b) representations of the marks to be divided.*

Notes:

- These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- Write your answers in capital letters using black ink or you may type them.*
- If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- Once you have filled in the form you must sign and date it. If you are dividing a specification of goods or services, then the only fee payable is the division fee;*

If you are dividing a series of Marks then the following fees are payable:

- one divisional fee;*
 - a fresh application fee for each extra application created; and*
 - any class fee if appropriate. For information of fees and ways you can pay, please contact the Trade Marks Registry.*
- You may use this form to divide a specification of goods or services, or on the basis of a geographical limitation or both, or to divide a series of Marks. You cannot divide both a specification of goods or services and a series of Marks on the same form. A separate form TM7 should be completed for dividing a series of Marks.*
 - Section 25 of the Trade Marks Act allows for the division of an application (Rules 15 and 17 of the Trade Mark Rules 2001, also refer). This may apply, for example, where a multiclass application may not proceed because of objections arising against some of the goods or services covered by the application. In this case, the application could be divided, with part of the application proceeding to registration in respect of*

SECOND SCHEDULE, *contd.*

those goods or services which do not face objections, whilst the other part is held up until the objections are settled.

- (g) *You cannot divide a registered mark.*
- (h) *If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM8

(Rule 16)

TRADE MARKS REGISTRY

Request to Merge Either Applications or Registrations

Jamaica Intellectual Property Office

-
1. Your reference or name of mark
-
2. Give details of the applications or registrations to which this request relates
- | | Number | (Lowest) Class |
|--|--------|----------------|
| | | |
-
3. Full name, email, address and postcode of the applicant or registered proprietor
-
4. Name of agent (if applicable):
- Address for service in Jamaica to which all correspondence shall be sent in respect of the merged application or registration (see note (h))
-

Declaration

I confirm that the proprietor has authorised me to seek the merger of all the trade mark numbers stated above.

Signature

Name (block capitals)

Date

Name, email and daytime telephone number of person to contact

SECOND SCHEDULE, *contd.*

State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *Section 25 of the Trade Marks Act allows the merging of separate applications or registrations into a single application or registration (Rule 16 also refers). Applications cannot be merged with registrations.*
- (f) *Applications can be merged at any time before they are accepted for advertisement and must:*
 - *have the same application date;*
 - *be the same marks; and*
 - *be in the same ownership.*

Registrations to be merged shall:

- *be the same marks; and*
- *be the same ownership.*

Registered marks may be merged even if the registration dates are different, but the new merged registration shall be given the latest filing date. The renewal date for the merged registration shall be the one with the latest filing date. Renewal fees for all classes covered by the merged registration shall be due on this date.

- (g) *You may want to use this procedure, for example, if an application has been divided or apart of a registration was transferred legally to someone else but now returned to a single ownership.*
- (h) *If your address is different from your agent's, then please give us details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM9

(Rule 18)

TRADE MARKS REGISTRY

Filling of Regulations Governing
the Use of a Certification or
Collective Mark

Jamaica Intellectual Property Office

-
1. Your reference or name of mark
-
2. Give details of the applications to which these regulations relate
- | | Number | (Lowest) Class |
|--|--------|----------------|
| | | |
-
3. Does this request relate to:
- (a) a certification mark; or
 - (b) a collective mark?
- (indicate (a) or (b) as appropriate)*
-
4. Name of agent (if applicable):
- Address for service in Jamaica to which all correspondence shall be sent (see note (g))
-
- Signature
-
- Name (block capitals)
-
- Date
-
- Name, email and daytime telephone number of person to contact

SECOND SCHEDULE, *contd.*

State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form shall be used to file the regulations for a certification or collective mark, within nine months after the date of application. (Schedule 2, paragraph 4 and Schedule 1, paragraph 4 of the Trade Marks Act refer).*
- (f) *You must state in section 3 of the form if the regulations apply to certification or collective marks. The regulations can refer to a number of Marks, but they cannot apply to a mixture of both certification and collective marks.*
- (g) *If your address is different from your agent's, then please give us details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM10

(Rule 19)

TRADE MARKS REGISTRY

Applications to Amend the Regulations
Governing the Use of a Certification or
Collective Mark

Jamaica Intellectual Property Office

-
1. Your reference
-
2. Give details of the applications to which these regulations relate
- | | Number | (Lowest) Class |
|--|--------|----------------|
|--|--------|----------------|
-
3. Does this request relate to:
- (a) a certification mark; or
 - (b) a collective mark?
- (indicate (a) or (b) as appropriate)*
-
4. Does this request relate to:
- (a) an application; or
 - (b) a mark already registered?
- (indicate (a) or (b) as appropriate)*
-
5. Full name of applicant:
-
6. Name of agent (if applicable):
- Address for service in Jamaica to which all correspondence shall be sent
-
- Signature

SECOND SCHEDULE, *contd.*

Name (block capitals)

Date

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used when you want to amend any regulations that have already been filed. (Schedule 2, paragraph 9 and Schedule 1, paragraph 9 of the Trade Marks Act refer).*
- (f) *You must state in section 3 of the form if the regulations apply to certification or collective marks. The regulations can refer to a number of Marks, but they cannot apply to a mixture of both certification and collective Marks.*
- (g) *You must state in section 4 of the form whether these amended regulations apply to applications or registered marks. These amendments to the regulations can refer to a number of Marks, but they cannot apply to a mixture of both applications and registered marks.*
- (h) *If your address is different from your agent's, then please give us details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM11

(Rule 21)

TRADE MARKS REGISTRY

Request for Alteration of a Registered Mark

Jamaica Intellectual Property Office

-
1. Your reference or name of mark
-
- | | | |
|---|------------------------|----------------|
| 2. Give details of the registration
this will affect | Registration
Number | (Lowest) Class |
|---|------------------------|----------------|
-
3. Full name, email, address and postcode of the registered proprietor
-
4. Details of the change to the mark*
- If the mark is pictorial, then please attach 1 copy of the amended mark here
-
5. Name of agent (if applicable):
- Address for service in Jamaica to which all correspondence shall be sent in respect of the merged application or registration (see note (f))

*Footnote:

The Trade Marks Act section 41 states: the Registrar may, at the request of the proprietor, allow the alteration of a registered trade mark where the mark includes the proprietor's name or address and the alteration is limited to alteration of that name or address and does not substantially affect the identity of the mark.

Signature

Name (block capitals)

SECOND SCHEDULE, *contd.*

Date

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Reminder

Have you attached

- *a copy of the mark if appropriate?*

Notes:

- These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- Write your answers in capital letters using black ink or you may type them.*
- If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- Section 41(2) of the Trade Marks Act allows the proprietor of a registered trade mark to alter the mark but only where the mark includes the proprietor's name and address. The amendment must not substantially affect the identity of the mark.*
- If your address is different from your agent's, then please give us details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM12

(Rule 22)

TRADE MARKS REGISTRY

Notice to Surrender a Registered Mark

Jamaica Intellectual Property Office

1. Your reference or name of mark

2. Give details of the registration this will affect Registration Numbers (Lowest) Class

3. Full name, email, address and postcode of the registered proprietor

4. Name of agent (if applicable):
Address for service in Jamaica to which all correspondence should be sent (see note (j))

5. Does any licensee or anyone else has a registered interest in the registration (if yes write the details on a sheet) Yes No

Declaration

I confirm that there are no interested parties in the mark

or

I confirm that those with a registered interest in the mark (list attached), have been notified three months prior to this form being filed, or that they consent to the surrender.

Signature

SECOND SCHEDULE, *contd.*

Name (block capitals)

Date

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *The proprietor of a registered trade mark can surrender their legal rights to all or part of the goods or services for which it is registered. (Section 42 of the Trade Marks Act refers.)*
- (f) *This form shall be used if you are giving up your legal rights to the whole trade mark registration, and you shall use a separate form for each trade mark affected.*
- (g) *Do not use this form if you are giving up your legal rights to only some of the goods or services. Please use Form TM13 instead.*
- (h) *Only one registration number is allowed on each form.*
- (i) *You shall tell all the people who have an interest in your mark that you are going to give up your rights in the mark three (3) months beforehand, or they should consent to this. You shall attach a list of all the interested parties to this form. (Section 42 of the Trade Marks Act and Rule 22 of the Trade Marks Rules, 2001 refer).*
- (j) *If your address is different from your agent's, then please give us details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM13

(Rule 22)

TRADE MARKS REGISTRY

Notice of a Partial Surrender of the Specification of
Goods or Services for Which the Mark is Registered

Jamaica Intellectual Property Office

-
1. Your reference or name of mark
-
2. Give details of the registration this Registration Number (Lowest) Class
applies to
-
3. Full name, email, address and postcode of the registered applicant
-
4. Name of agent (if applicable):
Address for service in Jamaica to which all correspondence shall be sent (see
note (j))
-
5. goods or services to be surrendered
If the goods or services to be surrendered fall in more than one class then they
should be listed by Class
-
6. Does any licensee or anyone else has a registered interest in the registration (if
yes write the details on a sheet) Yes No

Declaration

*I confirm that there are no interested
parties in the mark*

or

SECOND SCHEDULE, *contd.*

- I confirm that those with a registered interest in the mark (list attached), have been notified three months prior to this form being filed, or that they consent to the surrender.*

Signature

Name (block capitals)

Date

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *The proprietor of a registered trade mark can surrender their legal rights to all or part of the goods or services for which it is registered (section 42 of the Trade Marks Act refers).*
- (f) *This form shall be used if you are giving up your legal rights to only some of the goods and services, and you should use a separate form for each trade mark affected.*
- (g) *Do not use this form if you are giving up your legal rights to the whole trade mark registration. Please use Form TM12 instead.*
- (h) *Only one registration number is allowed on each form.*

SECOND SCHEDULE, *contd.*

- (i) *You shall tell all the people who have an interest in your mark that you are going to give up your rights in the mark three (3) months beforehand, or they shall consent to this. You also need to attach a list of all the interested parties to this form. (Section 42 of the Trade Marks Act and Rule 22 of the Trade Marks Rules, 2001 refer).*
- (j) *If your address is different from your agent's, then please give us details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM14

(Rules 23 and 24)

TRADE MARKS REGISTRY

Renewal of Registration

Jamaica Intellectual Property Office

1. Your reference or name of mark

2. Registration number

3. Classes

4. Full name of registered proprietor

5. Give the following details of the registration to be renewed

Due or renewal date:	<input type="text"/>	Amount of renewal fee:	<input type="text"/>
The classes to be renewed (if you are not renewing all of them)	<input type="text"/>	Amount of late payment fee: (if appropriate)	<input type="text"/>
	<input type="text"/>	Total amount paid:	<input type="text"/>

6. Full name, email, address and postcode of the person the certificate should be sent to

Signature

Name (block capitals)

Date

SECOND SCHEDULE, *contd.*

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *If you have not renewed the registration within the six months period before the date of expiry, you have another six months to renew the registration by filing Form TM14 and sending us the renewed fee, as well as the late renewal fee.*
- (f) *If your address is different from your agent's, then please give us details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM15

(Rule 25)

TRADE MARKS REGISTRY

Request for the Restoration and Renewal
of a Registration Removed from the
Register because of Non-Payment of the
Renewal Fee

Jamaica Intellectual Property Office

1. Your reference or name of mark

2. Give details of the registration Registration Number Class(es) registered prior to expiry

3. Classes
(if you are not renewing all of them)

4. Full name, email, address and postcode of registered proprietor

5. Full name, email, address and postcode of applicant for restoration and renewal (if difference from 4 above)

6. Name of agent (if applicable):

Address for service in Jamaica to which all correspondence shall be sent (see note (f))

Signature

Name (block capitals)

Date

SECOND SCHEDULE, *contd.*

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *If you have not renewed the registration within the six months period after the date of expiry, you have another six months to request the restoration of the registration by filing in Form TM14 along with this one and by sending us the fees. We will not accept applications to restore the registration after twelve months from the date of expiry. (Section 40 of the Trade Marks Act and rule 25 of the Trade Marks Rules, 2001 refer).*
- (f) *If your address is different from your agent's, then please give us details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT
TRADE MARKS RULES, 2001
Form TM16

(Rule 26)

TRADE MARKS REGISTRY
Application for the Revocation
or Rectification of a Registration
or for it to be Declared Invalid
Jamaica Intellectual Property Office

-
1. Your reference or name of mark
-
2. Give details of the registration Number (Lowest) Class
for which Revocation, rectification
or invalidity is sought
-
3. Is this request for—
- (a) revocation;
 - (b) rectification; or
 - (c) invalidity.
- (indicate (a), (b) or (c) as appropriate)*
-
4. Full name of the registered proprietor
-
5. Full name, email, address and postcode of applicant for revocation, rectification
for invalidity
-
6. Name of agent (if applicable):
- Address for service in Jamaica to which all correspondence shall be sent (see
note (h))
-

SECOND SCHEDULE, *contd.*

Declaration

I do declare that there is no action concerning the registration pending in the courts.

Signature

Name (block capitals)

Date

Name, email and daytime telephone number of person to contact

State number of any sheets attached to this form

Reminder

Have you attached?

- *a statement of case (which must accompany this form)*
- *the grounds for the revocation, rectification or invalidity applied for shall be included in the statement of case*

Notes:

- These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- Write your answers in capital letters using black ink or you may type them.*
- If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- This form shall be used to request the revocation or rectification of a registration. The registered mark can be revoked if it is not being used, or declared invalid, on the grounds of invalidity. The registration can also be rectified because of an error. (Sections 44, 46 and 62 of the Trade Marks Act refer).*

SECOND SCHEDULE, *contd.*

- (f) *If proceedings concerning the trade mark are waiting to be dealt with in court, you must apply to the court.*
- (g) *The Registrar may refer an application for revocation to the court at any stage.*
- (h) *If your address is different from your agent's, then please give us details of both.*

SECOND SCHEDULE, *contd.*

Reminder

Have you attached the grounds for your application to intervene?

Notes:

- (a) These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) Write your answers in capital letters using black ink or you may type them.*
- (c) If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) This form shall be used if you have cause to intervene in proceedings for the revocation or rectification of the registration of a trade mark.*
- (f) If your address is different from your agent's, then please give us details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM18

(Rules 28 and 30)

TRADE MARKS REGISTRY

Application to Record or Cancel a Registrable Transaction
or Memoranda Relating to a Trade Mark,
but not an Assignment or Licence

Jamaica Intellectual Property Office

-
1. Your reference or name of mark
-
2. Give details of the registration this Registration Numbers (Lowest) Class
will affect
-
3. Full name, email, address and postcode of the registered applicant
-
4. Full name, email, address and postcode of the person recorded, or to be recorded,
as having an interest in the registered trade marks shown above
-
5. Name of agent (if applicable):
Address for service in Jamaica to which all correspondence shall be sent (see
note (h))
-
6. Details of the transaction or memoranda to be recorded or cancelled
-
7. Signature of the registered proprietor (or his or her representative)
-
- Name (block capitals)
-
- Date
-
8. Signature of the person shown at section 4 overleaf (or his or her representative)

SECOND SCHEDULE, *contd.*

Name (block capitals)

Date

Name, email and daytime telephone number (of person completing this form)

State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *Section 30 of the Trade Marks Act and Rule 30 of the Trade Marks Rules 2001 allow for a person who claims to have an interest in, (or under) a registered mark to apply to have the details of that claim entered onto the Register. This claim may stem from:*
- *the making by personal representatives of an assent for the mark, or any right in or under it;*
 - *a Court or other competent authority transferring the mark, or any right in or under it.*
- (f) *In the case of transferring your legal rights to someone else, please use Form TM19.*
- (g) *To record a licence, please use Form TM20.*
- (h) *If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM19

(Rule 30)

TRADE MARKS REGISTRY

Application to Register a Change of Proprietor

Jamaica Intellectual Property Office

-
1. Your reference or name of mark

 2. Give details of the applications or registrations for which a change in ownership is to be recorded

	Number	(Lowest) Class
--	--------	----------------

 3. Full name of current registered proprietor

 4. Full name, email, address and postcode of new proprietor

 5. If the new proprietor is a corporate body, give country or state of incorporation
If the name of the new proprietor is the same as the old proprietor, then provide both the new and old company registration numbers

 6. Date new proprietor took over ownership

 7. If only part of the ownership has been transferred give the rights or goods or services transferred

 8. Name of agent (if applicable):
Address for service in Jamaica to which all correspondence shall be sent (see note (g))

 9. Is the agent or address for service above authorised for:
 - (a) the new proprietor in all matters in relation to the trade mark number?

SECOND SCHEDULE, *contd.*

(b) this action only?

(indicate (a) or (b) as appropriate)

If option (b) is chosen then the new proprietor shall ensure that an appropriate address for service is on record

10. Provide below an authorization to the change in ownership, or send us separate documentary evidence

Where the change of proprietor is effected by an instrument chargeable with duty under any enactment relating to stamp duty, the instrument has been duly stamped

Signature of the registered proprietor (*or his or her representative*)

Status of signatory

Name (block capitals)

Date

Signature of the new proprietor (or his or her representative)

Status of signatory

Name (block capitals)

Date

Name, email and daytime telephone number (of person completing this form)

State number of any sheets attached to this form

SECOND SCHEDULE, *contd.*

Reminder

Have you attached

- documentary evidence if appropriate?
- Proof of payment of the stamp duty if appropriate?

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used to register a change of proprietor (as allowed for under section 27 of the Trade Marks Act). The signature of the last proprietor (or his or her representative or executor) is required on the form. If you cannot do this, please send us documentary evidence to support the change of proprietor.*
- (f) *If this change in proprietor attracts stamp duty then the declaration at section 10 shall be signed. Alternatively proof of payment of the duty must be shown to the Registrar (Rule 30 of the Trade Marks Rules, 2001 refers).*
- (g) *If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM20

(Rule 30)

TRADE MARKS REGISTRY

Application for the registration of a Licence for
a Registered Trade Mark

Jamaica Intellectual Property Office

-
1. Your reference or name of mark

 2. Give details of the registrations Number (Lowest) Class
you want a licence recorded against

 3. Full name, email, address and postcode of the registered proprietor

 4. Full name, email, address and postcode of licensee

 5. (a) Date licence starts
(b) Date licence ends (if any)

 6. Is the licence to be exclusive

 7. Is the licence to be registered for all goods or services for which the mark is
registered?

If no, state which goods or services or limited geographical area the licence will be
recorded against in each case

 8. Name of agent (if applicable):

Address for service in Jamaica to which all correspondence shall be sent (see note
(i))

 9. Signature of the registered proprietor or grantor (or his or her representative)

SECOND SCHEDULE, *contd.*

10. Signature of the new licensee (or his or her representative)

 Signature

 Name (block capitals)

 Date

 Name, email and daytime telephone number (of person completing this form)

 State number of any sheets attached to this form

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used to record details of a licence granted by the proprietor of a trade mark (sections 28, 29 and 30 of the Trade Marks Act refer).*
- (f) *You should give the start date of the licence and the end date if appropriate.*
- (g) *If the licence is for part of a trade mark only, please give a description of the goods or services which the licence will apply to.*
- (h) *The form shall be signed by both the proprietor of the trade mark and the licensee (or their representatives), or the licensee and the sublicensee (or their representatives).*
- (i) *If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM21

(Rule 30)

TRADE MARKS REGISTRY

Application to Remove or Amend a Licence

Jamaica Intellectual Property Office

-
1. Your reference or name of mark

 2. Give details of the registration Number (Lowest) Class Licensee
affected numbers

 3. Full name of current registered proprietor

 4. Full name of the registered proprietor of the registrations shown above

 5. Show whether the applicant is—
 - (a) the registered proprietor; or
 - (b) the licence holder

(indicate (a) or (b) as appropriate)

 6. Name of agent (if applicable):

Address for service in Jamaica to which all correspondence shall be sent (see note (g))

 7. Write below details of the removal or amendment

 8. Signature of applicant (or his or her representative)

Name (block capitals)

SECOND SCHEDULE, *contd.*

Date

-
9. If you want to alter the terms of the licence and you are NOT the proprietor or grantor, the proprietor or grantor shall sign here (*or his or her representative*)

Signature

Name (block capitals)

Date

Name, email and daytime telephone number (of person completing this form)

State number of any sheets attached to this form

Notes

- (a) *These notes shall help you fill in this form. If you need any more help or you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used if an existing licence of a trade mark is removed or amended (section 30 of the Trade Marks Act refers).*
- (f) *If you are the licensee you must get the registered proprietor of the trade mark or the grantor to sign the form (or their representative).*
- (g) *If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM22

(Rule 32)

TRADE MARKS REGISTRY

Request for Registrar's General Certificate

Jamaica Intellectual Property Office

-
1. Your reference or name of mark

 2. Give details of the applications or registrations which the certificates are for

	Number	(Lowest) Class
--	--------	----------------

 3. Do you want:
 - (a) Certificate showing when the marks are registered?
 - (b) Certificate showing the current status? (for example for convention documents); or
 - (c) special requirements?

(indicate (a), (b) or (c) and provide details as appropriate)

 4. Write here if the certificates are for use in legal proceedings

 5. If the certificates are for obtaining registrations abroad, list the countries which you need the certificates for

 6. Full name, email, address and postcode to which the certificates should be sent

Signature

Name (block capitals)

SECOND SCHEDULE, *contd.*

Date

Name, email and daytime telephone number (of person completing this form)

State number of any sheets attached to this form

Notes

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *This form is used to get a general certificate from the Registrar concerning the details of a trade mark. You might need a certificate to prove you have made an application, or have a registration, in Jamaica, or in legal proceedings (Rule 32 of the Trade Marks Rules, 2001 refers).*
- (f) *If you are going to use the certificates in obtaining registrations abroad, you shall list the country or countries, so that the certificate may be prepared in the right way.*
- (g) *If your address for service is different from your agent's, then please give full details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM23

(Rule 37)

TRADE MARKS REGISTRY

Request for Information about Applications and Registered Marks

Jamaica Intellectual Property Office

-
1. Your reference or name of mark
-
2. Give details of the applications or registrations to which this request relates
- | | Number | (Lowest) Class |
|--|--------|----------------|
| | | |
-
3. Indicate for which category or categories of events you require notification (*A to H as detailed below; A separate fee is payable for each category indicated*)
- | Category | You shall be notified of: |
|----------------------------|--|
| <input type="checkbox"/> A | application advertised or withdrawn, refused or deemed abandoned before advertisement. |
| <input type="checkbox"/> B | current or future formal opposition filed against a new trade mark application |
| <input type="checkbox"/> C | application registered or withdrawn, refused or abandoned after advertisement |
| <input type="checkbox"/> D | unpaid renewal |
| <input type="checkbox"/> E | registration renewed or expired |
| <input type="checkbox"/> F | full surrender or successful revocation resulting in the removal of a mark from the register |
| <input type="checkbox"/> G | assignment application received |
| <input type="checkbox"/> H | assignment in full or partial assignment |

SECOND SCHEDULE, *contd.*

4. If your request is for an event not listed in 3, give details here

5. Full name, email, address and postcode to which the notifications shall be sent

Signature

Name (block capitals)

Date

Name, email and daytime telephone number (of person completing this form)

State number of any sheets attached to this form

Reminder

Have you attached a separate fee for each category you have indicated?

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *Since the register is a public record, anyone may ask to be told about any action on any application or registration. The form lists the categories which you can be notified about.*
- (f) *A separate form should be used for each trade mark number.*
- (g) *A separate fee is payable for each category you want to be notified about.*

SECOND SCHEDULE, *contd.*TRADE MARKS ACT
TRADE MARKS RULES, 2001

Form TM23A

(Rule 37A)

Request for a Preliminary Search and Registrar's Advice

Jamaica Intellectual Property Office

1. Trade mark to be searched	
2. Class(es) and goods or services	
3. Full name, address and nationality of person or entity making this request	
4. Full name, address and nationality of person or entity who will apply for registration	
Signature:	
Date:	
5. Name and daytime phone number, email address of the person we should contact in case of any query	
6. Your reference	
Number of sheets attached to this form	

Note: *Where enough space has not been provided, additional details should be attached to this Form.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM24

(Rule 50)

TRADE MARKS REGISTRY

Request to the Registrar for a Statement of Grounds of Decision

Jamaica Intellectual Property Office

1. Your reference or name of mark

2. Give details of the applications or registrations Number (Lowest) Class
to which this request relates

3. Date of Registrar's decision

4. Full name, email and address of applicant or agent making the request

Signature

Name (block capitals)

Date

Name, email and daytime telephone number (of person completing this form)

State number of any sheets attached to this form

Notes:

(a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*

(b) *Write your answers in capital letters using black ink or you may type them.*

SECOND SCHEDULE, *contd.*

- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *If your application for a trade mark is refused you may ask the Registrar for a statement of grounds of the decision within one month of the date on which the decision was sent to you.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM25

(Rule 54)

TRADE MARKS REGISTRY

Request for an Extension of Time on an Application

Jamaica Intellectual Property Office

-
1. Your reference or name of mark
-
2. Give details of the application to which this request relates
- | | | |
|--|--------|----------------|
| | Number | (Lowest) Class |
|--|--------|----------------|
-
3. Give the period of further time required in months
-
4. Give the reasons for this request
-
5. Full name of applicant
-
6. Name of agent (if applicable):
- Address for service in Jamaica to which all correspondence should be (see note (f))
-
- Signature
-
- Name (block capitals)
-
- Date
-
- Name, email and daytime telephone number (of person completing this form)

State number of any sheets attached to this form

SECOND SCHEDULE, *contd.*

Notes:

- (a) *These notes shall help you fill in this form. If you need any more help or if you have any questions, please contact the Trade Marks Registry.*
- (b) *Write your answers in capital letters using black ink or you may type them.*
- (c) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- (d) *Once you have filled in the form you must sign and date it. For details of fees and ways to pay, please contact the Trade Marks Registry.*
- (e) *You shall use this form if you want an extension of time as provided for in Rule 54 of the Trade Marks Rules.*
- (f) *If your address for service is different from your agent's, then please give us full details of both.*

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM26

(Rules 28A, 60)

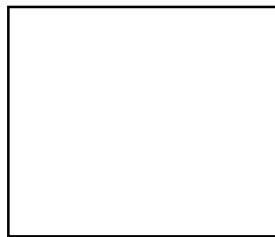
TRADE MARKS REGISTRY

Request to the Registrar to take note of an
International Registration in the Register

Jamaica Intellectual Property Office

1. Your reference or name of mark:
2. International registration number:
3. International registration date (or the date of recording of the territorial extension made subsequently):
4. Details of any priority claimed in the international application and recorded in the International Register: Date: _____ Country: _____
Number: _____.

5. Representation of trade mark
(This representation must be identical to the international trade mark)



6. Trade mark classification
(The goods or services listed must all have been included in your international registration)

SECOND SCHEDULE, *contd.*

Classes	List of Goods and Services

7. Indicate any limitations (including colours) or disclaimers:

8. Applicant's details:

- Full Name
- Owner type (individual, partnership, company)
- Address
- Email address (if you have no representative and would like us to correspond with you by email)
- Company registration number
- Country of incorporation

9. Representative's details (if any):

- Full Name
- Address for service
- Email address (if you would like us to correspond with you by email)

10. Contact details:

(Name, daytime telephone number of the person to contact)

11. I hereby request the Registrar to take note of the above international registration in the register.

12. Signature:

SECOND SCHEDULE, *contd.*

Name: _____
(Block capitals)

Date: _____

State number of sheets attached to this form: _____

SECOND SCHEDULE, *contd.*

TRADE MARKS ACT

TRADE MARKS RULES, 2001

Form TM27

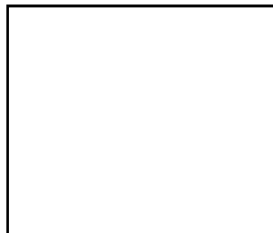
(Rule 5)

Application for Registration resulting from
Transformation of an International Registration

Jamaica Intellectual Property Office

1. Your reference or name of mark:
2. International registration number:
3. International registration date (or the date of recording of the territorial extension made subsequently):
4. Details of any priority claimed in the international application and recorded in the International Register: Date: _____ Country: _____
Number: _____.

5. Representation of trade mark
(This representation must be identical to the international trade mark)



6. Trade mark classification
(The goods or services listed must all have been included in your international registration)

SECOND SCHEDULE, *contd.*

Classes	List of Goods and Services

7. Indicate any limitations (including colours) or disclaimers:

8. Cancellation date of the international registration at WIPO

9. Applicant's details:

- Full Name
- Owner type (individual, partnership, company)
- Address
- Email address (if you have no representative and would like us to correspond with you by email)
- Company registration number
- Country of incorporation

11. Representative's details (if any):

- Full Name
- Address for service
- Email address (if you would like us to correspond with you by email)

12. Contact details:

(Name, daytime telephone number of the person to contact)

13. I hereby request the Registrar to take note of the above international registration in the register.

SECOND SCHEDULE, *contd.*

14. Signature:

Name: _____
(Block capitals)

Date: _____

State number of sheets attached to this form: _____ .”.

38. The principal Rules are amended by deleting the Fourth Schedule.

Dated this 15th day of December, 2022.

AUBYN HILL,
Minister of Industry, Investment and Commerce.