

LAWS OF GUYANA

TRADE MARKS ACT

CHAPTER 90:01

Act
67 of 1952
Amended by
4 of 1972

Current Authorised Pages

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**Note
on
Repeal**

This Act repealed the Trade Marks Ordinance, Cap. 59 of the 1929 Edition.

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TRADE MARKS ACT
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CHAPTER 90:01

TRADE MARKS ACT

1953 Ed.
c. 340

67 of 1952

An Act to amend and consolidate the law relating to Trade Marks.

[1ST JANUARY, 1956]

Short title.

1. This Act may be cited as the Trade Marks Act.

Interpretation.

2. (1) In this Act—

“the appointed day” means the date immediately before the date of the commencement of this Act;

“assignment” means assignment by act of the parties concerned;

“the Court” means the High Court;

“limitations” means any limitations of the exclusive right to the use of a trade mark given by the registration of a person as proprietor thereof, including limitations of that right as to mode of use, as to use in relation to goods to be sold, or otherwise traded in, in any place within Guyana, or as to use in relation to goods to be exported to any market outside Guyana;

“mark” includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof;

“permitted use” has the meaning assigned to it by section 30(1);

“prescribed” means, in relation to proceedings before the Court, prescribed by rules of court, and, in other cases, prescribed by this Act or the rules;

“the register” means the register of trade marks kept under this Act; “registered trade mark” means a trade mark that is actually on the register;

“registered user” means a person who is for the time being registered as such under section 30;

“the Registrar” means the Registrar of Patents, Designs and Trade Marks;

“the Registrar of Patents, Designs and Trade Marks” means the Registrar of Deeds;

“the rules” means any rules made under the provisions of this Act;

“trade mark” means, except in relation to a certification trade mark, a mark used or proposed to be used in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right either as proprietor or as registered user to use that mark, whether with or without any indication of the identity of that person, and means, in relation to a certification trade mark, a mark registered or deemed to have been registered under section 39;

“transmission” means transmission by operation of law, devolution on the personal representative of a deceased person, and any other mode of transfer not being assignment.

(2) References in this Act to the use of a mark shall be construed as references to the use of a printed or other visual representation of the mark, and references therein to the use of a mark in relation to goods shall be construed as references to the use thereof upon, or in physical or other relation to, goods.

PART I
REGISTRATION, INFRINGEMENT
AND OTHER SUBSTANTIVE PROVISIONS

The Register

The register of
trade marks.

3. (1) There shall continue to be kept for the purposes of this Act a record called the register of trademarks, wherein shall be entered all registered trademarks with the names, addresses and descriptions of their proprietors, notifications of assignments and transmissions, the names, addresses and descriptions of all registered users, disclaimers, conditions, limitations, and such other matters relating to registered trademarks as may be prescribed.

(2) The register shall continue to be divided into three parts called respectively Part A, Part B and Part C.

(3) The register shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed.

(4) The register shall be kept at the Patent Office under the control and management of the Registrar.

Effect of Registration and the Action for Infringement

No action for
infringement
of unregistered
trade mark.

4. No person shall be entitled to institute any proceeding to prevent, or to recover damages for, the infringement of an unregistered trade mark, but nothing in this Act shall be deemed to affect rights of action against any person for passing off goods as the goods of another person or the remedies in respect thereof.

Registration to
be in respect
of particular
goods.

5. A trade mark must be registered in respect of particular goods or classes of goods, and any question arising as to the class within which any goods fall shall be determined by the Registrar, whose decision shall be final.

Right given by registration in Part A, and infringement thereof.

6. (1) Subject to this section and sections 9 and 10, the registration (whether before or after the commencement of this Act) of a person in Part A of the register as proprietor of a trade mark (other than a certification trade mark) in respect of any goods shall, if valid, give or be deemed to have given to that person the exclusive right to the use of the trade mark in relation to those goods and, without prejudice to the generality of the foregoing words, that right shall be deemed to be infringed by any person who, not being the proprietor of the trade mark or a registered user thereof using by way of the permitted use, uses a mark identical with it or so nearly resembling it as to be likely to deceive or cause confusion, in the course of trade, in relation to any goods in respect of which it is registered, and in such manner as to render the use of the mark likely to be taken either –

- (a) as being used as a trade mark; or
- (b) in a case in which the use is use upon the goods or in physical relation thereto or in an advertising circular or other advertisement issued to the public, as importing a reference to some person having the right either as proprietor or as registered user to use the trade mark or to goods with which such a person as aforesaid is connected in the course of trade.

(2) The right to the use of a trade mark given by registration as aforesaid shall be subject to any conditions or limitations entered on the register, and shall not be deemed to be infringed by the use of any such mark as aforesaid in any mode, in relation to goods to be sold or otherwise traded in any place, in relation to goods to be exported to any market, or in any other circumstances, to which, having regard to any such limitations, the registration does not extend.

(3) The right to the use of a trade mark given by registration as aforesaid shall not be deemed to be infringed by the use of any such mark as aforesaid by any person—

- (a) in relation to goods connected in the course of trade with the proprietor or a registered user of the trade mark if, as to those goods or a bulk of which they form part, the proprietor or the registered user conforming to the permitted use has applied the trade mark and has not subsequently removed or obliterated it, or has at any time expressly or impliedly consented to the use of the trade mark; or
- (b) in relation to goods adapted to form part of, or to be accessory to, other goods in relation to which the trade mark has been used without infringement of the right given as aforesaid or might for the time being so used, if the use of the mark is reasonably necessary in order to indicate that the goods are so adapted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the fact a connection in the course of trade between any person and the goods.

(4) The use of a registered trade mark, being one of two or more registered trademarks that are identical or nearly resemble each other, in exercise of the right to the use of that trade mark given by registration as aforesaid, shall not be deemed to be an infringement of the right so given to the use of any other of those trade marks.

Right given by registration in Part B, and infringement thereof.

7. (1) Except as provided by subsection (2) the registration (whether before or after the commencement of this Act) of a person in Part B of the register as proprietor of a trade mark in respect of any goods shall, if valid, give or be deemed to have given to that person the like right in relation to those goods as if the registration had been in Part A of the register, and the provisions of the last foregoing section shall have effect in like manner in relation to a trade mark registered in Part B of the register as they have effect in relation to a trade mark registered in Part A of the register.

(2) In any action for infringement of the right to the use of a trade mark given by registration as aforesaid in Part B of the register, otherwise than by an act that is deemed to be an infringement by virtue of the next succeeding section, no injunction or other relief shall be granted to the plaintiff if the defendant establishes to the satisfaction of the Court that the use of which the plaintiff complains is not likely to deceive or cause confusion or to be taken as indicating a connection in the course of trade between the goods and some person having the right either as proprietor or as registered user to use the trade mark.

Infringement by breach of certain restrictions.

8. (1) Where, by a contract in writing made with the proprietor or a registered user of a registered trade mark, a purchaser or owner of goods enters into an obligation to the effect that he will not do, in relation to the goods, an act to which this section applies, any person who, being the owner for the time being of the goods and having notice of the obligation, does that act, or authorises it to be done, in relation to the goods, in the course of trade or with a view to any dealing therewith in the course of trade, shall be deemed thereby to infringe the right to the use of the trade mark given by the registration thereof, unless that person became the owner of the goods by purchase for money or money's worth in good faith before receiving notice of the obligation or by virtue of a title derived through another who so became the owner thereof.

(2) The acts to which this section applies are —

- (a) the application of the trade mark upon the goods after they have suffered alteration in any manner specified in the contract as respects their state or condition, get-up or packing;
- (b) in a case in which the trade mark is upon the goods, the alteration, part removal or part obliteration thereof;
- (c) in a case in which the trade mark is upon the goods, and there is also thereon other matter, being matter indicating a connection in the course of trade between the proprietor or registered user and the goods, the removal or obliteration, whether wholly or partly, of the trade mark unless that other matter is wholly removed or obliterated;
- (d) in a case in which the trade mark is upon the goods, the application of any other trade mark to the goods;
- (e) in a case in which the trade mark is upon the goods, the addition to the goods of any other matter in writing that is likely to injure the reputation of the trade mark.

(3) In this section references in relation to any goods to the proprietor, to a registered user, and to the registration of a trade mark, shall be construed respectively, as references to the proprietor in whose name the trade mark is registered, to a registered user who is registered, and to the

registration of the trade mark, in respect of those goods, and the expression “upon” includes in relation to any goods a reference to physical relation thereto.

Saving for
vested rights.

9. Nothing in this Act shall entitle the proprietor or a registered user of a registered trade mark to interfere with or restrain the use by any person of a trade mark identical with or nearly resembling it in relation to goods in relation to which that person or a predecessor in title of his has continuously used that trade mark from a date anterior—

- (a) to the use of the first-mentioned trade mark in relation to those goods by the proprietor or a predecessor in title of his; or
- (b) to the registration of the first-mentioned trade mark in respect of those goods in the name of the proprietor or a predecessor in title of his;

whichever is the earlier, or to object (on such use being proved) to that person being put on the register for that identical or nearly resembling trade mark in respect of those goods under section 14(2).

Saving for use
of name,
address or
description of
goods.

10. No registration of a trade mark shall interfere with—

- (a) any bona fide use by a person of his own name or of the name of his place of business, or of the name, or of the name of the place of business, of any of his predecessors in business; or
- (b) the use by any person of any bona fide description of the character or quality of his goods, not being a

description that would be likely to be taken as importing any such reference as is mentioned in section 6(1)(b), or section 39(3)(b).

Registrability and Validity of Registration

Distinctiveness
requisite for
registration in
Part A.

11. (1) In order for a trade mark (other than a certification trade mark) to be registrable in Part A of the register, it must contain or consist of at least one of the following essential particulars:

- (a) the name of a company, individual, or firm, represented in a special or particular manner;
- (b) the signature of the applicant for registration or some predecessor in his business;
- (c) an invented word or invented words;
- (d) a word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname;
- (e) any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the foregoing paragraphs (a), (b), (c) and (d), shall not be registrable under the provisions of this paragraph except upon evidence of its distinctiveness.

(2) For the purposes of this section "distinctive" means adapted, in relation to the goods in respect of which a

trade mark is registered or proposed to be registered, to distinguish goods with which the proprietor of the trade mark is or may be connected in the course of trade from goods in the case of which no such connection subsists, either generally or, where the trade mark is registered or proposed to be registered subject to limitations, in relation to use within the extent of the registration.

(3) In determining whether a trade mark is adapted to distinguish as aforesaid the tribunal may have regard to the extent to which—

- (a) the trade mark is inherently adapted to distinguish as aforesaid; and
- (b) by reason of the use of the trade mark or of any other circumstances, the trade mark is in fact adapted to distinguish as aforesaid.

Capability of distinguishing requisite for registration in Part B.

12. (1) In order for a trade mark to be registrable in Part B of the register it must be capable, in relation to the goods in respect of which it is registered or proposed to be registered, of distinguishing goods with which the proprietor of the trade mark is or may be connected in the course of trade from goods in the case of which no such connection subsists, either generally or, where the trade mark is registered or proposed to be registered subject to limitations, in relation to use within the extent of the registration.

(2) In determining whether a trade mark is capable of distinguishing as aforesaid the tribunal may have regard to the extent to which—

- (a) the trade mark is inherently capable of distinguishing as aforesaid; and
- (b) by reason of the use of the trade mark or of any other circumstances, the

trade mark is in fact capable of distinguishing as aforesaid.

(3) A trade mark may be registered in Part B notwithstanding any registration in Part A in the name of the same proprietor of the same trade mark or any part or parts thereof.

Prohibition of registration of deceptive, etc., matter.

13. It shall not be lawful to register as a trade mark or part of a trade mark any matter the use of which would, by reason of its being likely to deceive or cause confusion or otherwise, be disentitled to protection in a court of justice, or would be contrary to law or morality, or any scandalous design.

Prohibition of registration of identical and resembling trade marks.

14. (1) Subject to subsection (2), no trade mark shall be registered in respect of any goods or description of goods that is identical with a trade mark belonging to a different proprietor and already on the register in respect of the same goods or description of goods, or that so nearly resembles such a trade mark as to be likely to deceive or cause confusion.

(2) In case of honest concurrent use, or of other special circumstances which in the opinion of the Court or the Registrar make it proper so to do, the Court or the Registrar may permit the registration of trade marks that are identical or nearly resemble each other in respect of the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as the Court or the Registrar, as the case may be, may think it right to impose.

(3) Where separate applications are made by different persons to be registered as proprietors respectively of trade marks that are identical or nearly resemble each other, in respect of the same goods or description of goods, the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been

settled by agreement in a manner approved by him or, on an appeal by the Court.

Registration in Part A to be conclusive as to validity after seven years.

15. (1) In all legal proceedings relating to a trade mark registered in Part A of the register (including applications under section 34) the original registration in Part A of the register of the trade mark shall, after the expiration of seven years from the date of that registration, be taken to be valid in all respects, unless—

- (a) that registration was obtained by fraud; or
- (b) the trade mark offends against section 13.

(2) Nothing in section 7(1) shall be construed as making applicable to a trade mark, as being a trade mark registered in Part B of the register, the foregoing provisions of this section relating to a trade mark registered in Part A of the register.

Registration subject to disclaimer.

16. If a trade mark—

- (a) contains any part not separately registered by the proprietor as a trade mark; or
- (b) contains matter common to the trade or otherwise of a non-distinctive character,

the Registrar or the Court, in deciding whether the trade mark shall be entered or shall remain on the register, may require, as a condition of its being on the register—

- (i) that the proprietor shall disclaim any right to the exclusive use of any part of the

trade mark, or to the exclusive use of all or any portion of any such matter as aforesaid, to the exclusive use of which the tribunal holds him not to be entitled; or

- (ii) that the proprietor shall make such other disclaimer as the tribunal may consider necessary for the purpose of defining his rights under the registration:

Provided that no disclaimer on the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

Words used as name or description of an article or substance.

17. (1) The registration of a trade mark shall not be deemed to have become invalid by reason only of any use, after the date of the registration, of a word or words which the trade mark contains, or of which it consists, as the name or description of an article or substance:

Provided that, if it is proved either—

- (a) that there is a well-known and established use of the word or words as the name or description of the article or substance by a person or persons carrying on a trade therein, not being used in relation to goods connected in the course of trade with the proprietor or a registered user of the trade mark or (in the case of a certification trade mark) goods certified by the proprietor; or

- (b) that the article or substance was formerly manufactured under a patent (being a patent in force on, or granted after, the 22nd December, 1928), that a period of two years or more after the cesser of the patent has elapsed, and that the word or words is or are the only practicable name or description of the article or substance,

the next succeeding subsection shall have effect.

(2) Where the facts mentioned in paragraph (a) or (b) of the proviso to the foregoing subsection are proved with respect to any word or words, then—

- (a) if the trade mark consists solely of that word or those words, the registration of the trade mark, so far as regards registration in respect of the article or substance in question or of any goods of the same description, shall be deemed for the purposes of section 34 to be an entry wrongly remaining on the register;
- (b) if the trade mark contains that word or those words and other matter, the Court or the Registrar, in deciding whether the trade mark shall remain on the register, so far as regards registration in respect of the article or substance in question and of any goods of the same description, may in case of a decision in favour of its remaining on the register require as a condition thereof that the proprietor shall disclaim any right to the exclusive use in relation to that

article or substance and any goods of the same description of that word or those words, so, however, that no disclaimer on the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made; and

(c) for the purposes of any other legal proceedings relating to the trade mark—

(i) if the trade mark consists solely of that word or those words, all rights of the proprietor to the exclusive use of the trade mark in relation to the article or substance in question or to any goods of the same description; or

(ii) if the trade mark contains that word or those words and other matter, all such rights of the proprietor to the exclusive use of that word or those words in such relation as aforesaid;

shall be deemed to have ceased on the date at which the use mentioned in paragraph (a) of the proviso to the foregoing subsection first became well known and established, or at the expiration of the period of two years mentioned in paragraph (b) of that proviso.

(3) No word which is the commonly used and accepted name of any single chemical element or single chemical compound, as distinguished from a mixture, shall be registered as a trade mark in respect of a chemical substance or preparation, and any such registration in force at the commencement of this Act or thereafter shall, notwithstanding anything in section 15, be deemed for the purposes of section 34 to be an entry made in the register without sufficient cause, or an entry wrongly remaining on the register, as the circumstances may require:

Provided that the foregoing provisions of this subsection shall not have effect in relation to a word which is used to denote only a brand or make of the element or compound as made by the proprietor or a registered user of the trade mark, as distinguished from the element or compound as made by others, and in association with a suitable name or description open to the public use.

Effect of limitation as to colour, and of absence thereof.

18. A trade mark may be limited in whole or in part to one or more specified colours, and in any such case the fact that it is so limited shall be taken into consideration by any tribunal having to decide on the distinctive character of the trade mark.

If and so far as a trade mark is registered without limitation of colour, it shall be deemed to be registered for all colours.

Procedure for, and Duration of, Registration

Application for registration.

19. (1) Any person claiming to be the proprietor of a trade mark used or proposed to be used by him who is desirous of registering it must apply in writing to the Registrar in the prescribed manner for registration either in Part A or in Part B of the register.

(2) Subject to this Act, the Registrar may refuse the application, or may accept it absolutely or subject to such

amendments, modifications, conditions or limitations, if any, as he may think right.

(3) In the case of an application for registration of a trade mark (other than a certification trade mark) in Part A of the register, the Registrar may, if the applicant is willing, instead of refusing the application, treat it as an application for registration in Part B and deal with the application accordingly.

(4) In the case of a refusal or conditional acceptance, the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving thereat, and the decision shall be subject to appeal to the Court.

(5) An appeal under this section shall be made in the prescribed manner, and on the appeal the Court shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what amendments, modifications, conditions or limitations, if any, the application is to be accepted.

(6) Appeals under this section shall be heard on the materials stated as aforesaid by the Registrar, and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the Registrar, other than those so stated as aforesaid by him, except by leave of the Court hearing the appeal. Where any further grounds of objection are taken, the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.

(7) The Registrar or the Court, as the case may be, may at any time, whether before or after acceptance, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as the Registrar or the Court, as the case may be, may think fit.

Opposition to
Registration.

20. (1) When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions or limitations, the Registrar shall, as soon as may be after acceptance, cause the application as accepted to be advertised in the prescribed manner, and the advertisement shall set forth all conditions and limitations subject to which the application has been accepted:

Provided that the Registrar may cause an application to be advertised before acceptance if it is made under section 11(1)(e), or in any other case where it appears to him that it is expedient by reason of any exceptional circumstances so to do, and where an application has been so advertised the Registrar may, if he thinks fit, advertise it again when it has been accepted but shall not be bound so to do.

(2) Any person may, within the prescribed time from the date of the advertisement of an application, give notice to the Registrar of opposition to the registration.

(3) The notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.

(4) The Registrar shall send a copy of the notice to the applicant, and within the prescribed time after receipt thereof the applicant shall send to the Registrar, in the prescribed manner, in duplicate, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application.

(5) If the applicant sends such a counter-statement as aforesaid, the Registrar shall furnish a copy thereof to the persons giving notice of opposition, and shall, after hearing the parties, if so required, and considering the evidence, decide whether, and subject to what conditions or limitations, if any, registration is to be permitted.

(6) The decision of the Registrar shall be subject to appeal to the Court.

(7) An appeal under this section shall be made in the prescribed manner, and on the appeal the Court shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions or limitations, if any, registration is to be permitted.

(8) On the hearing of an appeal under this section any party may, either in the manner prescribed or by special leave of the Court, bring forward further material for the consideration of the Court.

(9) On an appeal under this section no further grounds of objection to the registration of a trade mark shall be allowed to be taken by the opponent or the Registrar, other than those so stated as aforesaid by the opponent, except by leave of the Court. Where any further grounds of objection are taken, the applicant shall be entitled to withdraw his application without payment of the costs of the opponent on giving notice as prescribed.

(10) On an appeal under this section the Court may, after hearing the Registrar, permit the trade mark proposed to be registered to be modified in any manner not substantially affecting the identity thereof, but in any such case the trade mark as so modified shall be advertised in the prescribed manner before being registered.

(11) If a person giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such a notice, or an appellant, neither resides nor carries on business in Guyana, the tribunal may require him to give security for costs of the proceedings before the tribunal relative to the opposition or to the appeal, as the case may be, and in default of such security being duly given may treat the opposition or application, or the appeal, as the case may be, as abandoned.

Registration.

21. (1) When an application for registration of a trade mark in Part A or In Part B of the register has been accepted, and either—

- (a) the application has not been opposed and the time for notice of opposition has expired; or
- (b) the application has been opposed and the opposition has been decided in favour of the applicant,

the Registrar shall, unless the application has been accepted in error, register the trade mark in Part A or Part B, as the case may be, and the trade mark, when registered, shall be registered as of the date of the application for registration, and that date shall be deemed for the purposes of this Act to be the date of registration:

Provided that the foregoing provisions of this subsection, relating to the date as of which a trade mark shall be registered and to the date to be deemed to be the date of registration, shall, as respects a trade mark registered under this Act with the benefit of any enactment relating to international or Commonwealth arrangements, have effect subject to that enactment.

(2) On the registration of a trade mark the Registrar shall issue to the applicant a certificate in the prescribed form of the registration thereof sealed with the seal of the Patent Office.

(3) Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in that behalf in the notice.

Duration and
renewal of
registration.

22. (1) The registration of a trade mark shall be for a period of seven years, but may be renewed from time to time in accordance with this section:

Provided that, in relation to a registration as of a date prior to the commencement of this Act, this subsection shall have effect with the substitution of a period of fourteen years for the said period of seven years.

(2) The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of the trade mark for a period of fourteen years from the date of expiration of the original registration or of the last renewal of registration, as the case may be, which date is in this section referred to as "the expiration of the last registration."

(3) At the prescribed time before the expiration of the last registration of a trade mark, the Registrar shall send notice in the prescribed manner to the registered proprietor of the date of expiration and the conditions as to payment of fees and otherwise upon which a renewal of registration may be obtained, and, if at the expiration of the time prescribed in that behalf those conditions have not been duly complied with, the Registrar may remove the trade mark from the register, subject to such conditions, if any, as to its restoration to the register as may be prescribed.

(4) Where a trade mark has been removed from the register for non-payment of the fee for renewal, it shall, nevertheless, for the purpose of any application for the registration of a trade mark during one year next after the date of the removal, be deemed to be a trade mark that is already on the register:

Provided that the foregoing provisions of this subsection shall not have effect where the tribunal is satisfied either—

- (a) that there has been no bona fide trade use of the trade mark that has been removed during the two years immediately preceding its removal; or
- (b) that no deception or confusion would be likely to arise from the use of the trade mark that is the subject of the application for registration by reason of any previous use of the trade mark that has been removed.

Registration of parts of trade marks and of trade marks as a series.

23. (1) Where the proprietor of a trade mark claims to be entitled to the exclusive use of any part thereof separately, he may apply to register the whole and any such part as separate trade marks.

Each such separate trade mark must satisfy all the conditions of an independent trade mark and shall, subject to section 25(3) and section 32(2), have all the incidents of an independent trade mark.

(2) Where a person claiming to be the proprietor of several trade marks, in respect of the same goods or description of goods, which, while resembling each other in the material particulars thereof, yet differ in respect of—

- (a) statements of the goods in relation to which they are respectively used or proposed to be used; or
- (b) statements of number, price, quality or names of places; or
- (c) other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or

(d) colour,

seeks to register those trade marks, they may be registered as a series in one registration.

Assignment and Transmission

Powers of, and restrictions on, assignment and transmission.

24. (1) Notwithstanding any rule of law or equity to the contrary, a registered trade mark shall be, and shall be deemed always to have been, assignable and transmissible either in connection with the good will of a business or not.

(2) A registered trade mark shall be, and shall be deemed always to have been, assignable and transmissible in respect either of all the goods in respect of which it is registered, or was registered, as the case may be, or of some (but not all) of those goods.

(3) The provisions of the two foregoing subsections shall have effect in the case of an unregistered trade mark used in relation to any goods as they have effect in the case of a registered trade mark registered in respect of any goods, if at the time of the assignment or transmission of the unregistered trade mark it is or was used in the same business as a registered trade mark, and if it is or was assigned or transmitted at the same time and to the same person as that registered trade mark and in respect of goods all of which are goods in relation to which the unregistered trade mark is or was used in that business and in respect of which that registered trade mark is or was assigned or transmitted.

(4) Notwithstanding anything in the foregoing subsections, a trade mark shall not be, or be deemed to have been, assignable or transmissible in a case in which as a result of an assignment or transmission there would in the circumstances subsist, or have subsisted, exclusive rights in more than one of the persons concerned to the use, in relation to the same goods or description of goods, of trade marks nearly resembling each other or of identical trade marks, if,

having regard to the similarity of the goods and of the trade marks, the use of the trade marks in exercise of those rights would be, or have been, likely to deceive or cause confusion:

Provided that, where a trade mark is, or has been, assigned or transmitted in such a case as aforesaid, the assignment or transmission shall not be deemed to be, or to have been, invalid under this subsection if the exclusive rights subsisting as a result thereof in the persons concerned respectively are, or were, having regard to limitations imposed thereon, such as not to be exercisable by two or more of those persons in relation to goods to be sold, or otherwise traded in, within Guyana (otherwise than for export therefrom) or in relation to goods to be exported to the same market outside Guyana.

(5) The proprietor of a registered trade mark who proposes to assign it in respect of any goods in respect of which it is registered may submit to the Registrar in the prescribed manner a statement of case setting out the circumstances, and the Registrar may issue to him a certificate stating whether, having regard to the similarity of the goods and of the trade marks referred to in the case, the proposed assignment of the first-mentioned trade mark would or would not be invalid under the last foregoing subsection, and a certificate so issued shall, subject to the provisions of this section as to appeal and unless it is shown that the certificate was obtained by fraud or misrepresentation, be conclusive as to the validity or invalidity under the last foregoing subsection of the assignment in so far as such validity or invalidity depends upon the facts set out in the case, but, as regards a certificate in favour of validity, only if application for the registration under section 27 of the title of the person becoming entitled is made within six months from the date on which the certificate is issued.

(6) Notwithstanding anything in subsections (1) to (3) (inclusive), a trade mark shall not, on or after the commencement of this Act, be assignable or transmissible in a

case in which as a result of an assignment or transmission thereof there would in the circumstances subsist, whether under the common law or by registration, an exclusive right in one of the persons concerned to the use of the trade mark limited to use in relation to goods to be sold, or otherwise traded in, in a place or places in Guyana, and an exclusive right in another of those persons to the use of a trade mark nearly resembling the first-mentioned trade mark or of an identical trade mark in relation to the same goods or description of goods limited to use in relation to goods to be sold, or otherwise traded in, in another place or other places in Guyana:

Provided that, on application in the prescribed manner by the proprietor of a trade mark who proposes to assign it, or of a person who claims that a trade mark has been transmitted to him or to a predecessor in title of his on or after the commencement of this Act, in any such case, the Registrar, if he is satisfied that in all the circumstances the use of the trade marks in exercise of the said rights would not be contrary to the public interest, may approve the assignment or transmission, and an assignment or transmission so approved shall not be deemed to be, or to have been, invalid under this subsection or under subsection (4), so, however, that in the case of a registered trade mark this provision shall not have effect unless application for the registration under section 27 of the title of the person becoming entitled is made within six months from the date on which the approval is given or, in the case of a transmission, was made before that date.

(7) Where an assignment in respect of any goods of a trade mark that is at the time of the assignment used in a business in those goods is made, on or after the commencement of this Act, otherwise than in connection with the goodwill of that business, the assignment shall not take effect until the following requirements have been satisfied, that is to say, the assignee must, not later than the expiration of six months from the date on which the assignment is made

or within such extended period, if any, as the Registrar may allow, apply to him for directions with respect to the advertisement of the assignment, and must advertise it in such form and manner and within such period as the Registrar may direct.

(8) Any decision of the Registrar under this section shall be subject to appeal to the Court.

Certain trade marks to be associated so as to be assignable and transmissible as a whole only.

25. (1) Trade marks that are registered as, or that are deemed by virtue of this Act to be, associated trade marks shall be assignable and transmissible only as a whole and not separately but they shall for all other purposes be deemed to have been registered as separate trade marks.

(2) Where a trade mark that is registered, or is the subject of an application for registration, in respect of any goods is identical with another trade mark that is registered, or is the subject of an application for registration, in the name of the same proprietor in respect of the same goods or description of goods, or so nearly resembles it as to be likely to deceive or cause confusion if used by a person other than the proprietor, the Registrar may at any time require that the trade marks shall be entered on the register as associated trade marks.

Any decision of the Registrar under this subsection shall be subject to appeal to the Court.

(3) Where a trade mark and any part or parts thereof are by virtue of section 23(1), registered as separate trade marks in the name of the same proprietor, they shall be deemed to be, and shall be registered as, associated trade marks.

(4) All trade marks that are, by virtue of section 23(2), registered as a series in one registration shall be deemed to be, and shall be registered as, associated trade marks.

(5) On application made in the prescribed manner by the registered proprietor of two or more trade marks registered as associated trade marks, the Registrar may dissolve the association as respects any of them if he is satisfied that there would be no likelihood of deception or confusion being caused if that trade mark were used by another person in relation to any of the goods in respect of which it is registered, and may amend the register accordingly.

Any decision of the Registrar under this subsection shall be subject to appeal to the Court.

Power of registered proprietor to assign and give receipts.

26. Subject to this Act, the person for the time being entered in the register as proprietor of a trade mark shall, subject to any rights appearing from the register to be vested in any other person, have power to assign the trade mark, and to give effectual receipts for any consideration for an assignment thereof.

Registration of assignments and transmissions.

27. (1) Where a person becomes entitled by assignment or transmission to a registered trade mark, he shall make application to the Registrar to register his title, and the Registrar shall, on receipt of the application and on proof of title to his satisfaction, register him as the proprietor of the trade mark in respect of the goods in respect of which the assignment or transmission has effect, and shall cause particulars of the assignment or transmission to be entered on the register.

(2) Any decision of the Registrar under this section shall be subject to appeal to the Court.

(3) Except for the purposes of an appeal under this section or of an application under section 34, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of subsection (1) shall not be admitted in evidence in any court in proof of the title to a trade mark unless the court otherwise directs.

Use and Non-Use

Removal from register and imposition of limitations on ground of non-use.

28. (1) Subject to the next succeeding section, a registered trade mark may be taken off the register in respect of any of the goods in respect of which it is registered on application by any person aggrieved to the Court or, at the option of the applicant and subject to section 64, to the Registrar, on the ground either—

- (a) that the trade mark was registered without any bona fide intention on the part of the applicant for registration that it should be used in relation to those goods by him, and that there has in fact been no bona fide use of the trade mark in relation to those goods by any proprietor thereof for the time being up to the date one month before the date of the application; or
- (b) that up to the date one month before the date of the application a continuous period of five years or longer elapsed during which the trade mark was a registered trade mark and during which there was no bona fide use thereof in relation to those goods by any proprietor thereof for the time being:

Provided that (except where the applicant has been permitted under section 14(2) to register an identical or nearly resembling trade mark in respect of the goods in question or where the tribunal is of the opinion that he might properly be permitted so to register such a trade mark) the tribunal may refuse an application made under paragraph (a) or (b) in relation to any goods, if it is shown that there has been, before the relevant date or during the relevant period, as the case may be, bona fide use of the trade mark by any proprietor

thereof for the time being in relation to goods of the same description, being goods in respect of which the trade mark is registered.

(2) Where in relation to any goods in respect of which a trade mark is registered—

- (a) the matters referred to in paragraph (b) of the foregoing subsection are shown so far as regards non-use of the trade mark in relation to goods to be sold, or otherwise traded in, in a particular place in Guyana (otherwise than for export from Guyana), or in relation to goods to be exported to a particular market outside Guyana; and
- (b) a person has been permitted under section 14(2) to register an identical or nearly resembling trade mark in respect of those goods under a registration extending to use in relation to goods to be sold, or otherwise traded in, in that place (otherwise than for export from Guyana), or in relation to goods to be exported to that market, or the tribunal is of the opinion that he might properly be permitted so to register such a trade mark, on application by that person to the Court or, at the option of the applicant and subject to the provisions of section 64, to the Registrar, the tribunal may impose on the registration of the first-mentioned trade mark such limitations as the tribunal thinks

proper for securing that that registration shall cease to extend to such use as last aforesaid.

(3) An applicant shall not be entitled to rely for the purposes of subsection (1)(b), or for the purposes of subsection (2), on any non-use of a trade mark that is shown to have been due to special circumstances in the trade and not to any intention not to use or to abandon the trade mark in relation to the goods to which the application relates.

Defensive registration of well-known trade marks.

29. (1) Where a trade mark consisting of an invented word or invented words has become so well known as respects any goods in respect of which it is registered and in relation to which it has been used that the use thereof in relation to other goods would be likely to be taken as indicating a connection in the course of trade between those goods and a person entitled to use the trade mark in relation to the first-mentioned goods, then, notwithstanding that the proprietor registered in respect of the first-mentioned goods does not use or propose to use the trade mark in relation to those other goods and notwithstanding anything in the last foregoing section, the trade mark may, on the application in the prescribed manner of the proprietor registered in respect of the first-mentioned goods, be registered in his name in respect of those other goods as a defensive trade mark and, while so registered, shall not be liable to be taken off the register in respect of those goods under the last foregoing section.

(2) The registered proprietor of a trade mark may apply for the registration thereof in respect of any goods as a defensive trade mark notwithstanding that it is already registered in his name in respect of those goods otherwise than as a defensive trade mark, or may apply for the registration thereof in respect of any goods otherwise than as a defensive trade mark notwithstanding that it is already registered in his name in respect of those goods as a defensive trade mark, in lieu in each case of the existing registration.

(3) A trade mark registered as a defensive trade mark and that trade mark as otherwise registered in the name of the same proprietor shall, notwithstanding that the respective registrations are in respect of different goods, be deemed to be, and shall be registered as, associated trade marks.

(4) On application by any person aggrieved to the Court or, at the option of the applicant and subject to section 64, to the Registrar, the registration of a trade mark as a defensive trade mark may be cancelled on the ground that the requirements of subsection (1) are no longer satisfied in respect of any goods in respect of which the trade mark is registered in the name of the same proprietor otherwise than as a defensive trade mark, or may be cancelled as respects any goods in respect of which it is registered as a defensive trade mark on the ground that there is no longer any likelihood that the use of the trade mark in relation to those goods would be taken as giving the indication mentioned in subsection (1).

(5) The Registrar may at any time cancel the registration as a defensive trade mark of a trade mark of which there is no longer any registration in the name of the same proprietor otherwise than as a defensive trade mark.

(6) Except as otherwise expressly provided in this section, this Act shall apply in respect of the registration of trade marks as defensive trade marks and of trade marks so registered as they apply in other cases.

Registered
users.

30. (1) Subject to this section, a person other than the proprietor of a trade mark may be registered as a registered user thereof in respect of all or any of the goods in respect of which it is registered (otherwise than as a defensive trade mark) and either with or without conditions or restrictions.

The use of a trade mark by a registered user thereof in relation to goods with which he is connected in the course of trade and in respect of which for the time being the trade mark remains registered and he is registered as a registered user, being use such as to comply with any conditions or restrictions to which his registration is subject, is in this Act referred to as the "permitted use" thereof.

(2) The permitted use of a trade mark shall be deemed to be use by the proprietor thereof, and shall be deemed not to be use by a person other than the proprietor, for the purposes of section 28 and for any other purpose for which such use is material under this Act or at common law.

(3) Subject to any agreement subsisting between the parties, a registered user of a trade mark shall be entitled to call upon the proprietor thereof to take proceedings to prevent infringement thereof, and, if the proprietor refuses or neglects to do so within two months after being so called upon, the registered user may institute proceedings for infringement in his own name as if he were the proprietor, making the proprietor a defendant.

A proprietor so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

(4) Where it is proposed that a person should be registered as a registered user of a trade mark, the proprietor and the proposed registered user must apply in writing to the Registrar in the prescribed manner and must furnish him with a statutory declaration made by the proprietor, or by some person authorised to act on his behalf and approved by the Registrar —

- (a) giving particulars of the relationship, existing or proposed, between the proprietor and the proposed registered user, including

particulars showing the degree of control by the proprietor over the permitted use which their relationship will confer and whether it is a term of their relationship that the proposed registered user shall be the sole registered user or that there shall be any other restriction as to persons for whose registration as registered users application may be made;

- (b) stating the goods in respect of which registration is proposed;
- (c) stating any conditions or restrictions proposed with respect to the characteristics of the goods, to the mode or place of permitted use, or to any other matter; and
- (d) stating whether the permitted use is to be for a period or without limit of period, and, if for a period, the duration thereof,

and with such further documents, information or evidence as may be required under the rules or by the Registrar.

(5) When the requirements of the last foregoing subsection have been complied with, if the Registrar, after considering the information furnished to him under that subsection, is satisfied that in all the circumstances the use of the trade mark in relation to the proposed goods or any of them by the proposed registered user subject to any conditions or restrictions which the Registrar thinks proper would not be contrary to the public interest, the Registrar may register the proposed registered user as a registered user in respect of the goods as to which he is so satisfied subject as

aforesaid.

(6) The Registrar shall refuse an application under the foregoing provisions of this section if it appears to him that the grant thereof would tend to facilitate trafficking in a trade mark.

(7) The Registrar shall, if so required by an applicant, take steps for securing that information given for the purposes of an application under the foregoing provisions of this section (other than matter entered in the register) is not disclosed to rivals in trade.

(8) Without prejudice to the provisions of section 34, the registration of a person as a registered user —

- (a) may be varied by the Registrar as regards the goods in respect of which, or any conditions or restrictions subject to which, it has effect, on the application in writing in the prescribed manner of the registered proprietor of the trade mark to which the registration relates;
- (b) may be cancelled by the Registrar on the application in writing in the prescribed manner of the registered proprietor or of the registered user or of any other registered user of the trade mark; or
- (c) may be cancelled by the Registrar on the application in writing in the prescribed manner of any person on any of the following grounds:
 - (i) that the registered user has used the trade mark otherwise

than by way of the permitted use, or in such a way as to cause, or to be likely to cause, deception or confusion;

- (ii) that the proprietor the registered user misrepresented, or failed to disclose, some fact material to the application for the registration, or that the circumstances have materially changed since the date of the registration;
- (iii) that the registration ought not to have been effected having regard to rights vested in the applicant by virtue of a contract in the performance of which he is interested.

(9) Provision shall be made by the rules for the notification of the registration of a person as a registered user to any other registered user of the trade mark, and for the notification of an application under the last foregoing subsection to the registered proprietor and each registered user (not being the applicant) of the trade mark, and for giving to the applicant on such an application, and to all persons to whom such an application is notified and who intervene in the proceedings in accordance with the rules, an opportunity for being heard.

(10) The Registrar may at any time cancel the registration of a person as a registered user of a trade mark in respect of any goods in respect of which the trade mark is no longer registered.

(11) Any decision of the Registrar under the foregoing provisions of this section shall be subject to appeal

to the Court.

(12) Nothing in this section shall confer on a registered user of a trade mark any assignable or transmissible right to the use thereof.

Proposed use
of trade mark
by corporation
to be
constituted,
etc.

31. (1) No application for the registration of a trade mark in respect of any goods shall be refused, nor shall permission for such registration be withheld, on the ground only that it appears that the applicant does not use or propose to use the trade mark—

- (a) if the tribunal is satisfied that a body corporate is about to be constituted, and that the applicant intends to assign the trade mark to the corporation with a view to the use thereof in relation to those goods by the corporation; or
- (b) if the application is accompanied by an application for the registration of a person as a registered user of the trade mark, and the tribunal is satisfied that the proprietor intends it to be used by that person in relation to those goods and the tribunal is also satisfied that that person will be registered as a registered user thereof immediately after the registration of the trade mark.

(2) Section 28 shall have effect, in relation to a trade mark registered under the power conferred by the foregoing subsection, as if for the reference, in subsection (1)(a), to intention on the part of an applicant for registration that a trade mark should be used by him there were substituted a reference to intention on his part that it should be used by the corporation or registered user concerned.

(3) The tribunal may, as a condition of the exercise of the power conferred by subsection (1) in favour of an applicant who relies on the intention to assign to a corporation as aforesaid, require him to give security for the costs of any proceedings before the tribunal relative to any opposition or appeal, and in default of such security being duly given may treat the application as abandoned.

(4) Where a trade mark is registered in respect of any goods under the power conferred by subsection (1) in the name of an applicant who relies on intention to assign to a corporation as aforesaid, then, unless within such period as may be prescribed, or within such further period not exceeding six months as the Registrar may on application being made to him in the prescribed manner allow, the corporation has been registered as the proprietor of the trade mark in respect of those goods, the registration shall cease to have effect in respect thereof at the expiration of that period, and the Registrar shall amend the register accordingly.

Use of one of associated or substantially identical trade marks equivalent to use of another.

32. (1) Where under this Act use of a registered trade mark is required to be proved for any purpose, the tribunal may, if and so far as the tribunal thinks right, accept use of an associated registered trade mark, or of the trade mark with additions or alterations not substantially affecting its identity, as an equivalent for the use required to be proved.

(2) The use of the whole of a registered trade mark shall for the purposes of this Act be deemed to be also a use of any registered trade mark, being a part thereof, registered in the name of the same proprietor by virtue of section 23(1).

Use of trade mark for export trade.

33. The application in Guyana of a trade mark to goods to be exported from Guyana, and any other act done in Guyana in relation to goods to be so exported which, if done in relation to goods to be sold or otherwise traded in within

Guyana, would constitute use of a trade mark therein, shall be deemed to constitute use of the trade mark in relation to those goods for any purpose for which such use is material under this Act or at common law.

Rectification and Correction of the Register

General power to rectify entries in register.

34. (1) Any person aggrieved by the non-insertion in or omission from the register of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly remaining on the register, or by any error or defect in any entry in the register, may apply in the prescribed manner to the Court or, at the option of the applicant and subject to section 64, to the Registrar, and the tribunal may make such order for making, expunging or varying the entry as the tribunal may think fit.

(2) The tribunal may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register.

(3) In case of fraud in the registration, assignment or transmission of a registered trade mark, the Registrar may himself apply to the Court under this section.

(4) Any order of the Court rectifying the register shall direct that notice of the rectification shall be served in the prescribed manner on the Registrar, and the Registrar shall on receipt of the notice rectify the register accordingly.

(5) The power to rectify the register conferred by this section shall include power to remove a registration in Part A of the register to Part B.

Power to expunge or vary registration for breach of condition.

35. On application by any person aggrieved to the Court, or, at the option of the applicant and subject to section 64, to the Registrar, or on application by the Registrar to the Court, the tribunal may make such order as the tribunal may

think fit for expunging or varying the registration of a trade mark on the ground of any contravention of, or failure to observe, a condition entered on the register in relation thereto.

Correction of register.

36. (1) The Registrar may, on request made in the prescribed manner by the registered proprietor—

- (a) correct any error in the name, address or description of the registered proprietor of a trade mark;
- (b) enter any change in the name, address or description of the person who is registered as proprietor of a trade mark;
- (c) cancel the entry of a trade mark on the register;
- (d) strike out any goods or classes of goods from those in respect of which a trade mark is registered; or
- (e) enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of the trade mark.

(2) The Registrar may, on request made in the prescribed manner by a registered user of a trade mark, correct any error, or enter any change, in the name, address or description of the registered user.

(3) Any decision of the Registrar under this section shall be subject to appeal to the Court.

Alteration of registered trade mark.

37. (1) The registered proprietor of a trade mark may apply in the prescribed manner to the Registrar for leave to add to or alter the trade mark in any manner not substantially affecting the identity thereof, and the Registrar may refuse leave or may grant it on such terms and subject to such limitations as he may think fit.

(2) The Registrar may cause an application under this section to be advertised in the prescribed manner in any case where it appears to him that it is expedient so to do, and where he does so, if within the prescribed time from the date of the advertisement any person gives notice to the Registrar in the prescribed manner of opposition to the application, the Registrar shall, after hearing the parties if so required, decide the matter.

(3) Any decision of the Registrar under this section shall be subject to appeal to the Court.

(4) Where leave as aforesaid is granted, the trade mark as altered shall be advertised in the prescribed manner, unless it has already been advertised, in the form to which it has been altered, in an advertisement under subsection (2).

Adaption of entries in register to amended or substituted classification of goods.

38. (1) The Minister may from time to time make such rules, prescribe such forms and generally do such things as he thinks expedient, for empowering the Registrar to amend the register, whether by making or expunging or varying entries therein, so far as may be requisite for the purpose of adapting the designation therein of the goods or classes of goods in respect of which trade marks are registered to any amended or substituted classification that may be prescribed.

(2) The Registrar shall not, in exercise of any power conferred on him for the purpose aforesaid, make any amendment of the register that would have the effect of adding any goods or classes of goods to those in respect of which a trade mark is registered (whether in one or more

classes) immediately before the amendment is to be made, or of antedating the registration of a trade mark in respect of any goods:

Provided that this subsection shall not have effect in relation to goods as to which the Registrar is satisfied that compliance with this subsection in relation thereto would involve undue complexity and that the addition or antedating, as the case may be, would not affect any substantial quantity of goods and would not substantially prejudice the rights of any person.

(3) A proposal for the amendment of the register for the purpose aforesaid shall be notified to the registered proprietor of the trade mark affected, shall be subject to appeal by the registered proprietor to the Court, shall be advertised with any modifications, and may be opposed before the Registrar by any person aggrieved on the ground that the proposed amendment contravenes the provisions of the last foregoing subsection, and the decision of the Registrar on any such opposition shall be subject to appeal to the Court.

Certification Trade Marks

Certification
trade marks.

39. (1) A mark adapted in relation to any goods to distinguish in the course of trade goods certified by any person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, from goods not so certified shall be registrable as a certification trade mark in Part A of the register in respect of those goods in the name, as proprietor thereof, of that person:

Provided that a mark shall not be so registrable in the name of a person who carries on a trade in goods of the kind certified.

(2) In determining whether a mark is adapted to distinguish as aforesaid, the tribunal may have regard to the extent to which—

- (a) the mark is inherently adapted to distinguish as aforesaid in relation to the goods in question; and
- (b) by reason of the use of the mark or of any other circumstances, the mark is in fact adapted to distinguish as aforesaid in relation to the goods in question.

(3) Subject to subsections (4) to (6) (inclusive) of this section, and to sections 9 and 10, the registration of a person as proprietor of a certification trade mark in respect of any goods shall, if valid, give to that person the exclusive right to the use of the trade mark in relation to those goods, and, without prejudice to the generality of the foregoing words, that right shall be deemed to be infringed by any person who, not being the proprietor of the trade mark or a person authorised by him under the regulations in that behalf using it in accordance therewith, uses a mark identical with it or so nearly resembling it as to be likely to deceive or cause confusion, in the course of trade, in relation to any goods in respect of which it is registered, and in such manner as to render the use of the mark likely to be taken either—

- (a) as being used as a trade mark; or
- (b) in a case in which the use is use upon the goods or in physical relation thereto or in an advertising circular or other advertisement issued to the public, as importing a reference to some person having the right either as proprietor or by his authorisation under the relevant regulations to use the trade mark or to goods certified by the proprietor.

(4) The right to the use of a certification trade mark given by registration as aforesaid shall be subject to any conditions or limitations entered on the register, and shall not be deemed to be infringed by the use of any such mark as aforesaid in any mode, in relation to goods to be sold or otherwise traded in any place, in relation to goods to be exported to any market, or in any other circumstances, to which, having regard to any such limitations, the registration does not extend.

(5) The right to the use of a certification trade mark given by registration as aforesaid shall not be deemed to be infringed by the use of any such mark as aforesaid by any person—

- (a) in relation to goods certified by the proprietor of the trade mark if, as to those goods or a bulk of which they form part, the proprietor or another in accordance with his authorisation under the relevant regulations has applied the trade mark and has not subsequently removed or obliterated it, or the proprietor has at any time expressly or impliedly consented to the use of the trade mark; or
- (b) in relation to goods adapted to form part of, or to be accessory to, other goods in relation to which the trade mark has been used without infringement of the right given as aforesaid or might for the time being be so used, if the use of the mark is reasonably necessary in order to indicate that the goods are so adapted and neither the purpose nor the effect of the use of the mark is to indicate

otherwise than in accordance with the fact that the goods are certified by the proprietor:

Provided that paragraph (a) shall not have effect in the case of use consisting of the application of any such mark as aforesaid to any goods, notwithstanding that they are such goods as are mentioned in that paragraph, if such application is contrary to the relevant regulations.

(6) Where a certification trade mark is one of two or more registered trade marks that are identical or nearly resemble each other, the use of any of those trade marks in exercise of the right to the use of that trade mark given by registration shall not be deemed to be an infringement of the right so given to the use of any other of those trade marks.

(7) There shall be deposited at the Patent Office in respect of every trade mark registered under this section regulations approved by the Minister for governing the use thereof, which shall include provisions as to the cases in which the proprietor is to certify goods and to authorise the use of the trade mark, and may contain any other provisions that the Minister may require or permit to be inserted therein (including provisions conferring a right of appeal to the Registrar against any refusal of the proprietor to certify goods or to authorise the use of the trade mark in accordance with the regulations). Regulations so deposited shall be open to inspection in like manner as the register.

(8) A certification trade mark shall not be assignable or transmissible otherwise than with the consent of the Minister.

Schedule.

(9) The provisions of the Schedule shall have effect with respect to the registration of a mark under this section and to marks so registered.

PART II
REGISTRATION OF UNITED KINGDOM TRADE
MARKS

Application for registration of trade mark registered in United Kingdom.
1 and 2
Geo. VI, c. 22.

40. Any person being the registered proprietor of a trade mark in the United Kingdom by virtue of an entry in the register of trade marks kept under the Trade Marks Act, 1938, of the United Kingdom or any Act amending or substituted for that Act, or any person deriving title from such registered proprietor by assignment or other mode of transfer, may apply at any time during the existence of the registration in the United Kingdom to have such trade mark registered in Guyana in respect of some or all of the goods comprised in the United Kingdom registration.

Documents required.

41. An application for registration of a trade mark under this Part shall be made to the Registrar and accompanied by a certified representation of the trade mark and a certificate of the Comptroller-General of the United Kingdom Patent Office (under his title of Registrar of Trade Marks) giving full particulars of the registration of the trade mark in the United Kingdom.

Certificate of registration.

42. Upon such application being lodged, together with the documents mentioned in section 41, the Registrar shall enter the prescribed particulars in Part C of the register, and shall issue a certificate of registration to the applicant, who shall then be the registered proprietor in Guyana of the trade mark in respect of the goods entered in the register.

Privileges conferred by certificate.

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

Duration of privileges.

44. The privileges and rights conferred by section 43 shall date from the date of registration in the United Kingdom and shall continue in force, subject to section 50, for so long as the registration in the United Kingdom remains in force in

respect of the goods for which the trade mark is registered in Guyana:

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

“Passing off”
actions not
affected.

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

Court may
declare
privileges not
acquired.

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

Registration of
assignment,
etc.

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

Registered
users.
1 and 2
Geo. VI, c. 22.

48. Any person entered in the United Kingdom register of Trade Marks under section 28 of the Trade Marks Act, 1938, of the United Kingdom as a registered user in respect of any goods of which a certificate of registration under this Part is in force may apply to be registered in Guyana as a registered user of the mark in respect of some or all of such goods, subject to any conditions or restrictions entered in the United Kingdom register.

Registrar to enter United Kingdom registered users on application.

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

Renewals of registration.

50. If the registration in the United Kingdom of a trade mark registered under this Part is renewed, the registered proprietor may, within such time after the date of renewal in the United Kingdom as may be prescribed, notify the Registrar, who shall then on sufficient evidence thereof and on payment of the prescribed fee, renew the registration in the register in the prescribed manner. If the registration in the register is not so renewed it shall be cancelled by the Registrar.

Alterations in the register.

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

- (a) cancel the registration of a trade mark or of a registered user thereunder either wholly or as regards any particular goods in respect of which the trade mark or the registered user is registered;
- (b) correct any clerical error in or in connection with any application under this Part or in any matter which is entered in the register;
- (c) enter into the register any change in the name, description or address

of the person who is registered as proprietor or user of a trade mark.

PART III
GENERAL AND MISCELLANEOUS

Rules and Fees

Power of
Minister to
make rules.

52. (1) The Minister may from time to time make such rules, prescribe such forms and generally do such things as he thinks expedient-

- (a) for regulating the practice under this 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 thinks fit, of copies of trade marks and other documents;
- (e) generally for regulating the business of the Patent Office in relation to trade marks and all things by this Act placed under the direction or control of the Registrar.

(2) Rules made under this Act shall, while in force, be of the same effect as if they were contained in this Act.

(3) Any rules made in pursuance of this section shall be published in the Gazette.

Fees.

53. There shall be paid in respect of applications and registration and other matters under this Act such fees as may be prescribed by the Registrar with the approval and consent of the Minister.

Powers and Duties of Registrar

Preliminary
Advice by
Registrar as to
distinctiveness.

54. (1) The power to give to a person who proposes to apply for the registration of a trade mark in Part A or Part B of the register advice as to whether the trade mark appears to the Registrar *prima facie* to be inherently adapted to distinguish, or capable of distinguishing, as the case may be, shall be a function of the Registrar under this Act.

(2) Any such person who is desirous of obtaining such advice must make application to the Registrar therefor in the prescribed manner.

(3) If on an application for the registration of a trade mark as to which the Registrar has given advice as aforesaid in the affirmative, made within three months after the advice is given, the Registrar, after further investigation or consideration, gives notice to the applicant of objection on the ground that the trade mark is not adapted to distinguish, or capable of distinguishing, as the case may be, the applicant shall be entitled, on giving notice of withdrawal of the application within the prescribed period, to have repaid to him any fee paid on the filing of the application.

Hearing before
exercise of
Registrar's
discretion.

55. Where any discretionary or other power is given to the Registrar by this Act or the rules, he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade mark in question without (if duly required so to do within the prescribed time) giving to the applicant or registered proprietor an opportunity of being heard.

Power of Registrar to award costs.

56. In all proceedings before the Registrar under this Act, the Registrar shall have power to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may, by leave of the Court or a judge thereof, be enforced in the same manner as a judgment or order of the Court to the same effect.

Legal Proceedings and Appeals

Registration to be *prima facie* evidence of validity.

57. In all legal proceedings relating to a registered trade mark (including applications under section 34) the fact that a person is registered as proprietor of the trade mark shall be *prima facie* evidence of the validity of the original registration of the trade mark and of all subsequent assignments and transmissions thereof.

Certificate of validity.

58. In any legal proceeding in which the validity of the registration of a registered trade mark comes into question and is decided in favour of the proprietor of the trade mark, the Court may certify to that effect, and if it so certifies then in any subsequent legal proceeding in which the validity of the registration comes into question the proprietor of the trade mark on obtaining a final order or judgment in his favour shall have his full costs, charges and expenses as between solicitor and client, unless in the subsequent proceedings the Court certifies that he ought not to have them.

Costs of Registrar in proceedings before Court.

59. In all proceedings before the Court under this Act the costs of the Registrar shall be in the discretion of the Court, but the Registrar shall not be ordered to pay the costs of any other of the parties.

Trade, usage, etc., to be considered.

60. In any action or proceedings relating to a trade mark or trade name, the tribunal shall admit evidence of the usages of the trade concerned and of any relevant trade mark or trade name or get-up legitimately used by other persons.

Registrar's appearance in proceedings involving rectification.

61. (1) In any legal proceeding in which the relief sought includes alteration or rectification of the register, the Registrar shall have the right to appear and be heard, and shall appear if so directed by the Court.

(2) Unless otherwise directed by the Court, the Registrar in lieu of appearing and being heard may submit to the Court a statement in writing signed by him, giving particulars of the proceedings before him in relation to the matter in issue or of the grounds of any decision given by him affecting it or of the practice of the Patent Office in like cases or of such other matters relevant to the issues, and within his knowledge as Registrar, as he thinks fit, and the statement shall be deemed to form part of the evidence in the proceeding.

Court's power to review Registrar's decision.

62. The Court, in dealing with any question of the rectification of the register (including all applications under section 34), shall have power to review any decision of the Registrar relating to the entry in question or the correction sought to be made.

Discretion of Court in appeals.

63. In any appeal from a decision of the Registrar to the Court under this Act, the Court shall have and exercise the same discretionary powers as under this Act are conferred upon the Registrar.

Procedure in cases of option to apply to Court or Registrar.

64. Where under any of the foregoing provisions of this Act an applicant has an option to make an application either to the Court or to the Registrar —

- (a) if an action concerning the trade mark in question is pending, the application must be made to the Court;
- (b) if in any other case the application is made to the Registrar, he may, at any stage of the proceedings, refer the application to the Court, or he may,

after hearing the parties, determine the question between them, subject to appeal to the Court.

Evidence

Mode of giving evidence.

65. In any proceeding under this Act before the Registrar, the evidence shall be given by statutory declaration in the absence of directions to the contrary, but, in any case in which he thinks it right so to do, he may take evidence *viva voce* in lieu of or in addition to evidence by declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

In case any part of the evidence is taken *viva voce*, the Registrar shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as the Court.

Evidence of entries in register.

66. (1) A printed or written copy of any entry in the register, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, shall be admitted in evidence in all courts, and in all proceedings, without further proof or production of the original.

(2) Any person requiring such a certified copy as aforesaid shall be entitled to obtain it on payment of the prescribed fee.

Evidence of things done by Registrar.

67. A certificate purporting to be under the hand of the Registrar as to any entry, matter or thing that he is authorised by this Act or the rules to make or do shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done.

Offences

Falsification of entries in register a misdemeanour.

68. If any person makes or causes to be made a false entry in the register, or a writing falsely purporting to be a copy of an entry in the register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

Penalty for falsely representing a trade mark as registered.

69. (1) Any person who makes a representation—

- (a) with respect to a mark not being a registered trade mark, to the effect that it is a registered trade mark; or
- (b) with respect to a part of a registered trade mark not being a part separately registered as a trade mark, to the effect that it is so registered; or
- (c) to the effect that a registered trade mark is registered in respect of any goods in respect of which it is not registered; or
- (d) to the effect that the registration of a trade mark gives an exclusive right to the use thereof in any circumstances in which, having regard to limitations entered on the register, the registration does not give that right,

shall be liable on summary conviction to a fine of one hundred dollars.

(2) For the purposes of this section, the use in Guyana in relation to a trade mark of the word “registered”, or of any other word referring whether expressly or impliedly to registration, shall be deemed to import a

reference to registration in the register, except—

- (a) where that word is used in physical association with other words delineated in characters at least as large as those in which that word is delineated and indicating that the reference is to registration as a trade mark under the law of a country outside Guyana, being a country under the law of which the registration referred to is in fact in force;
- (b) where that word (being a word other than the word “registered”) is of itself such as to indicate that the reference is to such registration as last aforesaid; or
- (c) where that word is used in relation to a mark registered as a trade mark under the law of a country outside Guyana and in relation to goods to be exported to that country.

Miscellaneous

Change of form of trade connection not to be deemed to cause deception.

70. The use of a registered trade mark in relation to goods between which and the person using it any form of connection in the course of trade subsists shall not be deemed to be likely to cause deception or confusion on the ground only that the trade mark has been, or is, used in relation to goods between which and that person or a predecessor in title of his a different form of connection in the course of trade subsisted or subsists.

Jointly owned trade marks.

71. Where the relations between two or more persons interested in a trade mark are such that no one of them is

entitled as between himself and the other or others of them to use it except—

- (a) on behalf of both or all of them; or
- (b) in relation to an article with which both or all of them are connected in the course of trade,

those persons may be registered as joint proprietors of the trade mark, and this Act shall have effect in relation to any rights to the use of the trade mark vested in those persons as if those rights had been vested in a single person.

Subject as aforesaid, nothing in this Act shall authorise the registration of two or more persons who use a trade mark independently, or propose so to use it, as joint proprietors thereof.

Trusts and equities.

72. (1) There shall not be entered in the register any notice of any trust express, implied or constructive, nor shall any such notice be receivable by the Registrar.

(2) Subject to this Act, equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property.

Recognition of agents.

73. Where by this Act any act has to be done by or to any person in connection with a trade mark or proposed trade mark or any procedure relating thereto, the act may under and in accordance with the rules, or in particular cases by special leave of the Registrar be done by or to an agent of that person duly authorised in the prescribed manner.

The Patent Office

Patent Office.

74. (1) The Patent Office shall be situate at the Deeds Registry, Georgetown, Demerara, or at any other place that may be appointed by the Minister.

(2) The Patent Office shall be under the immediate control of the Registrar.

(3) All things required or authorised under this Act to be done by, to or before the Registrar may be done by, to or before a deputy registrar or by, to or before any other officer authorised by the Registrar.

Seal of Patent
Office.

75. (1) Impressions of the seal of the Patent Office shall be judicially noticed and admitted in evidence.

(2) The seal of the Patent Office shall be the seal of the Deeds Registry with the words "Patent Office", added thereto.

76. [This section formerly section 77 omitted but still in force. See Order under section 8 of the Law Revision Act, Cap. 2:02.]

s. 39

SCHEDULE

CERTIFICATION TRADE MARKS

1. (1) An application for the registration of a mark under section 39 of this Act must be made to the Registrar in writing in the prescribed manner by the person proposed to be registered as the proprietor thereof.

(2) The provisions of section 19(2) and (4) to (7) (inclusive) of this Act shall have effect in relation to an application under the said section 39 as they have effect in relation to an application under the said section 19 (1), except that for references therein to acceptance of an application there shall be substituted references to authorisation to proceed with the application.

(3) In dealing under the said provisions with an

application under the said section 39 the tribunal shall have regard to the like considerations, so far as relevant, as if the application were an application under section 19 of this Act and to any other considerations (not being matters within the competence of the Minister under subparagraph (5) of this paragraph) relevant to applications under the said section 39, including the desirability of securing that a certification trade mark shall comprise some indication that it is such a trade mark.

(4) An applicant for the registration of a mark under the said section 39 shall transmit to the Registrar draft regulations for governing the use thereof at such time before the decision of the Registrar on the application as he may require in order to enable him to consider the draft, and the Registrar shall report thereon to the Minister.

(5) When authorisation to proceed with an application has been given, the Minister shall consider the application with regard to the following matters that is to say—

- (a) whether the applicant is competent to certify the goods in respect of which the mark is to be registered;
- (b) whether the draft regulations are satisfactory; and
- (c) whether in all the circumstances the registration applied for would be to the public advantage;

and may either—

- (i) direct that the application shall not be accepted; or
- (ii) direct the Registrar to accept

the application, and approve the regulations, either without modification and unconditionally or subject to any conditions or limitations, or to any amendments or modifications of the application or of the regulations, which he thinks requisite having regard to any of the matters aforesaid;

but, except in the case of a direction for acceptance and approval without modification and unconditionally, the Minister shall not decide the matter without giving to the applicant an opportunity of being heard:

Provided that the Minister may, at the request of the applicant made with the concurrence of the Registrar, consider the application with regard to any of the matters aforesaid before authorisation to proceed with the application has been given, so however that the Minister shall be at liberty to reconsider any matter on which he has given a decision under this proviso if any amendment or modification is thereafter made in the application or in the draft regulations.

2. (1) When an application has been accepted, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner, and the provisions of section 20(2) to (11) (inclusive) shall have effect in relation to the registration of the mark as if the application had been an application under section 19 of this Act:

Provided that, in deciding under the said provisions, the tribunal shall have regard only to the considerations referred to in subparagraph (3) of the foregoing paragraph, and a decision under the said provisions in favour of the applicant shall be conditional on the determination in his

favour under subparagraph (2) of this paragraph of any opposition relating to any of the matters referred to in subparagraph (5) of the foregoing paragraph.

(2) When notice of opposition is given relating to any of the matters referred to in subparagraph (5) of the last foregoing paragraph, the Registrar shall, after hearing the parties, if so required, and considering any evidence, decide whether, and subject to what conditions or limitations, or amendments or modifications of the application or of the regulations, if any, registration is, having regard to those matters, to be permitted.

3. (1) The regulations deposited in respect of a certification trade mark may, on the application of the registered proprietor, be altered by the Registrar with the consent of the Minister.

(2) The Minister may cause an application for his consent to be advertised in any case where it appears to the Minister that it is expedient so to do, and, where the Minister causes an application to be advertised, if within the prescribed time from the date of the advertisement any person gives notice to him of opposition to the application, the Minister shall not decide the matter without giving the parties an opportunity of being heard.

4. (1) The Minister may, on the application in the prescribed manner of any person aggrieved, or on the application of the Registrar, make such order as he thinks fit for expunging or varying any entry in the register relating to a certification trade mark, or for varying the deposited regulations, on the ground—

- (a) that the proprietor is no longer competent, in the case of any of the goods in respect of which the trade mark is registered, to certify those goods;

- (b) that the proprietor has failed to observe a provision of the deposited regulations to be observed on his part;
- (c) that it is no longer to the public advantage that the trade mark should be registered; or
- (d) that it is requisite for the public advantage that, if the trade mark remains registered, the regulations should be varied,

and neither the Court nor the Registrar shall have any jurisdiction to make an order under section 34 of this Act on any of those grounds.

(2) The Registrar shall rectify the register and the deposited regulations in such manner as may be requisite for giving effect to an order made under the foregoing subparagraph.

5. Notwithstanding anything in section 56 of this Act, the Registrar shall not have any jurisdiction to award costs to or against any party on an appeal to him against a refusal of the proprietor of a certification trade mark to certify goods or to authorise the use of the trade mark.

6. The following provisions of this Act shall not have effect in relation to a certification trade mark, that is to say, section 6, section 8, section 11, sections 19 and 20 (except as expressly applied by this schedule), section 24(4) to (8) (inclusive), sections 28 to 31 (inclusive), section 71, and any provisions the operation of which is limited by the terms thereof to registration in Part B of the Register.

[Second Schedule omitted but still in force. See Order under section 8 of the Law Revision Act, Cap. 2:02.]

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102. Cancellation by Registrar.

EXTENSION OF TIME

103. Extension of time.

DISCRETIONARY POWER

104. Hearing.
105. Application for hearing.
106. Notice of hearing.
107. Notification of decision
108. Dispensing with evidence.

AMENDMENTS

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111. Marks registered without limitation of colour.
112. Certificates for use in obtaining registration abroad.

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UNITED KINGDOM TRADE MARKS

- 127. Classification of marks.
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FIRST SCHEDULE-Fees.

SECOND SCHEDULE-Forms.

THIRD SCHEDULE-Classification of goods.

FOURTH SCHEDULE-Re-classification of goods of old regulations.

[Subsidiary]

Trade Marks Rules

R. 1/1955
4 of 1972
1 of 1992**TRADE MARKS RULES***made under section 52*

Citation.

1. These Rules may be cited as the Trade Marks.**INTERPRETATION**Interpretation.
[9 of 1937]**2.** In these Rules-

c. 90:03

“agent” means a licensed patent agent under section 100 of the Patent and Designs Act, duly authorised to the satisfaction of the Registrar;

“the appointed day” has the meaning assigned to it by section 2 of the Act;

“the Office” means the Patent Office, Trade Marks Registry, Deeds Registry, Georgetown;

“section” means a section of the Act;

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

Fees.
First Schedule.**3.** The fees to be paid in relation to Trade Marks shall be those prescribed in the First Schedule.**FORMS**Forms. Second
Schedule.**4.** The forms herein referred to are those contained in the Second Schedule and such forms shall be used in all cases to which they are applicable, and may be modified as directed by the Registrar to meet other cases.

CLASSIFICATION OF GOODS

Classification
of goods.
Third
Schedule.
Fourth
Schedule.

5. (1) For the purposes of trade marks registrations dated before the appointed day, goods are classified in the manner appearing in the Third Schedule unless any specification has been converted to the Fourth Schedule in accordance with rule 6.

(2) For the purposes of trade marks registrations dated on or after the appointed day, and of registrations of registered users there-under, and for the purposes of any registrations dated before that day whereof the specifications have been converted in accordance with rule 6, goods are classified in the manner appearing in the Fourth Schedule.

RE-CLASSIFICATION OF GOODS OF OLD REGISTRATIONS

Application by
registered
proprietors for
conversion of
Specification.
Registrar's
proposal

6. Where the specification of a registered trade mark is founded on the Third Schedule the registered proprietor may apply to the Registrar on Form 44 for the conversion of that specification so that it may be founded on the Fourth Schedule, whether with or without the striking-out of goods therefrom, but so that the registration retains its original date. Thereupon the Registrar in accordance with section 38(3) shall notify in writing to the registered proprietor a proposal showing the form which, in the Registrar's view, the amendment of the register should take. Two or more registrations of a trade mark in respect of goods falling within the same class of the Fourth Schedule, having the same date of registration, may be amalgamated upon conversion in accordance with this rule.

Advertisement
of proposal.
Opposition.
Form 45

7. The advertisement of a proposal for amendment under section 38(3) shall be made in the Gazette, and notice of any opposition shall be given on Form 45 within one month from the date of the advertisement, and shall be accompanied

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Trade Marks Rules

by a duplicate of the notice and by a statement in duplicate showing how the proposed conversion would be contrary to section 38(2). The Registrar shall forthwith send the duplicate copies to the registered proprietor who may, within one month from the receipt of such duplicates, send to the Registrar a counter-statement setting out fully the grounds on which the opposition is contested and if the registered proprietor does so he shall deliver to the opponent a copy thereof. The Registrar may thereupon require or admit evidence directed to the questions in issue, and if so desired by either party he shall, before deciding the matter, give the parties an opportunity of being heard thereon.

Conversion of specifications; resulting registrations.

8. When a proposal for the conversion of a specification in accordance with rule 6 has been advertised and has not been opposed and the time for notice of opposition has expired, or having been opposed the opposition has been determined and a conversion allowed, the Registrar shall make all the entries in the register necessary to give effect to the conversion in accordance with the proposal as advertised, or the proposal as amended after opposition or appeal thereon and published subsequently in the Gazette, and shall enter in the register the date when such entries were made. The expression "the expiration of the last registration" shall have regard to the same date in the case of all the resulting entries for the purpose of determining the next renewal thereof in accordance with section 22 as it had with regard to the registration before conversion.

DOCUMENTS

Size, etc., of documents.

9. Subject to any other directions that may be given by the Registrar, all applications, notices, statements, papers having representations affixed, or other documents authorised or required by the Act to be made, left or sent, at or to the Office or with the Registrar, shall be upon strong paper and, except in the case of statutory declarations and affidavits, on one side only, of a size of approximately 13 inches by 8 inches,

and shall have on the left-hand part thereof a margin of not less than one inch and a half.

Signature of documents by partnerships, companies, and associations.

10. A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any qualified partner stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorised to sign the document. A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorised to sign the document. A document purporting to be signed for on behalf of an association of persons may be signed by any person who appears to the Registrar to be duly qualified.

Service of documents.

11. All applications, notices, statements, papers having representations affixed, or other documents authorised or required by the Act to be made, left or sent, at or to the Office or with the Registrar or any other person may be sent through the post by a prepaid letter; any application or any document so sent shall be deemed to have been made, left or sent at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

ADDRESS

Address.

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

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

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Trade Marks Rules

of the premises, if any.

Address for,
service.

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

(2) Any registered proprietor or registered user of a trade mark, or any person about to be registered as such, may, if he so desires, give upon Form 33 an address for service for entry in the register, and such address may be entered by the Registrar.

(3) All applications on Form 33 under this rule shall be signed by the applicant for registration or the registered proprietor or registered user, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

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

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

(6) The Registrar, at any time that a doubt arises as to the continued availability of an address for service entered in the register, may request the person for whom it is entered, by letter addressed to his trade or business address in the register, to confirm the address for service, and if within three

months of making such a request the Registrar receives no confirmation of that address, he may strike it off the register.

AGENTS

Agency.

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

(2) Any such applicant, person making request or giving notice, proprietor, or registered user may appoint an agent to act for him in any proceeding or matter before or affecting the Registrar under the Act by signing and sending to the Registrar an authority to that effect in Form 1, or in such other written form as the Registrar may deem sufficient. In case of such appointment, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so appointing him, all communications directed to be made to such person in respect of the proceeding or matter may be addressed to such agent, and all attendances upon the Registrar relating thereto may be made by or through such agent. In any particular case the Registrar may require the personal signature or presence of an applicant, opponent, proprietor, registered user or other person.

(3) The Registrar shall not be bound to recognize as such agent any person who has been proved to him, or, on appeal, to the Court, to have been guilty of conduct discreditable to a trade mark agent or who has been convicted criminally or whose name has been struck off the Roll of Attorneys-at-law, or, by reason of his having been adjudged

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Trade Marks Rules

c.90:03 guilty of conduct discreditable to a patent agent, erased from the Register of Patent Agents kept under the Patents and Designs Act and not since restored, or (during the term of his suspension) any person who has been suspended from acting as an Attorney-at-law, or patent agent.

REGISTRABLE TRADE MARKS AND PRELIMINARY ADVICE

Registrable
trade marks,
[4 of 1972]

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

- (a) the words "Patent," "Patented," "Registered," "Registered Design," "Copyright," "Entered at Stationers' Hall," "To counterfeit this is a forgery," or words to like effect;
- (b) The words "Red Cross" or "Geneva Cross," and representations of the Geneva and other crosses in red, or of the Swiss Federal cross in white on a red ground or silver on a red ground, or such representations in a similar colour or colours.

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

Arms of
Guyana flag,
etc.
[4 of 1972]

16. Representations of the Arms or Ensigns Armorial of the Republic of Guyana, the Seal of Guyana, the Arms of the Office of President of Guyana, the national flag of Guyana

or the standard or banner of the President or any device so nearly resembling the same as to be likely to lead to mistake, or the words "Republic", "Government", "State", "National" or "Presidential" or any other words, letters or devices likely to lead persons to think that the applicant either has or recently has had the patronage or authorisation of the Government or the President, may not appear on trade marks the registration of which is applied for after the 23rd February, 1970, unless the consent of the President has been obtained and notice thereof published in the *Gazette*:

Provided that in special circumstances the President may exempt a, particular trade mark from the application of this rule.

Arms of city,
etc.

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

Living persons
or persons
recently dead.

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

Name or
description of
goods on a
trade mark.

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

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Trade Marks Rules

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

Preliminary
advice by
Registrar as to
distinctiveness.

20. (1) Any person who proposes to apply for the registration of a trade mark in Part A or Part B of the register in respect of any goods may apply to the Registrar on Form 29, or on Form 28 in a case where he is also making an application under rule 115, for advice as to whether the trade mark, of which duplicate representations shall accompany the Form, appears to the Registrar *prima facie* to be inherently adapted to distinguish within the meaning of section 11 or inherently capable of distinguishing within the meaning of section 12 as the case may be in relation to those goods, and shall apply separately in relation to goods comprised within different classes of goods in the Fourth Schedule.

(2) A notice of withdrawal of an application for the registration of a trade mark given under section 54(3) for the purpose of obtaining repayment of any fee paid on the filing of the application shall be given in writing within two months from the date of the notice of the Registrar's objection.

APPLICATION FOR REGISTRATION OF A TRADE MARK SPECIFICATION

Form of
application.
Specification.
Form 2
Form 6
Form 32

21. (1) An application to the Registrar for the registration of a trade mark shall be signed by the applicant or his agent. For a trade mark other than a Certification or Defensive trade mark the application shall be made on Form 2. For Certification or a Defensive trade mark the application shall be made on Form 6 or Form 32 respectively. Each application shall be for registration in respect of goods in one class of the Fourth Schedule only.

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

Addresses for applications.

22. All applications to register trade marks shall be made, addressed and sent to the Registrar at the office.

Representation of mark.

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

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

Additional forms and representations.
Form 4

24. There shall be sent with every application for registration of a trade mark four additional representations of the mark on Form 4. The representation of the mark on the application and the additional representations shall correspond exactly. The additional representations shall in all cases be noted with all such particulars as may from time to time be required by the Registrar. Such particulars shall, if required, be signed by the applicant or his agent.

Representations to be durable.

25. All representations of marks must be of a durable nature, but the applicant may in case of need supply, in place of representations on Form 4, representations on sheets of strong paper of the size prescribed in rule 9 and noted as aforesaid.

Separate applications.

26. Applications for the registration of the same mark in different classes shall be treated as separate and distinct

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Trade Marks Rules

applications, and in all cases where a trade mark is registered under the same official number for goods in more than one class, whether on conversion of the specification under rule 6 or otherwise, the registration in respect of the goods included in each separate class shall be deemed to be a separate registration for all the purposes of the Act.

Representations to be satisfactory.

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

Specimens of trade marks in exceptional cases.

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

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

Series of trade marks.

29. Where application is made for the registration of a series of trade marks under section 23(2), a representation of each trade mark of the series shall be included, all as aforesaid, in the application form, and in each of the accompanying Form 4.

Transliteration and translation.

30. (1) Where a trade mark contains a word or words in characters other than Roman, there shall, unless the Registrar otherwise directs, be indorsed on the application form, and on each of the accompanying Form 4, a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such indorsement shall state the language to which the word belongs and shall be signed by the applicant or his agent.

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

PROCEDURE ON RECEIPT OF APPLICATION FOR REGISTRATION OF A TRADE MARK

Search.

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

Acceptance,
absolute or
conditional;
objection.

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

Registrar's
objections.
Hearing.

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

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Trade Marks Rules

Registrar's
conditions etc.
Hearing.

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

Decision of
Registrar.

35. (1) The decision of the Registrar, at a hearing as in rule 33 or rule 34, or without a hearing if the applicant has duly communicated his considered objections or considered reply, in writing, and has stated that he does not desire to be heard, shall be communicated to the applicant in writing, and if the applicant objects to such decision he may within one month by applying upon Form 5 require the Registrar to state in writing the grounds of, and the materials used by him in arriving at, his decision.

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

Disclaimer.

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

DEFENSIVE TRADE MARKS

Application
under section
29.

37. An application for the registration of a Defensive trade mark under section 29 shall be made, addressed and sent to the Registrar on Form 32, and shall be accompanied by a statement of case setting forth full particulars of the facts on which the applicant relies in support of his application, verified by a statutory declaration made by the applicant or some other person approved for the purpose by the Registrar. The applicant may send with this declaration, or subsequently, such other evidence as he may desire to furnish, whether after request made by the Registrar or otherwise, and the Registrar shall consider the whole of the evidence before deciding on the application. In all other respects, and where they are appropriate and it is not otherwise stated, these Rules shall apply to such applications as they apply to the applications for the registration of ordinary trade marks.

CERTIFICATION TRADE MARKS

Application
under section
39.

38. An application for the registration of a certification trade mark under section 39 shall be made to the Registrar upon Form 6, and shall be accompanied by two duplicates of the application on Form 6, and by six additional representations of the trade mark on Form 4.

Authorisation
to proceed.

39. (1) These Rules shall apply to such applications as they apply to applications for the registration of ordinary trade marks, except that for references therein to acceptance of an application there shall be substituted references to authorisation to proceed with the application, and that the applicant shall not be deemed to have abandoned his application if in the circumstances of rule 33 or rule 34 he does not apply for a hearing or reply in writing.

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

[Subsidiary]

Trade Marks Rules

Case; draft regulations.

40. The applicant shall send to the Registrar with his application or when required by the Registrar a case setting out the grounds on which he relies in support of his application together with draft regulations for governing the use of the mark and Form 34, all being in duplicate. The Registrar may communicate to the applicant any observations he may have to make on the sufficiency of the case or the suitability of the draft regulations and the applicant may modify either of those documents.

Directions by the Minister.

41. If the Registrar decides to authorise the application to proceed he shall report to the Minister and the Minister may at any time call for such evidence, if any, as they think fit, and shall if required hear the applicant and the Registrar, before giving directions as provided in paragraph 1(5) of the Schedule to the Act. When such directions have been given and the application has been accepted, the regulations for governing the use of the mark approved by the Minister as well as the form of application, shall be open to public inspection.

ADVERTISEMENT OF APPLICATION

Advertisement of application.

42. (1) An application for the registration of a trade mark required or permitted to be advertised by section 20(1) or paragraph 2(1) of the Schedule to the Act, shall be advertised in the Gazette during such times and in such manner as the Registrar may direct. In the case of an application with which the Registrar proceeds only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant, the words "By Consent" shall appear in the advertisement.

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

for exhibition.

Wood block or
electrotype
printing.

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

Advertisement
of series.

44. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section of series 23(2), the applicant may be required to supply a printing block (or more than one if necessary) satisfactory to the Registrar of any or of each of the trade marks constituting the series; or the Registrar may, if he thinks fit, insert with the advertisement of the application a statement of the manner in which the several trade marks differ from one another.

Advertisement
under section
20 or section 37

45. Advertisements under sections 20(10), 37(2) and 37(4) shall *mutatis mutandis* be made in the same manner as advertisements relating to an application for registration.

OPPOSITION TO REGISTRATION

Opposition.

46. Any person may within one month from the date of any advertisement in the *Gazette* of an application for registration of a trade mark give notice in Form 7 to the Registrar of opposition to the registration.

Notice of
opposition.

47. The notice shall include a statement of the grounds upon which the opponent objects to the registration. If

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Trade Marks Rules

registration is opposed on the ground that the mark resembles marks already on the register, the numbers of such trade marks and the numbers of the *Gazette* in which they have been advertised shall be set out. The notice shall be accompanied by a duplicate which the Registrar will forthwith send to the applicant.

Counter-statement.

48. Within one month from the receipt of such duplicate the applicant shall send to the Registrar a counter-statement on Form 8 setting out the grounds on which he relies as supporting his application. The applicant shall also set out what facts, if any, alleged in the notice of opposition he admits. The counter-statement shall be accompanied by a duplicate.

Evidence in support of opposition.

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

Evidence in support of application.

50. If an opponent leaves no evidence, he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition but, if he does leave evidence, then, within one month from the receipt of the copies of declarations, the applicant shall leave with the Registrar such evidence by way of statutory declaration as he desires to adduce in support of his application and shall deliver to the opponent copies thereof.

Evidence in reply by opponent.

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

Further
evidence.

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

Exhibits.

53. Where there are exhibits to declarations filed in an opposition, copies or impressions of such exhibits shall be sent to the other party on his request and at his expense, or, if such copies or impressions cannot conveniently be furnished, the originals shall be left with the Registrar in order that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

Hearing.

54. Upon completion of the evidence the Registrar shall give notice to the parties of a date when he will hear the arguments in the case. Such appointment shall be for a date at least fourteen days after the date of the notice, unless the parties consent to a shorter notice. Within seven days from the receipt of the notice any party who intends to appear shall so notify the Registrar on Form 9. A party who receives notice as aforesaid and who does not, within seven days from the receipt thereof, so notify the Registrar on Form 9, may be treated as not desiring to be heard and the Registrar may act accordingly.

Extension of
time.

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

Security for
costs.

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

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Trade Marks Rules

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

Costs in
uncontested
Case.

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

Opposition to
application
under section
39.

58. Within one month from the date of any advertisement in the *Gazette* of an application for the registration of a certification trade mark, any person may give notice to the Registrar on Form 7 of opposition under paragraph 2 of the Schedule to the Act, and rules 47 to 57 (inclusive) shall apply to the proceedings thereon; and any person may give notice to the Registrar on Form 37 of opposition under paragraph 2(2) of the said Schedule, and Rules 47 to 57 (inclusive) shall apply *mutatis mutandis* to the proceedings thereon, with substitution of Form 38 for Form 8, and of Form 39 for Form 9. In any case of doubt any party may apply to the Registrar for directions.

NON-COMPLETION

Non-
completion
within 12
months.

59. Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar shall on Form 3 give notice in writing to the applicant at his trade or business address of the non-completion, but if the applicant has authorised an agent for the purpose of the application he shall instead send the notice to the agent and shall send a duplicate thereof to the applicant. If after fourteen days from the date when the notice was sent, or such further time as the Registrar may allow, the registration is not completed, the application shall be deemed

to be abandoned.

ENTRY IN THE REGISTER, AND ASSOCIATED MARKS

Entry in
register.

60. (1) As soon as may be after the expiration of one month from the date of the advertisement in the *Gazette* of any application for the registration of a trade mark, the Registrar shall, subject to any opposition and the determination thereof, and subject to the provisions of section 21(1), and upon payment of the prescribed fee on Form 10, enter the trade mark in the register. In those cases where the applicant has supplied a printing block in accordance with rule 43, he shall and with his fee a representation of the trade mark agreeing in all respects with the representation then appearing on the form of application, to be affixed by the Registrar to the certificate of registration as required by rule 63. The entry of a trade mark in the register shall give the date of the registration, the goods in respect of which it is registered, and all particulars named in section 3(1), including both the trade or business address and the address for service (if an application on Form 33 for the entry thereof has been approved), particulars of trade, business, profession, occupation, or other description of the proprietor, particulars of any undertakings by the proprietor entered on the form of application, particulars affecting the scope of the registration or the rights conferred by the registration, and such other particulars as are prescribed.

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

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Trade Marks Rules

Associated
marks.

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

(2) An application by a registered proprietor under section 25(5) to the Registrar to dissolve the association between two or more associated trade marks shall be made on Form 19, and shall include a statement of the grounds of the application.

Death of
applicant
before
registration.

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

Certificate of
registration.

63. Upon the registration of a trade mark the Registrar shall issue to the applicant a certificate in the Form 54, and shall affix thereto a copy of the mark, which may be a representation thereof supplied by the applicant under rule 60.

RENEWAL

Renewal of
Registration.

64. At any time not more than three months before the expiration of the last registration of a trade mark any person may leave at the office a fee for the renewal of the registration of the mark upon Form 11, and, if he is not the registered proprietor, shall sign a statement on the Form that he is

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

Notification of receipt of renewal fee.

Notice before removal of trade mark from register.

65. At a date not less than one month and not more than two months before the expiration of the last registration of a mark, if no fee upon Form 11 has been received, the Registrar shall notify the register, registered proprietor in writing of the approaching expiration.

Second notice.

66. At a time not less than 14 days and not more than one month before the expiration of the last registration of a mark the Registrar may, if no fee as aforesaid has been received, send a notice in writing to the registered proprietor at his trade or business address as well as at his address for service, if any.

Advertisement of non-payment.

67. If at the date of the expiration of the last registration of a mark the renewal fee has not been paid, the Registrar shall advertise the fact forthwith in the *Gazette*, and if within one month of that advertisement the renewal fee upon Form 11, together with an additional fee upon Form 12, is received, he may renew the registration without removing the mark from the register.

Removal of trade mark from register.

68. Where, at the expiration of one month from the advertisement mentioned in the last foregoing rule, the fees therein mentioned have not been paid, the Registrar may remove the mark from the register as of the date of the expiration of the last registration, but may, upon payment of the renewal fee upon Form 11 together with a restoration fee upon Form 13, restore the mark to the register if satisfied that

Restoration.

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Trade Marks Rules

it is just so to do, and upon such conditions as he may think fit to impose.

Record of removal of mark.

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

Notice and advertisement of renewal and restoration.

70. Upon the renewal or restoration and renewal of a registration, a notice to that effect shall be sent to the registered proprietor and the renewal or restoration and renewal shall be advertised in the *Gazette*.

ASSIGNMENTS AND TRANSMISSIONS

Joint application for entry of assignment or transmission.

71. Where a person becomes entitled by assignment or transmission to a registered trade mark he may, conjointly with the registered proprietor, make application to the Registrar on Form 15 to register his title.

Application for entry of assignment or transmission by subsequent proprietor.

72. Where a person becomes entitled to a registered trade mark in the manner referred to in rule 71, and no conjoint application as therein mentioned is made, he shall make application to the Registrar on Form 16 to register his title.

Particulars to be stated in application.

73. An application under rule 71 or rule 72 shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims, and such instrument shall be produced for inspection by the Registrar, preferably at the time of application. The full names of all the partners in a partnership shall be given in the body of the application. The Registrar may in any case require and retain an attested copy of any instrument produced for inspection in proof of title, but such copy shall not be open to public inspection.

Copies of documents.

Case
accompanying
application.

74. Where in the case of an application on Form 15 or Form 16 the person applying for registration of his title does not claim under any document or instrument which is capable in itself of furnishing proof of his title, he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be proprietor of the trade mark is based, and showing that the trade mark has been assigned or transmitted to him. If the Registrar so require the case shall be verified by a statutory declaration on Form 17.

Proof of title.

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

Application
for entry of
assignment
without
goodwill.

76. (1) An application under rule 71 or rule 72 relating to an assignment on or after the appointed day, of a trade mark in respect of any goods shall state (a) whether the trade mark was, at the time without of the assignment, used in a business in any of those goods and (b) whether the assignment was made otherwise than in connection with the goodwill of that business, and, if both those circumstances subsisted, then the applicant shall leave with the Registrar a copy of the Registrar's directions to advertise the assignment, obtained upon application under section 24(7) and rule 80, and such proof, including copies of advertisements or otherwise, as the Registrar may require that his directions have been fulfilled; and if the Registrar is not satisfied that the directions have been fulfilled, he shall not proceed with the application.

(2) For the purposes of section 31(4), the period within which a corporation may be registered as the subsequent proprietor of a registered trade mark, upon application made under rule 71 or rule 72, shall be six months from the date of advertisement in the *Gazette* of the

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Trade Marks Rules

registration of the trade mark or such further period not exceeding six months as the Registrar may allow, on application being made to him on Form 14 by the applicant for registration of title or the registered proprietor, as the case may be, at any time before or during the period for which the extension can be allowed.

Entry in register.

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

Separate registrations.

78. Where pursuant to an application under rule 71 or rule 72, and as a result of a division and separation of the goods of a registration registrations, or a division and separation of places or markets, different persons become registered separately under the same official number as subsequent proprietors of a trade mark, each of the resulting separate registrations in the names of those different persons shall be deemed to be a separate registration for all the purposes of the Act.

Registrar's certificate or approval as to certain assignments and transmissions.

79. Any person who desires to obtain the Registrar's certificate under section 24(5), or his notification of approval under section 24(6), of the Act shall send to the Registrar, with his application on Form 40, or 41, as the case may be, a statement of case in duplicate setting out the circumstances, and a copy of any instrument or proposed instrument effecting the assignment or transmission. The Registrar may call for any evidence or further information that he may consider necessary, and the statement of case shall be amended if required to include all the relevant circumstances and shall if required be verified by a statutory declaration. The Registrar, after hearing if so required the applicant and any other person whom the Registrar may consider to be interested in the transfer, shall consider the matter and issue a

certificate thereon or a notification in writing of approval or disapproval thereof, as the case may be. Where a statement of case is amended, two fair copies thereof in its final form shall be left with the Registrar. The Registrar shall seal a copy of the statement of case in its final form to the certificate or notification.

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

80. (1) An application to the Registrar under section 24(7) shall be made by the assignee on Form 42 and shall state the date on which the assignment was made. The application shall give particulars of the registration in the case of a registered trade mark, and, in the case of an unregistered trade mark, shall show the mark and give particulars of the registered trade mark that has been assigned therewith in accordance with section 24(3). The Registrar may call for any evidence or further information, and if he is satisfied with regard to the various matters he shall issue directions in writing with respect to the advertisement of the assignment.

(2) The Registrar may refuse to consider such an application in a case to which section 24(6) applies unless his approval has been obtained under the said subsection and a reference identifying the Registrar's notification of approval is included in the application.

(3) A request to the Registrar for an extension of the period within which the application may be made, which shall be on Form 43, may be made at any time before or during the period for which extension can be allowed. The extension of the period which the Registrar may allow shall not exceed three months.

ALTERATION OF ADDRESS

Alteration of address in register.

81. (1) A registered proprietor or registered user of a trade mark whose trade or business address is changed so that the entry in the register is rendered incorrect, shall forthwith

request the Registrar on Form 18 to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(2) A registered proprietor or registered user of a trade mark whose address for service in Guyana entered in the register is changed, whether by discontinuance of the entered address or otherwise, so that the entry in the register is rendered incorrect, shall forthwith request the Registrar on Form 33 to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(3) A registered proprietor or registered user of a trade mark whose registered trade or business address or address for service is altered by public authority, so that the changed address designates the same premises as before, may make the aforesaid request to the Registrar on a copy of Form 18 or a copy of Form 33, as the case may be, and if he does so he shall leave therewith a certificate of the alteration given by the said authority. If the Registrar is satisfied as to the facts of the case, he shall alter the register accordingly.

(4) In case of the alteration of the address of a person entered in the register as the address for service of more than one registered proprietor or registered user of trade marks, the Registrar may, on proof that the said address is the address of the applicant and if satisfied that it is just to do so, accept an application from that person on a Form 33 amended so as to suit the case for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given in the Form, and may alter the entries accordingly.

(5) All applications under this rule on Form 33 shall be signed by the registered proprietor or the registered user, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in

exceptional circumstances the Registrar otherwise allows.

APPLICATIONS TO THE REGISTRAR FOR RECTIFICATION

Application to rectify, or remove a trade mark from the register.

82. An application to the Registrar under any of the sections 28, 29, 34 and 35 for the making, expunging or varying of any entry in the register shall be made on Form 26, and shall be accompanied by a statement setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks. Where the application is made by a person who is not the registered proprietor of the trade mark in question it shall be accompanied by a copy of the application and a copy of the statement, and these copies will be transmitted forthwith by the Registrar to the registered proprietor.

Further procedure.

83. Upon such application being made, and copy thereof transmitted to the registered proprietor, if necessary, the provisions of rules 48 to 57 (inclusive) shall apply *mutatis mutandis* to the further proceedings thereon; but the Registrar shall not rectify the register or remove the mark from the register merely because the registered proprietor has not filed a counter-statement. In any case of doubt any party may apply to the Registrar for directions.

Intervention by third parties.

84. Any person other than the registered proprietor alleging interest in a registered trade mark in respect of which an application is made on Form 26 may apply to the Registrar on Form 27 for leave to intervene, stating thereon the nature of his interest, and the Registrar may refuse or grant such leave, after hearing (if so required) the parties concerned, upon such conditions and terms as he may deem fit. Before dealing in any way with the application for leave to intervene the Registrar may require the applicant to give an under-taking to pay such costs as in the circumstances he may award to any party.

**APPLICATIONS FOR ALTERATION OF THE REGISTER
BY CORRECTION, CHANGE, CANCELLATION OR
STRIKING OUT GOODS, OR FOR ENTRY OF
DISCLAIMER, MEMORANDUM OR NOTE**

Application
under section
36(1).

85. An application to the Registrar under section 36(1) for the alteration of the register by correction, change, cancellation, or striking out goods, or for the entry of a disclaimer or memorandum, may be made by the registered proprietor of the trade mark or by the person as may satisfy the Registrar that he is entitled to act in the name of the registered proprietor. Such applications shall be made on Form 18, 20, 21, 22, 23, 24 or 33 as may be appropriate; but an application on Form 22 or 23, or 33 shall be signed by the registered proprietor or other person entitled under this Rule unless in exceptional circumstances the Registrar otherwise allows, or, in the case of Form 33 only, it is signed by an agent expressly authorised for the purpose of such an application.

Evidence.

86. In the case of an application as in the last foregoing Rule, the Registrar may require such evidence by statutory declaration or otherwise as he may think fit as to the circumstances in which the application is made.

Advertisement
of certain
applications.

87. Where application is made, on Form 24, to enter a disclaimer or memorandum relating to a trade mark, the Registrar, before deciding upon such application, shall advertise the application in the *Gazette* in order to enable any person desiring so to do to state, within one month of the advertisement, any reasons in writing against the making of the entry of the disclaimer or memorandum.

Certificates of
validity to be
noted.

88. Where the Court has certified as provided in section 58 with regard to the validity of a registered trade mark, the registered noted proprietor thereof may request the Registrar on Form 48 to add to the entry in the register a note that the certificate of validity has been granted in the course of the proceedings, which shall be named in the Form. An office

copy of the certificate shall be sent with the request, and the Registrar shall so note the register and publish the note in the *Gazette*.

APPLICATIONS TO ALTER REGISTERED TRADE MARKS

Alteration of registered mark.

89. Where a person desires to apply under section 37 that his registered trade mark may be added to or altered, he shall make his application in writing on Form 25, and shall furnish the Registrar with four copies of the mark as it will appear when so added to or altered.

Advertisement before decision.

90. The Registrar shall consider the application and shall, if it appears to him expedient, advertise the application in the *Gazette* before deciding it. Within one month from the date of such advertisement any person may give notice of opposition to the application, on Form 46 accompanied by a duplicate of the notice, and may also send therewith a further statement of his objections in duplicate. The Registrar shall send the duplicate notice, and the duplicate of any further statement of objections, to the applicant, and the provisions of rules 48 to 57 (inclusive) shall apply *mutatis mutandis* to the further proceedings thereon. In any case of doubt any party may apply to the Registrar for directions.

Decision. Advertisement. Notification.

91. If the Registrar decides to allow the application he shall add to or alter the mark in the Register, and if the mark so added to or altered has not been advertised under the last foregoing Rule, he shall advertise it in the *Gazette* and in any case shall insert in the *Gazette* a notification that the mark has been altered.

Advertisement illustration.

92. In connection with an application to alter a registered trade mark the Registrar may at any time call on the applicant to supply a printing block satisfactory to the Registrar and suitable for advertising the mark with the

addition or alteration as aforesaid, if in the opinion of the Registrar an advertisement describing the addition or alteration in words would not be likely to be understood by persons interested in the matter.

MINISTER'S ORDERS FOR RECTIFICATION OF CERTIFICATION TRADE MARK ENTRIES AND REGULATIONS

Rectification of
certification
trade mark
entries by the
Minister.

93. An application on any of the grounds mentioned in paragraph 4 of the Schedule to the Act, made by an aggrieved person to the Minister for an Order expunging or varying an entry in the register of or relating to a certification trade mark, or varying the relevant deposited Regulations, shall be made on Form 36 and shall include full particulars of the grounds on which the application is made.

ALTERATION OF CERTIFICATION TRADE MARK REGULATIONS

Alteration of
regulations.

94. An application by the registered proprietor of a certification trade mark for an alteration of the deposited Regulations and the consent of the Minister thereto shall be made on Form 35. Where the Minister cause such an application to be advertised the time within which any person may give notice to the Minister of opposition to the application shall be one month from the date of the advertisement.

REGISTERED USERS

Application
for entry of
registered user.

95. An application to the Registrar for the registration under section 30 of a person as a registered user of a registered trade mark shall be made by that person and the registered proprietor on Form 49.

Entry and
notification.

96. The entry of a registered user in the register shall state the date on which it was made. In addition to the trade

or business address of the registered user it may include an address for service, if an application by him on Form 33 therefor has been approved. A notification in writing of the registration of a registered user shall be sent to the registered proprietor of the trade mark, to the registered user, and to every other registered user whose name is entered in relation to the same registration of a trade mark, and shall be inserted in the *Gazette*.

Registered proprietors' application to vary entry.

97. An application by the registered proprietor of a trade mark for the variation of the registration of a registered user of that trade mark under section 30(8)(a) shall be made on Form 50 and shall be accompanied by a statement of the grounds on which it is made and, where the registered user in question consents, by the written consent of that registered user.

Application by registered proprietor or user to cancel entry.

98. An application by the registered proprietor or any registered the cancellation of the registration of a that trade mark under section 30(8)(b) shall be made on Form 51 and shall be accompanied by a statement of the grounds on which it is made.

Application under section 30(8)(c) to cancel entry.

99. An application by any person for the cancellation of the registration of a registered user under section 30(8)(c) shall be made on Form 52, and shall be accompanied by a statement of the grounds on which it is made.

Notification and hearing.

100. The Registrar shall notify in writing applications under the last three foregoing rules to the registered proprietor and each registered user (not being the applicant) under the registration of the trade mark. Any person so notified who intends to intervene in the proceedings shall within one month of the receipt of such notification give notice to the Registrar on Form 53 to that effect and shall send therewith a statement of the grounds of his intervention. The Registrar shall thereupon send copies of such notice and

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statement to the other parties, so that the intervention may be known to the applicant, the registered proprietor, the registered user whose registration is in suit, and any other registered user who intervenes. Any such party may, within such time or times as the Registrar may appoint, leave evidence in support of his case, and the Registrar after giving the parties an opportunity of being heard may accept or refuse the application or accept it subject to any conditions, amendments, modifications or limitations he may think right to impose.

Registered
user's
application
under section
36(2).

101. Applications under section 36(2) shall be made on Form 18, or 20, or 21, or 33 as may be appropriate, by a registered user of a trade mark, or by such person as may satisfy the Registrar that he is entitled to act in the name of a registered user; and the Registrar may require such evidence by statutory declaration or otherwise as he may think fit as to the circumstances in which the application is made.

Cancellation
by Registrar.

102. In the case of the registration of a registered user for a period, in accordance with section 30(4)(d), the Registrar shall cancel the entry of the registered user at the end of the period. Where some or all of the goods are struck out from those in respect of which a trade mark is registered, the Registrar shall at the same time strike them out from those specifications of registered users of the trade mark in which they are comprised. The Registrar shall notify every cancellation or striking out under this paragraph to the registered users whose permitted use is affected thereby and the registered proprietor of the trade mark.

EXTENSION OF TIME

Extension of
time.

103. If in any particular case the Registrar is satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any proceeding under these rules, not being a time expressly provided in the Act or prescribed by rule 76 or rule 80, he may extend the time upon

such notice to other parties, and proceedings thereon, and upon such terms as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceeding.

DISCRETIONARY POWER

Hearing.

104. Before exercising adversely to any person any discretionary power given to the Registrar by the Act, the Registrar shall, if so required, hear such person thereon.

Application for hearing.

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

Notice of hearing.

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

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

Notification of decision.

107. The decision of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified to the person affected.

POWER TO DISPENSE WITH EVIDENCE

Dispensing with evidence.

108. Where under these Rules any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Registrar, or at the Office, and it is shown to the satisfaction of the Registrar that from any reasonable cause

such person is unable to do such act or thing, or to sign such document, or to make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Registrar, upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, signature, declaration, document or evidence.

AMENDMENTS

Amendment of documents.

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

CERTIFICATES

Certificates by Registrar.

110. The Registrar may give a certificate, other than a certificate under section 21(2), as to any entry, matter or thing which he is authorised or required by the Act to make or do, upon receipt of a request therefor on Form 31 from any person who, if the Registrar thinks fit so to require, can show an interest in the entry, matter or thing to his satisfaction. Except in a case falling under rule 111, the Registrar shall not be obliged to include in the certificate a copy of any mark, unless he is furnished by the applicant with a copy thereof suitable for the purpose.

Marks registered without limitation of colour.

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

Certificates for use in obtaining registration abroad.

112. Where a certificate of registration of a trade mark is desired for use in obtaining registration abroad, the Registrar shall include in the certificate a copy of the mark and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose and, if the applicant fails to do so, may refuse to issue the certificate. The Registrar may state in the certificate such particulars concerning the registration of the mark as to him may seem fit, and may omit therefrom reference to any disclaimers appearing in the register; but in the last mentioned case the certificate shall be marked: "For use in obtaining registration abroad only."

DECLARATIONS

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

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

- (a) in Guyana, before any justice of the peace, or any commissioner or other officer authorised by law in any part of Guyana to administer an oath for the purpose of any legal proceeding;
- (b) in any other part of the Commonwealth, before a judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and
- (c) if made in a foreign country, before the principal representative of Guyana in that country or a person exercising the functions of such representative or a consular officer of

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Guyana in that country, or a notary public, judge or magistrate of that country.

Notice of seal of officer taking declaration to prove himself.

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

SEARCH

Searches.

115. Any person may request the Registrar, on Form 28, to cause a search to be made in respect of specified goods classified in any one class of the Fourth Schedule, to ascertain whether any mark is on record at the date of the search which resembles a trade mark of which duplicate representations accompany the Form. The Registrar shall cause such a search to be made and the person making the request to be informed of the result thereof.

DAYS AND HOURS OF BUSINESS

Days and hours.

116. The office shall be open to the public and the register shall be open to inspection, on payment of the fee specified in the First Schedule, every weekday, except Saturday, between the hours of nine in the forenoon and three in the afternoon and on Saturday between the hours of eight and eleven in the forenoon, except on public holidays and days which may from time to time be notified by a placard posted in a conspicuous place in the office.

APPEALS TO THE COURT

Appeal to Court.

117. Before an appeal is made by any person to the

Court in a case in which an appeal is given by the Act, he shall-

- (a) apply to the Registrar for a hearing; or
- (b) state that he does not desire to be heard and submit his case to the Registrar in writing.

In either event he shall obtain a decision in writing from the Registrar on the point raised, and in the case of an application within rules 31 to 35 (inclusive), a statement of grounds and materials under rule 35. Within one month from the date of the decision he shall, if he desires to appeal, leave at the office a notice on Form 30 of his intention so to do.

Notice of
appeal.

118. The notice on Form 30 shall be accompanied-

- (a) in case the appeal concerns an application within rules 31 to 35 (inclusive), by two copies of the form of application each containing a representation of the mark applied for and two copies of the grounds of the Registrar's decision;
- (b) in other cases by two copies of the decision of the Registrar.

Grounds of
Appeal to be
stated.

119. The notice shall also be accompanied by a statement in writing of the appellant's grounds for appealing and of his case in support of the appeal.

Directions by
Court.

120. The Court may thereupon give such directions (if any) as they may think fit with respect to parties and evidence, or otherwise, for Court the purpose of the hearing of the appeal by the Court.

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Hearing of
appeal.

121. Where the Court intend to hear the appeal, seven days' notice, or such shorter notice as the Court may in any particular case direct, of the time and place appointed for the hearing, shall be given to the Registrar and to the appellant.

No appeal
unless notice
duly given.

122. No appeal shall be entertained of which notice has not been given within one month from the date of the decision appealed against, or such further time as the Registrar may allow, except by special leave of the Court.

Withdrawal of
appeal.

123. Where under section 19(6) an appellant becomes entitled and intends to withdraw his appeal to the Court, he shall give notice of his intention to the Registrar and to the other parties, if any, to the appeal within seven days after the leave referred to in that subsection has been obtained.

APPLICATIONS TO AND ORDERS OF THE COURT

Application to
Court.

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

Order of
Court.

125. Where an order has been made by the Court in any case under the Act, the person in whose favour such order has been made, or Court such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the office an office copy of such order, together with Form 47 if required. The register may, if necessary, thereupon be rectified or altered by the Registrar.

Publication of
order of Court.

126. Whenever an order is made by the Court under the Act, the Registrar may, if he thinks that the order should be made public, publish it in the *Gazette*.

UNITED KINGDOM TRADE MARKS

Classification
of marks.

127. For the purpose of registration of United Kingdom Trade Marks under the Act, goods shall be classified in the same manner as they are classified in the United

Kingdom for the purpose of trade marks registration.

Address for
service.

128. Subject to rule 12, every person making an application for the registration of a United Kingdom trade mark shall give an address for service in Georgetown and such address may be treated as the actual address of such person for all purposes in connection with the matter in question and any document required to be served may be served by leaving the same at such address.

Agency.

129. (1) Any person entitled under the Act to have a mark registered may appoint an agent to represent him in the matter of a trade mark by signing and sending to the Registrar an authority in writing to that effect in Form 55 or in such other form as the Registrar may deem sufficient.

Form 55.

(2) In all such cases service upon such agent of any document relating to such trade mark shall be deemed to be service upon the person so appointing him and all communications may be addressed to such agent.

Application
for
registration.

130. (1) All applications under sections 40 to 51 (inclusive) shall be made through a licensed patent agent. The forms in connection therewith may also be signed by a licensed patent agent on behalf of the applicant, but if not so signed, then if the applicant is a firm, they must be signed by each individual who is a partner, and if the applicant is a body corporate the forms must be signed by its duly authorised officer or agent. Such application shall contain a representation of the trade mark affixed to it.

Form 4

(2) There shall be sent with every application for registration of a trade mark or registration as a registered user four additional representations of the mark on Form 4, together with, if the Registrar shall so require, a wood block or electrotype of the trade mark.

[Subsidiary]

Trade Marks Rules

Form 56 (3) An application for registration in Guyana of a United Kingdom trade mark shall be made on Form 56.

Form 59 (4) An application for registration as a registered user of a trade mark shall be made on Form 59.

Certificate of Registration. Form 57 **131.** The Certificate of Registration to be issued by the Registrar under section 40 shall be in Form 57.

Advertisement of registration. **132.** Upon the issue of such certificate the Registrar shall publish in the *Gazette* particulars of such registration and a representation of the trade mark registered or a detailed description thereof and shall in the latter case state in the advertisement that a representation of the trade mark is open to inspection in the office of the Registrar.

Registration of declaration. **133.** (1) The Registrar shall, on production of an order of the Court made upon an application under section 46 declaring that the exclusive privileges and rights conferred by a Certificate of Registration have not been acquired, make an entry in the register of a minute of such order and cancel the registration of such mark in conformity with the said declaration.

(2) A notice of such cancellation shall be published in the *Gazette* by the Registrar.

Registration of assignment, etc. Form 58 **134.** (1) An application for registration under section 47 shall be in Form 58.

(2) In proof of his title the applicant shall produce the Certificate of Registration and furnish such additional evidence as the Registrar may require to satisfy him that the privileges and rights conferred by the Certificate have devolved on the applicant by assignment, transmission or other operation of law.

(3) The Registrar, if satisfied, shall indorse upon the

Certificate of Registration a statement of the alteration in the proprietorship of the mark and shall cause an entry of the fact of such alteration to be made in the register.

Renewal.
Form 60

135. (1) Notification of a renewal under section 50 shall be made on Form 60 and a certificate of the Comptroller General of the United Kingdom Patent Office that such renewal has been effected shall be furnished.

(2) Upon receipt of such notification and the said certificate together with the Certificate of Registration under the Act the Registrar shall cause an entry of the fact of such renewal to be made in the register and shall make a similar indorsement on the Certificate of Registration and notice of the renewal shall be published in the *Gazette*.

Removal of
trade mark.

136. Where within six months from the date of the expiration of the period of registration of the trade mark in the United Kingdom no notice has been received that the registration of such mark has been renewed in the United Kingdom the Registrar may remove the mark from the register as from the date of the expiration of the United Kingdom registration, but may upon receipt of the prescribed notice not later than six months thereafter and upon payment of the renewal fee and the additional fee restore the mark to the register if satisfied that it is just so to do.

Applications
under section
51.
Form 61

137. (1) Applications under section 51 shall be in Form 61. Such application shall be accompanied by the Certificate of Registration.

(2) Upon receipt of such application the Registrar may cause the necessary alterations to be made in the register and in the Certificate of Registration, and in the case of a cancellation of registration of the trade mark wholly, he shall retain the Certificate of Registration and shall advertise the fact of such cancellation in the *Gazette*.

[Subsidiary]

Trade Marks Rules

Search.

138. The Registrar on payment of the prescribed fee may cause a search to be made in the Register to ascertain whether any mark is on record at the date of such search which may resemble any mark for which registration is sought in Part C of the register in respect of the same goods or description of goods and shall cause the result of such search to be communicated in writing to the applicant.

Certificates by
the Registrar.
Form 62

139. The Registrar on receipt of a request in writing in Form 62 and on payment of the prescribed fee may issue a certificate as to any registration, entry, matter or thing under Part II of the Act, but every certificate so given shall have specified on the face thereof the purpose for which such certificate is required.

Certified copy.

140. A certified copy of any document under Part II of the Act may be obtained on payment of the prescribed fee.

FIRST SCHEDULE

FEES

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

Matter or Proceeding	Amount	Corresponding Form
	\$ c.	
1. On application not otherwise charged to register a trade mark for a specification of goods included in one class	100.00	2
1a. On application to register a series of trade marks under section 23(2) for a specification of goods included in one class	100.00	2

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1b.	On application to register a defensive trade mark for a specification of goods included in one class	300.00	32
1c.	On application under section 39 to register a certification trade mark for a specification of goods included in one class	100.00	6
1d.	On applications made at the same time under section 39 to register one certification trade mark for specifications of goods not all included in one class- In respect of every class total fee in no case to exceed \$96.00 for any number of classes	100.00	6
2.	On a request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used	100.00	5
3.	On opposition before the Registrar under section 20, for each application opposed, by opponent	200.00	7
3a.	On lodging a counter-statement in answer to a notice of opposition under section 20, for each application opposed, by the applicant; or in answer to an application under any of the sections 28,29, 34 and 35, by the proprietor in respect of each trade mark; or in answer to a notice of opposition under section 37 or section 38, for application or conversion opposed, by the proprietor	100.00	8
3b.	On the hearing of each opposition under section 20, by applicant and by opponent respectively; or on the hearing of an application under any of the sections 28, 29, 34 and 35, by	200.00	9

[Subsidiary]

Trade Marks Rules

	applicant and by the proprietor respectively; or on the hearing of an opposition under section 37 or section 38, by proprietor and by opponent respectively		
3c.	On notice of opposition before the Registrar under paragraph 2(2) of the Schedule to the Act, for each application opposed, by the opponent	200.00	37
3d.	On lodging a counter-statement in answer to a notice of opposition before the Registrar under paragraph 2(2) of the Schedule to the Act, for each application opposed, by the applicant ...	100.00	38
3e.	On the hearing of each opposition before the Registrar under paragraph 2(2) of the Schedule to the Act, by applicant and by opponent respectively	200.00	39
4.	For one registration of a trade mark not otherwise charged for a specification of goods included in one class	200.00	10
4a.	For one registration of a series of trade marks under section 23(2) for a specification of goods included in one class-		
	For the first mark	200.00	10
	And for every other mark of the series	25.00	
4b.	For registration under section 39 of a certification trade mark for a specification of goods included in one class	200.00	10
4c.	For registration upon applications made at the same time of one certification trade mark, under section 39, for specifications of goods not all included in one class-		
	In respect of every class	200.00	10

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Trade Marks Rules

	Total fee in no case to exceed \$192:		
	-for any number of classes		
4d.	For one registration of a defensive trade mark for a specification of goods included in one class	300.00	10
5	Upon each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark	20.00	10
5a.	On an application to dissolve the association between registered trade marks	200.00	19
6.	On application to register a registered user of a registered trade mark in respect of goods within the specification thereof.	200.00	49
6a.	On application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case-		
	For the first mark	200.00	49
	And for every other mark of the proprietor included in the application and statement of case	10.00	
6b.	On application by the proprietor of a single trade mark, under section 30(8)(a), to vary the entry of a registered user thereof	200.00	50
6c	On application by the proprietor of more than one trade mark under section 30(8)(a) to vary the entries of a registered user thereof-		
	For the first mark	200.00	50
	And for every other mark of the proprietor for which the same user is registered, included in		

[Subsidiary]

Trade Marks Rules

	the application	10.00	
6d.	On application by the proprietor or registered user of a single trade mark, under section 30(8)(b), for cancellation of the entry of a registered user thereof	200.00	51
6e.	On application by the proprietor or registered user of more than one trade mark under section 30(8)(b), for cancellation of the entries of a registered user thereof-		
	For the first mark	200.00	51
	And for every other mark of the proprietor for which the same user is registered, included in the application	10.00	
6f.	On application, under section 30(8)(c), to cancel the entry of a registered user of a single trade mark	200.00	52
6g.	On application, under section 30(8)(c), to cancel the entry of a registered user of more than one trade mark-		
	For the first mark	200.000	52
	And for every other mark of the same proprietor for which the same user is registered, included in the application	10.00	
6h.	On notice under section 30(9) and rule 100, of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks	50.00	53
7.	On request to enter in the register and advertise a certificate of validity, under section 58 and rule 88-		
	For the first registration certified	100.00	48
	And for every other registration certified in the		

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	same certificate	10.00	
7a.	On application under section 31(4) and rule 76 for extension of time for registering a corporation as subsequent proprietor of trade marks on one assignment-		
	Not exceeding two months	100.00	14
	Not exceeding four months	200.00	14
	Not exceeding six months	300.00	14
8.	On application for certificate of the Registrar, under section 24(5) and rule 79-		
	For the first mark proposed to be assigned	200.00	40
	And for every other mark of the same proprietor included in that assignment	10.00	
8a.	On application for approval of the Registrar, under section 24(6) and rule 79-		
	For the first mark	200.00	41
	And for every other mark of the same proprietor included in the same transfer	10.00	
8b.	On application for directions by the Registrar for advertisement of assignment of trade marks in use, without goodwill-		
	For one mark assigned	100.00	42
	And for every other mark assigned with the same devolution of title	10.00	
8c.	On application for extension of time for applying for directions for advertisement of assignment of trade marks in use, without goodwill, in respect of one devolution of title-		
	Not exceeding one month	100.00	43
	Not exceeding two months	200.00	43
	Not exceeding three months	300.00	43
9.	On application to register a		

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Trade Marks Rules

	subsequent proprietor in a case of assignment or transmission of a single trade mark-		
	If made within six months from the date of acquisition of proprietorship or the coming into force of these Rules	200.00	15 or 16
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship or the coming into force of these Rules	250.00	15 or 16
	If made after expiration of twelve months from the date of acquisition of proprietorship or the coming into force of these Rules	300.00	15 or 16
9a.	On application to register a subsequent proprietor of more than one trade mark standing in the same name, the devolution of title being the same in each case-		
	If made within six months from the date of acquisition of proprietorship or the coming into force of these Rules-		
	For the first mark	200.00	15 or 16
	And every other mark	25.00	
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship or the coming into force of these Rules-		
	For the first mark	250.00	15 or 16
	And for every other mark	25.00	
	If made after expiration of twelve months from the date of acquisition of proprietorship or the coming into force of these Rules-		

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	For the first mark	300.00	15 or 16
	And for every other mark	25.00	
10.	On application to change the name of description of a proprietor or a registered user of a single trade mark where there has been no change in the proprietorship or in the identity of the user	50.00	21
10a.	On application to change the name or description of a proprietor or a registered user of more than one trade mark standing in the same name, where there has been no change in the identity of the user, the change being the same in each case-		
	For the first mark	50.00	21
	And for every other mark	10.00	
11.	For renewal of registration of a trade mark of expiration of last registration	200	11
11a.	For renewal of registration of a series of trade marks under section 23(2) at expiration of last registration-		
	For the first mark of the series	200.00	11
	For every other mark of the series	25.00	
11b.	For renewal of registrations of the same certification trade mark with the same date for goods in more than one class-		
	In respect of every class	200.00	11
	Total fee in no case to exceed \$192: -for any number of classes.		
11c.	Additional fee under rule 67	100.00	12
11d.	Restoration fee under rule 68	200.00	13
12.	On application to the Registrar for leave to add to or alter a single registered trade mark	200.00	25
12a.	On an application to the Registrar		

[Subsidiary]

Trade Marks Rules

	for leave to add to or alter more than one registered trade mark of the same proprietor, being identical marks, the addition or alteration to be made, in each case, being the same-		
	For the first mark	200.00	25
	And for every other mark	100.00	
12b.	On notice of opposition to application for leave to add to or alter registered trade marks, for each application opposed	200.00	46
13.	For altering one or more entries of the trade or business address of a registered proprietor or a registered user of a trade mark where the address in each case is the same and is altered in the same way (unless exempted from fee under rule 81)-		
	For the first entry	50.00	18
	And for every other entry	10.00	
14.	For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	100.00	48
15.	For cancelling the entry or part of the entry of a trade mark upon the register on the application of the registered proprietor of the trade mark	50.00	22 or 23
16.	On application, under any of the sections 28, 29, 34 and 35, for rectification of the register or removal of trade mark from the register	300.00	26
16a.	On application for leave to intervene in proceedings under any of the sections 28, 29, 34 and 35, for rectification of the register or removal of trade mark from the register	200.00	27
17.	On request, not otherwise charged, for correction of clerical error or for		

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	permission to amend application	50.00	20
18.	On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register	50.00	24
19.	On application to the Minister under rule 93 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of a certification trade mark or of certification trade marks of the same registered proprietor where the regulations are substantially the same	300.00	36
19a.	On request to the Minister by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof-		
	For the regulations of one such registration	100.00	35
	For the same or substantially the same regulations of each other registration proposed to be altered in the same way and included in the same request	10.00	
20.	On application by registered proprietor under rule 6, for conversion of specification	25.00	44
20a.	On notice of opposition to a conversion of the specification or specifications of a registered trade mark or registered trade marks-		
	For one mark	200.00	45
	For every other mark of the same proprietor having same specification	10.00	
21.	On appeal from the Registrar to the Court, in respect of each decision appealed against, by appellant	200.00	30
22.	For a search under rule 115 in respect of one class-		

[Subsidiary]

Trade Marks Rules

	Without application for the Registrar's advice under rule 20	80.00	28
	With application for the Registrar's advice under rule 20	100.00	28
23.	On request for the Registrar's preliminary advice under rule 20, for each trade mark submitted in respect of one class	250.00	29
24.	For certificate of the Registrar (other than certificate under section 21(2)) of the registration of a trade mark ...	50.00	31
24a.	For certificate of the Registrar (other than certificate under section 21(2)) of the registration of a series of trade marks under section 23(2)	100.00	31
25.	For cancelling or making one or more entries of an address for service of a registered proprietor or a registered user of a trade mark where the address in each case is the same, on application made after the registration in each case-		
	For the first entry	250.00	33
	And for every other entry included in the application	10.00	
25a.	For altering one or more entries of an address for service in the register included in one application for alteration, where the address and the alteration in each case are the same-		
	For the first entry	250.00	33
	And for every other entry	10.00	
	Total fee in no case to exceed \$120:		
	-for any number of entries.		
26.	For inspecting register or notice of opposition, counter-statement or decision in connection with any opposition or application for rectification of the register relating to any particular trade mark, for		

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Trade Marks Rules

	every quarter of an hour	10.00	
27.	For permission to search amongst the classified representations of trade marks, for every quarter of an hour	10.00	
28.	For office copy of documents, for every 100 words (but never less than 24 cents)	10.00	
29.	For certifying office copies M.S. or printed matter	50.00	
30.	For extra space in the <i>Gazette</i> advertisement, in cases where the printing block for the trade mark exceeds 2 inches in breadth or depth, or in breadth and depth- For every inch or part of an inch over 2 inches in breadth	200.00	
	For every inch or part of an inch over 2 inches in depth	200.00	
31.	For registration of a trade mark for a specification of goods included in one class (including the filing of all necessary documents, the issue of a Certificate of Registration and advertisement in the <i>Gazette</i>)	250.00	56
31a.	For registration of a series of trade marks for specification of goods included in one class (including the filing of all necessary documents, the issue of a Certificate of Registration and advertisement in the <i>Gazette</i>): For the first mark	250.00	56
	And for every other mark of the series	250.00	
32.	On application to register a registered user of a registered trade mark in respect of goods within the specification thereof	200.00	59
32a.	On application to register the same registered user of more than one registered trade mark of the same		

[Subsidiary]

Trade Marks Rules

	registered proprietor in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case-		
	For the first mark	200.00	59
	And for every other mark of the proprietor included in the application and statement of case	10.00	
33.	For registration of an assignment of a single mark including the filing of all necessary documents and the endorsement on the Certificate of Registration	200.00	58
33a.	For registration of an assignment of more than one mark standing in the same name the devolution of title being identical in each case (including the filing of all necessary documents, etc.)-		
	For the first mark	200.00	58
	For every other mark	20.00	
34.	For filing notification of renewal of a trade mark or a series of marks for a specification of goods included in one class including the endorsement on the Certificate of Registration and advertisement in the <i>Gazette</i>	200.00	60
34a.	Additional fee under rule 136	10.00	
35.	On an application under section 51 as follows:		
	For cancellation of the registration of a mark or of a registered user thereunder either wholly or as regards any particular goods in respect of which the trade mark or the registered user is registered	50.00	61
	For correction of any clerical error	50.00	
	For change of name description		

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	and/or address	50.00	
36.	For a search under rule 138 including the notification in writing such of search	10.00	
37.	For a certificate under rule 139	50.00	62
38.	For office copy of documents filed, per folio of 100 words (but never less than 24 cents)	10.00	
38a.	For certifying office copies M.S. or printed matter	50.00	
39.	On action taken not otherwise charged	25.00	

For the purpose of these fees (except as specially provided above) every mark of a series under section 23, or any preceding similar enactment, shall be deemed to be a mark separately registered.

SECOND SCHEDULE

Form	Corresponding Item in First Schedule
1 Authorisation	-
2 Application for registration of Trade Mark	1, 1a
3 Notice of non-completion of registration of trade mark	-
4 Additional Representation of trade mark	-
5 Request for statement of grounds of decision	2
6 Application for registration of trade mark under section 39	1c, 1d
7 Opposition before Registrar to application for registration of trade mark	3
8 Counter-statement to opposition before Registrar to application for registration of trade mark, or in certain other proceedings	3a
9 Application for hearing in opposition matter, or in rectification, removal or certain other proceedings	3b
10 For registration of a trade mark	4, 4a, 4b, 4c, 4d

[Subsidiary]

Trade Marks Rules

		and 5
11	Renewal of registration of trade mark	11, 11a, 11b
12	Additional fee to accompany renewal fee within one month after advertisement of non-payment of renewal fee	11c
13	Restoration of trade mark where removed for non-payment of fee	11d
14	Application under section 31(4) and rule 76 for extension of time to request entry of corporation-assignee as subsequent proprietor	7a
15	Request by registered proprietor and transferee to register transferee as subsequent proprietor	9, 9a
16	Request to enter name of subsequent proprietor	9,9a
17	Declaration in support of request to enter name of subsequent proprietor	
18	Application for alteration of trade or business address on Register	13 or nil
19	Application to Registrar to dissolve association between registered trade marks	5a
20	Correction of clerical error in the Register, or amendment of Application	17
21	Request to enter change of name or description of registered proprietor or user	10, 10a
22	Application by registered proprietor for cancellation of entry of trade mark in Register	15
23	Request by registered proprietor to strike out goods from those for which a trade mark is registered	15
24	Request by registered proprietor to enter disclaimer or memorandum in Register	18
25	Application to add to or alter a registered trade mark	12, 12a
26	Application for rectification of Register or removal of the trade mark from Register	16
27	Application for leave to intervene in proceedings for rectification of Register, or removal of trade mark from Register	16a
28	Request or search under rule 115	22
29	Request for Registrar's advice on registrability	23
30	Appeal from Registrar to Court	21
31	Request for general certificate	24, 24a
32	Application for registration of defensive trade	1b

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	mark	
33	Request for entry, alteration or cancellation in the Register of address for service	27, 27a or nil
34	Regulations governing the use of certification trade mark (title page)	-
35	Request for alteration of Certification Trade Mark Regulations and consent of Minister	19a
36	Application to the Minister under rule 93, respecting, a certification trade mark	10
37	Opposition before the Registrar concerning certification trade mark	3c
38	Counter-statement to opposition before the Registrar concerning certification trade mark	3d
39	Application for hearing in opposition before Registrar concerning certification trade mark	3e
40	Application for certificate of Registrar upon proposed assignment of registered trade mark	8
41	Application for approval by Registrar of transfer of trade mark (section 24(6))	8a
42	Application for directions for advertisement of assignment of trade mark in use, without goodwill	8b
43	Application for extension of time for applying for directions for advertisement of assignment of trade mark in use, without goodwill	8c
44	Application by registered proprietor for conversion of specification of a registration	20
45	Opposition to application by registered proprietor for conversion of specification of a registration	20a
46	Opposition to application to add to or alter a trade mark	12b
47	Notice of Order of Court for alteration of Register	14
48	Request for entry and advertisement of Certificate of Validity	7
49	Application for registration of registered user	6, 6a
50	Application by registered proprietor for variation of entry of registered user	6b, 6c
51	Application by registered proprietor or user for cancellation of entry of registered user	6d, 6e
52	Application under section 30(8) for cancellation	6f, 6g

[Subsidiary]

Trade Marks Rules

	or entry of registered user	
53	Notice of intention to intervene in registered user proceedings	6h
54	Certificate of registration of trade mark under section 19(2)	-
55	Appointment of agent	-
56	Application for registration in Part C of the Register	31, 31a
57	Certificate of Registration	-
58	Application to register subsequent proprietor	33, 33a
59	Application for registration of registered user in Part C of the Register	32, 32a
60	Notice of Renewal	34, 34a
61	Application for registration under section 51 of the Act	35
62	Request of issue of Certificate	37

SECOND SCHEDULE

Form 1

TRADE MARKS ACT

Form of Authorisation of Agent
in a matter or proceeding under the
Act (rule 14)

The full name of all the partners in a firm must be inserted, and the kind and country of incorporation of bodies corporate stated.
(a) Here insert name and address of agent.
(b) Here state the particular

*I (or We).....
.....
have appointed (a).....
of
to act as my(our) agent for (b).....
..... No.....
and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.
I (or We) hereby revoke all previous authorisations, if any, in respect of the same matter or proceeding.

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matter or proceeding for which the agent is appointed, giving the reference number, if known. (c) Here state nationality. (d) To be signed by the person appointing the agent. (e) Here insert the full trade or business address of the person appointing the agent.

I (or We) hereby declare that I am (or we are) a.....(c) Dated this.....day of.....20..... (d) Address (e).....

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

I (or We) also authorise the said (a)..... to complete Form 33 requesting..... the entry of an address for service as part of any registration obtained under the above authorisation.

Dated this.....day of.....20..... (d) Address(e).....

To the Registrar, The Patent Office, Trade Marks Registry, Deeds Registry, Georgetown.

*Write distinctly here "A" or "B" according to the registration desired.

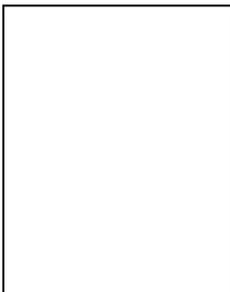
Form 2

TRADE MARKS ACT

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

One representation to be fixed within this space and four others to be sent on separate Form 4.

Representations of a large size may be



[Subsidiary]

Trade Marks Rules

(a) Here specify the goods. Only goods included in one and the same class should be specified. A separate application form is required for each class.

(b) Here insert legibly the full name, description and nationality of the individual, firm, or body corporate making the application. The names of all partners in a firm must be given in full. If the applicant is a body corporate, the kind and country of incorporation should be stated.

(c) Here insert the full trade or business address of the applicant.

(d) Here insert the trading style (if any).

(e) If the mark

folded, but must then be mounted upon linen or other suitable material and affixed hereto.

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

.....

.....

.....

in the name of (b).....whose trade or business address is (c)..... trading as (d)..... by whom it is (e) proposed to be used and who claim(s) to be the proprietor(s) thereof.

(f).....

.....

.....

Dated this.....day of.....20.....
(g)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 3

TRADE MARKS ACT

Notice of Non-completion of Registration

No.....
The Registrar, as required by section 21(3) of the Trade Marks Act and rule 59 of the Trade Marks Rules made thereunder (copies of

LAWS OF GUYANA

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Trade Marks

[Subsidiary]

Trade Marks Rules

is already in use, strike out the words: "proposed to be," and insert "being".
(f) For additional matter if required; otherwise to be left blank.
(g) Signature.

which are printed on the back hereof), has to point out that the registration of the trade mark, in respect of which your application numbered as above was made on the.....day of.....20....., has not been completed by reason of your default. Unless it is completed within fourteen days from this date the application will be treated as abandoned.

Dated this.....day of.....20.....
To.....
.....
.....

The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 4

TRADE MARKS ACT

One representation of the trade mark to be affixed within this space.
It must correspond exactly in all respects with the representation affixed to the Application Form.
Any representation larger than the space provided may be folded but must then be mounted upon linen or

Additional Representation of Trade Mark, to accompany Application for Registration.

[Subsidiary]

Trade Marks Rules

other suitable material and affixed hereto.

FOUR of these ADDITIONAL REPRESENTATIONS of the Trade Mark must accompany each Form of Application.

Form 5

TRADE MARKS ACT

Request for Statement of Grounds of Decision

IN THE MATTER OF (a)..... the Registrar is hereby requested to state in writing the grounds of his decision, dated the..... day of.....20 , after the hearing on the..... day of.....20 , and the materials used by him in arriving at the decision.

(a) Insert words and numbers identifying the matter or proceeding.

Dated this.....day of.....20.....

(b)

(b) Signature.

To the Registrar, The Patent Office, Trade Marks Registry, Deeds Registry, Georgetown.

If the Registrar has made any requirement to which the Applicant does not object, the Applicant shall comply therewith before the Registrar issues the grounds of his decision. (See rule 35.)

FORM 6

TRADE MARKS ACT

Application for Registration of Certification Trade Mark under section 39 (To be accompanied by two duplicates)



One representation to be fixed within this space, and six others to be sent on separate Form 4.

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

Application is hereby made for Registration in Part A of the Register of the accompanying Certification Trade Mark in Class

(a) Here specify the goods. Only goods included in one and the same class should be specified. A separate application form is required for each class.

....., in respect of (a) in the name of (b) whose address is (c)

Dated this.....day of.....20.....

(d)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

(b) Here insert the full name, description and nationality of the applicant. If the applicant is a body corporate the kind and country of incorporation should be stated.

FORM 7

TRADE MARKS ACT

Notice of Opposition to Application
for Registration of a Trade Mark
(To be accompanied by a duplicate)

(c) Here insert the full address of the applicant
(d) Signature.

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

(a) Here state

(a) I (or We)..... hereby give notice of my (or our) intention to oppose the

[Subsidiary]

Trade Marks Rules

full name and address.

Registration of the Trade Mark advertised under the above number for Classin the *Gazette* of the page.....

The grounds of opposition are as follows:

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

(b) If registration is opposed on the ground that the mark resembles marks already on the Register, the numbers of those marks and of the *Gazettes* in which they have been advertised are to be set out.
(c) Signature.

(b)
Address for service in Guyana in these proceedings:

.....
.....

Dated thisday of20.....

(c)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 8

TRADE MARKS ACT

Form of Counter-Statement
(To be accompanied by a duplicate)

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

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

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

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Trade Marks

[Subsidiary]

Trade Marks Rules

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

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

Address for service in Guyana in these proceedings:

.....
.....

(a) Signature. Dated this.....day of.....20.....
(a)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 9

TRADE MARKS ACT

Notice to the Registrar of Attendance at Hearing

(a) Here insert name and address.

I (or We) (a).....of.....
hereby give notice that the hearing of the arguments in the Case of:

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

- (b) (1) Opposition No.....to Application for registration of a Trade Mark No.....,
- (2) Application that the entry in the Register in respect of Trade Mark No..... may be removed,
.....
- (3)..... may be amended by alteration of or addition to the Trade Mark,
- (4)..... may be amended by a conversion of the specification of goods,
- (5)..... may

[Subsidiary]

Trade Marks Rules

be amended otherwise than by any change in the mark or the specification on conversion,

which, by the Registrar's Notice to me (or us) dated the day of20..... is fixed for a.m. or p.m. at the Patent Office on the..... day of..... 20....., will be attended by me (or us) or by some person on my (or our) behalf.

(c) Signature. Dated this.....day of.....20.....
(d) Address. (c)
(d).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 10

TRADE MARKS ACT

Fee for Registration of a Trade Mark

(If the Applicant has furnished a printing block for advertisement, this Form must be accompanied by one unmounted representation of the Mark, exactly as shown on the Form of Application).

The prescribed fee for the registration of the Trade Mark No.....in Class.....is hereby transmitted.

* Signature. Dated this.....day of.....20.....
*.....

To the Registrar,
The Patent Office,
Trade Marks Registry,

Deeds Registry,
Georgetown.

Note.-A request for the entry of an address for service of the registered proprietor may be made on Form 33 if it accompanies this Form.

FORM 11

TRADE MARKS ACT

Renewal of Registration of Trade Mark

(a) Insert here the name and address of the person leaving the fee.
†If the fee is left by the proprietor himself, this passage should be struck out.
(b) If the fee is left by the proprietor himself this passage should be struck out.
(c) Signature of the person leaving the fee.
(d) Address of person signing.

(a) I, (or We).....
ofhereby
leave the prescribed fee of for Renewal of Registration
of the Trade Mark No.....in Class.....,
†which I am directed by the proprietor of the Trade Mark, that is
to say by (b)....., to pay.‡
Dated this.....day of.....20.....
(c)
(d).....

The statement on the back of this form must be filled in, and signed.

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

‡ This form will be returned if it is filed more than three months before the expiration of the last registration.

To appear on the back of the Form

[Subsidiary]

Trade Marks Rules

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

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

.....

.....

(f)

Dated this.....day of.....20.....

FORM 12

TRADE MARKS ACT

Additional Fee of \$4.80 to accompany Renewal Fee (Form 11), within one month after advertisement of Non-payment of Renewal Fee

(To accompany Form 11)

In pursuance of the notice issued by the Registrar, I (or We) hereby transmit the additional fee of \$10.00 (along with Form 11) for the renewal of the Registration of the Trade Mark No..... in Class.....

Dated this.....day of.....20.....

(a).....

(b).....

(a) Signature.

(b) Address.

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 13

TRADE MARKS ACT

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

(To accompany Form 11)

In pursuance of the notices issued by the Registrar, I (or We) hereby transmit the additional fee of \$20.00 (along with Form 11) for the restoration to the Register of the Trade Mark No..... in Class.....

Dated this.....day of.....20.....

(a) Signature.
(b) Address.

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

N.B.-This Form must be signed by the person(s) signing the Form 11 which accompanies it.

FORM 14

TRADE MARKS ACT

Application under rule 76 for extension of time, in accordance with section 31(4), for the registration of the name of a Corporation as Subsequent Proprietor of a Trade Mark in the Register

(a) Here insert the name and address of the applicant.

Application is hereby made by (a).....of.....for an extension of time by (b) months of the period of six months allowed by section 31(4) and rule 7 for registering its name, by force of one assignment, as proprietor of the following Trade Mark(s) registered upon application(s) conforming to section 31(1)(a):

(b) Here insert "two" or "four", or

[Subsidiary]

Trade Marks Rules

“six”.

(c) Additional numbers may be given in a signed Schedule on the back of the Form.

(c) Registration Number

Class

.....

.....

.....

.....

.....

.....

Dated this.....day of.....20.....

(d).....

(d) Signature.

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 15

TRADE MARKS ACT

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

(a) Name and address of Registered Proprietor, or other Assignor or Transmitter.

We (a).....

(b) Full name, trade address and nationality of Transferee.

and (b).....

(c) Name of Transferee.

hereby request, under rule 71, that the name of (c)

(d) Description of Transferee.

.....

(e) Trade or business address of Transferee.

.....carrying on business as (d).....

* Additional numbers may

at (e), may be entered in the Register of Trade Marks as proprietor of the Trade Marks(s)

No.....*in Class..... as from the

(f)

by virtue of (g)

.....

.....

(h) The trade mark at the time of the assignment was (h) (not) used

be given in a signed Schedule on the back of the Form.
 (f) Date of acquisition of proprietorship.
 (g) Full particulars of the instrument of assignment or transmission, if any, or statement of case.
 (h) Strike out any words not applicable. (See rule 76).
 (i) Signature of Assignor or Transmitter.
 (j) Signature of Transferee.

in a business in the goods in question, and the assignment (took) (h) (did not take) place on or after the appointed day otherwise than in connection with the goodwill of a business in the goods, (h) and there is sent herewith a copy of the Registrar’s direction to advertise the assignment, a copy of each of the advertisements complying therewith, and a statement of the dates of issue of any publications containing them.

Dated thisday of, 20.....
 (i).....
 (j).....

To the Registrar,
 The Patent Office,
 Trade Marks Registry,
 Deeds Registry,
 Georgetown.

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

A request for the entry of an address for service of the subsequent proprietor may be made on Form 33, if it accompanies this Form.

FORM 16

TRADE MARKS ACT

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

(a) Here insert full name, trade or business address, nationality and description. Additional numbers may be given in a

I (or We) (a)

 hereby request that my (or our) namemay be entered in the Register of Trade Marks as proprietorof Trade Mark(s) No* in Class.....
as from the (b)
 I am (or We) entitled to the Trade Mark(s) by virtue of (c)....

[Subsidiary]

Trade Marks Rules

signed

Schedule on

the back of the

Form.

(b) Date of (d) The Trade Mark at the time of the assignment was (d) (not)

acquisition of proprietorship. used in a business in the goods in question, and the assignment

(c) Here insert (d) (took) (did not take) place on or after the appointed day

full particulars otherwise than in connection with the goodwill of a business in

of the the goods, (d) and there is sent herewith a copy of the Registrar's

instrument of direction to advertise the assignment, a copy of each of the

assignment or advertisements complying therewith, and a statement of the dates

transmission, if of issue of any publications containing them.

any, or Dated thisday of20.....

statement of case.

(d) Strike out

any words not

applicable (See

rule 76).

(e) Signature. (e)

To the Registrar,
 The Patent Office,
 Trade Marks Registry,
 Deeds Registry,
 Georgetown.

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

A request for the entry of an address for service of the subsequent proprietor may be made on Form 33, if it accompanies, this Form.

FORM 17

TRADE MARKS ACT

Declaration (only to be furnished when requested by Registrar) in support of Statement of Case accompanying Form 15 or Form 16

LAWS OF GUYANA

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

(a) This paragraph is not required when the declaration is made out of Guyana.

(a) And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, Cap. 5:09.

(b) To be signed here by the person making the declaration.

(b).....

Declared at

thisday of,20.....

(c) Signature and title of Authority before whom the declaration is made.

Before me (c).....

To the Registrar, The Patent Office, Trade Marks Registry, Deeds Registry, Georgetown.

FORM 18

TRADE MARKS ACT

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

* Additional numbers may be given in a Schedule on the back of the Form.

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

I (or We) of.....

being the Registered (a) (Proprietor(s)) of the Trade Mark(s) (User(s))

[Subsidiary]

Trade Marks Rules

(a) Strike out one of these words.

numbered as above, request that my (or our) trade address in the Register of Trade Marks be altered to

.....

Dated this.....day of, 20.....

(b) Signature.

(b).....

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

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

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

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

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

.....

.....

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

on theday of....., 20.....

(b).....

FORM 19

Application to the Registrar under section 25(5) and rule 61 to dissolve the Association between a registered Trade Mark and (an) other registered Trade Mark(s)

To be accompanied by a Statement of Case

IN THE MATTER OF a Trade Mark No..... registered in Class

I (or We)

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Trade Marks

[Subsidiary]

Trade Marks Rules

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

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

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

may be dissolved and the Register amended accordingly.

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

(a) Signature. Dated this.....day of.....,20.....

(a).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 20

TRADE MARKS ACT

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

(a) Here insert words and reference number identifying the entry or application.

IN THE MATTER OF (a)

I (or We), being the

hereby request that

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

Dated this.....day of....., 20.....

[Subsidiary]

Trade Marks Rules

(b) Signature (b).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 21

TRADE MARKS ACT

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

(a) Here insert present name, address, and description of Registered Proprietor or Registered User.
(b) My or our.
(c) Strike out the words that are not applicable. Additional numbers may be given on a signed Schedule on the back of the Form.
(d) I am or We are.
(e) Here state the circumstances under which

I (or We), (a)
hereby request that (b).....name(s) and description(s) may be entered in the Register of Trade Marks as (c) (proprietor(s) of the (registered user(s)) Trade Mark(s) No.....* registered in Class(d)..... entitled to (c) (the said Trade Mark) (use the said Trade) (Mark as registered) (user(s)) There has been no change in the (c) (actual proprietorship) (identity of) (the registered user) of the said Trade Mark, but (e)

LAWS OF GUYANA

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Trade Marks

[Subsidiary]

Trade Marks Rules

the change of name took place.

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

.....

Dated this.....day of, 20.....

(f) Signature

(f).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 22

TRADE MARKS ACT

Application by Registered Proprietor of Trade Mark for the Cancellation of Entry thereof in Register (Paragraph (c) of section 36(1) and rules 85 and 86)

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

Class

Name of Registered Proprietor

.....

Trade or business address.....

Description

Application is hereby made by

(a) Here insert present name, address, and description of Registered Proprietor or Registered User.

of (a) (or by

a member of the Firm of

of (a)

on behalf of my said Firm).....

.....

that the entry in the Register of Trade Marks of the Trade Mark No..... in Classmay be cancelled.

[Subsidiary]

Trade Marks Rules

(b) Signature Dated this day of, 20..... (b)

To the Registrar, The Patent Office, Trade Marks Registry, Deeds Registry, Georgetown.

Note.-Rule 85 requires that an application on Form 22 shall be signed by the Registered Proprietor of the Trade Mark, or other person entitled under that rule, unless in exceptional circumstances the Registrar otherwise allows.

FORM 23

TRADE MARKS ACT

Application by Registered Proprietor of Trade Mark to the Registrar to strike out Goods from those for which the Trade Mark is registered (section 36(1)(d) and rules 85 and 86)

IN THE MATTER OF Trade Mark No..... registered in Class.....

Name of Registered Proprietor.....

Trade or business address.....

Description.....

Application is hereby made by

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

of (a)(or by..... a member of the Firm of of (a)..... on behalf of my said Firm)..... for the striking out of (b) from the goods for which the Trade Mark No..... is registered in Class.....

LAWS OF GUYANA

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Trade Marks

[Subsidiary]

Trade Marks Rules

goods to be struck out. (c) Signature.

Dated thisday of 20..... (c).....

To the Registrar, The Patent Office, Trade Marks Registry, Deeds Registry, Georgetown.

Note.-Rule 85 requires that an application on Form 23 shall be signed by the Registered Proprietor of the Trade Mark, or other person entitled under that rule, unless in exceptional circumstances the Registrar otherwise allows.

FORM 24

TRADE MARKS ACT

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

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

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

(b) Signature.

Dated thisday of20..... (b)

To the Registrar, The Patent Office, Trade Marks Registry,

[Subsidiary]

Trade Marks Rules

Deeds Registry,
Georgetown.

FORM 25

TRADE MARKS ACT

Application by Registered Proprietor under section 37 for an addition to or alteration of a Registered Trade Mark (rules 89 to 92)

IN THE MATTER OF the Trade Mark No.....
in Class.....

((a) Here insert name, trade or business address and description.

Application is hereby made by (a).....
ofbeing the Registered Proprietor(s)
of the registered Trade Mark numbered as above, that the Registrar shall add to it or alter it in the following particulars, that is to say-

((b) Here fill in full particulars.

(b).....
.....
.....
.....
.....
.....
.....
.....

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

Dated thisday of, 20.....

((c) Signature.

(c).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 26

TRADE MARKS ACT

Application to the Registrar for the Rectification of the Register or the Removal of a Trade Mark from the Register (To be accompanied by a copy and a Statement of Case in duplicate)

IN THE MATTER OF the Trade Mark No..... Registered in the name ofin Class.....

(a) Here insert full name and address.

I (or We) (a).....

(b) Strike out the word (or words) that is (are) not applicable.

hereby apply that the entry in the Register in respect of the above mentioned Trade Mark may be removed (b) rectified in the following manner:

.....

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

.....

No action concerning the Trade Mark in question is pending in the Court.

Address for Service in Guyana in these proceedings:.....

.....

Dated this.....day of,20.....

(c) Signature.

(c).....

To the Registrar, The Patent Office, Trade Marks Registry. Deeds Registry, Georgetown.

[Subsidiary]

Trade Marks Rules

Form 27

TRADE MARKS ACT

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

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

(a) Here state full name and address

I (or We) (a) hereby apply for leave to intervene in the proceedings relating to the rectification or removal of the entry in the Register in respect of the above mentioned Trade Mark.

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

Address for Service in Guyana in these proceedings:.....
.....
.....

Dated this.....day of 20....

(b) Signature.

(b)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 28

TRADE MARKS ACT

I-Request for Search under rule 115

The Registrar is hereby requested under rule 115 to search in Class *.....in respect of (a) to ascertain whether any Trade Marks are on record which resemble the Trade Mark sent herewith in duplicate (each representation being mounted on a half sheet of foolscap).

*The Registrar's direction should be obtained if the class is not known.

(a) Here specify the goods (in the class stated) in respect of which the search is to be made.

(b) Signature.
(c) Address.

(a) Here state name and address in full.

Dated thisday of20.....

(b)
(c)

II-Request for Registrar's Preliminary Advice as to distinctiveness or capability of distinguishing, by a person proposing to apply for the registration of a Trade Mark (section 54 and rule 20)

I (or We) (a)

.....
.....
hereby request the Registrar to advise me (or us) whether the Trade Mark referred to above appears to him prima facie to be inherently adapted to distinguish or inherently capable of distinguishing my (or our) goods above mentioned so as to comply with the requirements of section 11 or section 12 respectively, of the Act for registrability in Part A or Part B of the Register.

Dated thisday of20.....

(b) Signature.

(b)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

Note-Request I must be completed.

[Subsidiary]

Trade Marks Rules

FORM 29

TRADE MARKS ACT

Request for Registrar’s Preliminary Advise as to distinctiveness or capability of distinguishing, by a person proposing to apply for the registration of a Trade Mark (section 54 and rule 20)

(a) Here state name and address in full.

I (or We) (a)

* To be sent in duplicate.

hereby request the Registrar to advise me (or us) whether the Trade Mark shown on the accompanying foolscap sheet *appears to him prima facie to be inherently adapted to distinguish or inherently capable of distinguishing my (or our) goods so as to comply with the requirements of section 11 or section 12, respectively, of the Act for registrability in Part A or Part B of the Register.

(b) Here specify the goods. Only goods included in one and the same class should be specified.

The goods in respect of which I (or we) propose to apply for registration of the said Trade Mark are (b)

A separate Form of Request is required for each class.

in Class (c)

(c) Here insert the number of the class (if known). In case of doubt, the Registrar’s direction may be obtained.
(d) Signature.

Dated thisday of,20.....
(d).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

Note.-If and when an application is made to register the trade mark, objection may arise if identical or resembling trade marks are found on the Register. A prior notification of any such relevant marks (if any are to be found) can be obtained by a request to the Registrar made on Form 28.

FORM 30

TRADE MARKS ACT

Appeal from the Registrar to the Court
(Rules 117 to 123)

(a) Here insert full name and address of appellant.
(b) Here insert "the decision" or "that part of the decision" as the case may be.
(c) Here insert brief particulars identifying the proceeding in which the decision was given.
(d) Here insert statement of the nature of the decision in question.
(e) Signature.

I (or We) (a)
of
hereby give notice of my (or our) intention to appeal to the Court from (b).....
of the Registrar of the.....day of20....., relating to (c).....whereby he (d)

Accompanying this notice is a statement of the grounds of my (our) appeal and of my (our) case in support thereof, for the decision of the Court, together with the documents required by rule 118.

Dated this.....day of, 20.....
(e).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 31

TRADE MARKS ACT

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

Rule 110

These words may be varied to suit other cases.

(a) Here set out the particulars which the Registrar is requested to certify.

(b) Strike out words that are not applicable.

(c) Signature.

(d) Address.

IN THE MATTER OF * the Trade Mark No.....
Registered in Class*.....
I (or We).....

of
hereby request the Registrar to furnish me (us) with (b) his Certificate that (a).....

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

Dated thisday of,20.....

(c)

(d)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

Extract from rule 112. "Where a certificate of registration of a trade mark is desired for use in obtaining registration abroad, the Registrarshall include in the certificate a copy of the mark and may require the applicant for the certificate to furnish him with a copy of the mark suitable for the purpose and, if the applicant fails to do so, may refuse to issue the certificate. The Registrar may state in the certificate such particulars concerning the registration of the mark as to him may seem fit, and may omit therefrom reference to any

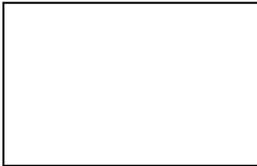
disclaimers appearing in the register, but in the last mentioned case the certificate shall be marked: 'For use in obtaining registration abroad only'."

FORM 32

TRADE MARKS ACT

Write distinctly here "A" or "B" according to the registration desired.

Application under section 20 and rule 37 for Registration of an Invented Word (or Words) in Part* of the Register as a Defensive Trade Mark



One representation to be fixed within this space, and four others to be sent on separate Form 4.

(a) Here specify goods. Only goods included in one and the same class should be specified. (b) Here insert legibly the full name, description and nationality of the individual, firm, or body corporate making the application. The names of all partners in a firm must be given in full. If the applicant is a body corporate, the kind and country of incorporation

Application is hereby made for Registration in Part* of the Register of the above word(s) as a Defensive Trade Mark in Class.....in respect of (a) (b)in the name of (b) of (c) trading as (d) who is (are) the proprietor(s) of the same Trade Mark registered in Class (e).....in respect ofunder No.....

According to my (our) information and belief, the word(s) is (are) invented.

The particulars of the facts on which I (we) rely in support of this application are set forth in the accompanying Statement of Case (f).

[Subsidiary]

Trade Marks Rules

should be stated.
 (c) Here insert the full trade or business address of the applicant.
 (d) Here insert the trading style (if any).
 (e) Here insert particulars of the Applicant registration of the Trade Mark
 (f) To be furnished in duplicate.
 (g) Signature.

(a) Here insert the full name and trade or business address of the person making the request.
 (b) Strike out one of the words "Proprietor" or "User" as the case may be.
 *Additional numbers may be given in a signed schedule on the back of the Form.
 (c) Cancel words that are not applicable.
 (d) State here the entry or changed entry

Dated thisday of, 20.....
 (g)

To the Registrar,
 The Patent Office,
 Trade Marks Registry,
 Deeds Registry,
 Georgetown.

FORM 33

TRADE MARKS ACT

Form of Request to the Registrar by a Registered Proprietor or a Registered User of a Trade Mark, or a person about to be so registered, to enter, alter, or substitute an Address for Service as part of his Registration (rules 13, 81)

Request is made by (a)

 **who is about to be registered as** (or) **who is the** Registered (b) Proprietor (user) of Trade Mark(s) No.....*
registered in Class for the(c) inclusion, addition, alteration or substitution of an address for service in Guyana in or to the entry thereof so that the address for service in Guyana may read: (d).....
 Dated thisday of20.....
 (e).....

To the Registrar,
 The Patent Office,
 Trade Marks Registry,
 Deeds Registry,
 Georgetown.

Note.-A Registered Proprietor or Registered User whose address for service in Guyana has been altered by a public

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Trade Marks

[Subsidiary]

Trade Marks Rules

desired.
(e) Signature.

authority, so that the changed address designates the same premises as before, may make also the statement for which there is provision on the back of this Form in order to avoid payment of the fee.

Note.-By rules 13 and 81 an application on Form 33 must be signed by the Applicant for registration or the Registered Proprietor or Registered User, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances in the Registrar otherwise allows.

To appear on the back of the Form:

(a) Here insert the name of the public authority ordering the change, and the date thereof.
(b) Signature of the Registered Proprietor or Registered User, as the case may be.

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

The change of address, for the entry of which application is made on the other side of this Form, was ordered by

(a).....
.....

on theday of20.....

Dated thisday of20.....

(b)

FORM 34

TRADE MARKS ACT

Section 39-Schedule to the Act-Rule 40

Regulations for governing the use of Certification Trade Mark No.....

[Subsidiary]

Trade Marks Rules

(a) Here specify the goods of the registration.

in Class in respect of (a).....

.....

(For Official Use)

Advertised in the *Gazette* Noat

pageon theday of

.....

(Date of Application and Registration.....

....., 20.....)

FORM 35

TRADE MARKS ACT

Request for the consent of the Minister to alteration of the deposited

Regulations for use of a Certification Trade Mark

Section 39-Schedule to the Act-Rule 94

Application is hereby made by (a)

.....

.....

who is (or are) the Proprietor(s) of the Certification Trade Mark(s)

No. (b).....*registered in Class.....

*in respect of (c)

.....

that the deposited Regulations for governing the use of the Mark

may be altered in the manner shown in red in the accompanying

copies (d) of the Regulations as proposed to be altered, and for the

consent of the Minister to such alteration.

Dated thisday of, 20.....

(e).....

(a) Here state name and address of the proprietor(s) as registered. (b) If the same Regulations apply to more than one registration, the numbers of all the registrations should be stated.

(c) Here state the specifications of the respective registrations.

(d) Three copies should

To the Registrar,
The Patent Office,
Trade Mark Registry,
Deeds Registry,
Georgetown.

be furnished.
(e) Signature.

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

FORM 36

TRADE MARKS ACT

Section 39-Schedule to the Act-Rule 93

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

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

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

I (or We) (a)

(a) Here state full name and address.

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

1. (b) The Entry in the Register in respect of the above mentioned Trade Mark may be (c)

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

(expunged.)
(varied in the following manner.)

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

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

[Subsidiary]

Trade Marks Rules

.....
.....
Address for Service in Guyana in these proceedings:
.....
.....

Dated thisday of,20.....

(d).....

(d) Signature.

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 37

TRADE MARKS ACT

Notice to the Registrar under paragraph 2(2) of the Schedule to
the Act and rule 58, of Opposition to an Application for
registration of a Certification Trade Mark

(To be accompanied by two duplicates)

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

(a) Here state
full name and
address.

I (or We) (a)

.....
hereby give notice of my (or our) intention to oppose the
Registration of the Certification Trade Mark advertised under the
above number for Class..... in the Gazette of the
.....day of,20.....,
No.....page.....

(b) The grounds
should be
limited to
matters
referred to in
paragraph
1 (5) of the
Schedule to the

The grounds of opposition are as follows (b):
.....
.....
.....

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Trade Marks

[Subsidiary]

Trade Marks Rules

Act.

.....
Address for Service in Guyana in these proceedings:

.....
Dated thisday of,20.....
(c).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 38

TRADE MARKS ACT

Form of Counter Statement in reply to the Registrar under
paragraph 2(2) of the Schedule to the Act and rule 58, of
Opposition to an Application for registration of a Certification
Trade Mark

(To be accompanied by two duplicates)

IN THE MATTER OF an Opposition, No.,
to Application for registration of a Certification Trade Mark
No.....

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

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

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

[Subsidiary]

Trade Marks Rules

Opposition:

.....

Address for Service in Guyana in these proceedings:

.....

.....

(a) Signature. Dated thisday of,20.....
(a)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 39

TRADE MARKS ACT

Hearing by the Registrar of an Opposition under paragraph 2 (2)
of the Schedule to the Act and rule 58, to an Application for
registration of a Certification Trade Mark

Notice of Attendance at Hearing

(a) Here insert name and address. I (or We) (a)
of

.....
hereby give notice that the Hearing by the Registrar of the
arguments in the case of Opposition No..... to
Application No..... for the registration of a
Certification Trade Mark, which, by the Registrar's Notice to me
(or us) dated theday of,20.....,
is fixed fora.m. or p.m. at the Patent Office on the
.....day of, 20....., will be
attended by me (or us) or by some person on my (or our) behalf.

(b) Signature. Dated thisday of,20.....
(b).....

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Trade Marks

[Subsidiary]

Trade Marks Rules

(c) Address.

(c).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 40

TRADE MARKS ACT

Application for the Certificate of the Registrar under section 24(5)
and rule 79 with reference to a proposed Assignment of a
Registered Trade Mark

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

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

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

Application is hereby made by (a).....
.....
.....
of.....
being the Registered Proprietor(s) of the above numbered
registered trade mark(s), for the Registrar's Certificate under
section 24(5) with reference to a proposed assignment of the
registered trade mark(s) No.(s).....

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

to (b)
of.....
.....
in circumstances that are stated fully in the accompanying
Statement of Case.

[Subsidiary]

Trade Marks Rules

assignee. Dated thisday of, 20....
(c) Signature. (c)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 41

TRADE MARKS ACT

Application for the Approval by the Registrar under section 24(6)
and rule 79 of a proposed assignment, or of a transmission (on or
after the appointed day), of a Trade Mark resulting in exclusive
rights in different persons for different parts of Guyana

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

Strike out
either

paragraph (1)
or paragraph
(2).

(a) Insert here
the name and
trade or
business
address of the
Proprietor.

(b) Strike out
either if not
applicable.

(c) Insert here
the names and
trade or
business
addresses of the
proposed

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

IN THE MATTER OF a Trade Mark(s)* Registered under
No.(s).....in Class(es).....,*the property of
.....

Application is hereby made by
(1) (a).....
of

the Proprietor of the trade mark(s) shown in the accompanying
Statement of Case (b) (registered in his name) and (b) (used by
him) in respect of the following goods
.....for the approval by
the Registrar of a proposed assignment of the trade mark(s) to
(c).....
.....of.....in

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[Subsidiary]

Trade Marks Rules

assignee, or assignees.
(d) Insert the name of the place or places in Guyana.
+Strike out the bracketed passage if not required.
(e) Insert here the name and trade or business address of the person who claims a transmission to him.
(f) Insert here the date of the transmission, which must not precede the appointed day.
(g) Strike out the words that are not applicable.
(h) Insert here the name and trade or business address of the predecessor in title, if any.
(i) Insert here the name and trade or business address of the person transmitted.
(j) Signature

respect of the following goods:to be sold or otherwise traded in in (d).....
.....+ (and to (c)
.....of
.....in respect of the following goods
to be sold or otherwise traded in in (d)
.....) in circumstances that are stated fully in the accompanying Statement of Case.
(2) (e).....of
who claims that the trade mark(s) shown in the accompanying Statement of Case was (were), in respect of the following goods, namely.....
.....
and on the (f)day of20.....
transmitted to (g) him (to(h)of(who was his predecessor in title), by or from (i).....
of.....
by whom the Trade Mark was then used in respect of the following goods namely
all in circumstances that are stated fully in the accompanying Statement of Case, for the approval by the Registrar of the aforesaid transmission.
Dated theday of20.....
(j).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

[Subsidiary]

Trade Marks Rules

FORM 42

TRADE MARKS ACT

Application to the Registrar under section 24(7) and rule 80 for Directions for the Advertisement of an Assignment of Trade Marks otherwise than in connection with the goodwill of the business

(To be accompanied by a duplicate)

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

Application is hereby made by (a).....

of

for the Registrar's Directions with respect to the advertisement of an assignment to him (them) of the following Trade Marks otherwise than in connection with the goodwill of the business in which they were used at the time of assignment, namely:-

(1) Registered Trade Marks.

Registration Number Class Goods in respect of which the Mark has been used and is assigned

+

(b) Here insert the name and trade or business address of the Proprietor (assignor).

All of which are or were registered in the name of

(b)of.....

.....who is the assignor.

(c) Only those unregistered trade marks passing by the one assignment and used in the same business and for the same goods as those for which one or more of the registered

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

.....of

.....who is the assignor:

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

The date of the assignment was theday of, 20.....

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

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Trade Marks

[Subsidiary]

Trade Marks Rules

marks are registered may be stated here.

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

+ Additional Marks and numbers may be given in a signed schedule on the back of the Form.

Dated theday of,20....

(d) Signature.

(d).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 43

TRADE MARKS ACT

Application for Extension of Time in which to apply for the Registrar's Directions for the advertisement of an assignment of Trade Marks otherwise than in connection with the goodwill of the business (section 24(7) and rule 80)

(a) Here insert the name and trade or business address of the assignee (applicant).
(b) Here insert "one" or "two" or "three".

Application is hereby made by (a)..... of.....

for extension of time of (b)month(s) is which to apply for the Registrar's Directions for the advertisement of an assignment of him (them) of the following Trade Marks otherwise than in connection with the goodwill of the business in which they were used at the time of assignment, namely-

(1) Registered Trade Marks:

Register Number Class Goods in respect of which the Mark has been used and is assigned

all of which are or were registered in the name of (c).....of.....

[Subsidiary]

Trade Marks Rules

.....who is the assignor:

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

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

of.....who is the assignor:

Representation of Mark

Goods in respect

+

of which the Mark

has been used and

is assigned

The date of assignment was theday of20.....

+ Additional Marks and numbers may be given in a signed Schedule on the back of the Form.

Dated theday of, 20.....

(d) Signature.

(d)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 44

TRADE MARKS ACT

Reclassification

Application to the Registrar under rule 6 by the Proprietor of a Registered Trade Mark for the Conversion of the Specification from the Third Schedule to the Fourth Schedule

IN THE MATTER OF a Trade Mark No..... registered in the name of in Class.....of The Third Schedule.

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Trade Marks

[Subsidiary]

Trade Marks Rules

Application is hereby made by (a)
.....the Registered Proprietor of
the above numbered Trade Mark, for the conversion of the
specification of the above mentioned registration from the Third
Schedule to the Fourth Schedule of the Trade Marks Rules.

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

The specification(s) entered in the Register in accordance
with the Third Schedule is (are):.....
.....

Application is made that the Registrar should propose the
following specification(s) in accordance with the Fourth Schedule,
upon conversion:

Class:.....

Class:.....

Dated thisday of,20....

(b) Signature.

(b)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 45
TRADE MARKS ACT

Reclassification

Notice of Opposition to Proposal for Conversion of Specification
(section 38 and rule 7)

(To be accompanied by a duplicate and a statement, in duplicate,
showing how the proposed conversion would be contrary to
section 38(2))

IN THE MATTER OF* a Trade Mark(s) No.....
registered in the name of in
Class..... of the Third Schedule of the Rules.

(a) Here state

I (or We) (a)

[Subsidiary]

Trade Marks Rules

full name and address.

..... hereby give notice of my (or our) intention to oppose the proposal for the conversion of the specification(s) of the Trade Mark(s), advertised in the Gazette of theday of....., 20..... No....., page.....

The grounds of opposition are as follows:

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

My (or Our) address for service in Guyana in these proceedings is:

.....
.....

Dated thisday of, 20.....

(b) Signature.

(b).....

*The numbers of more than one trade mark dealt with by the same proposal may be given, provided the specifications are the same.

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 46

TRADE MARKS ACT

Notice of Opposition to Application under section 37 for addition to or alteration of a Registered Trade Mark

(Rule 90)

(To be accompanied by a duplicate)

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

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Trade Marks

[Subsidiary]

Trade Marks Rules

(a) Here state full name and address. I (or We) (a)

 hereby give notice of my (or our) intention to oppose the addition to or alteration of the Trade Mark numbered and registered as above, so that it shall be in the form shown in the application advertised in the *Gazette* of theday of....., 20....., No....., page.....

The grounds of opposition are as follows:

.....

My (or Our) address for service in Guyana in these proceedings is:

.....

Dated thisday of, 20.....

(b) Signature.

(b).....

To the Registrar,
 The Patent Office,
 Trade Marks Registry,
 Deeds Registry,
 Georgetown.

FORM 47

TRADE MARKS ACT

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

(Rule 125)

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

Notice is hereby given to the Registrar that, by an Order of the Court made on theday of

[Subsidiary]

Trade Marks Rules

20....., it was directed that
.....
.....
.....

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

Dated thisday of20.....
*.....

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

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 48

TRADE MARKS ACT

Request to the Registrar for entry on the Register and advertisement of a note of a Certificate of Validity by the Court under section 58

(Rule 88)

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

(a) Here state the name and address of the Registered Proprietor.

I (or We) (a)

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

(b) Here state the nature of the

(b).....

.....
the Court certified that the validity of the said registration(s) came

proceedings, with the names of the parties to them, in which the Certificate is given.
(c) Signature.

into question and was decided in favour of the proprietor of the Trade Mark in the terms of the accompanying Office Copy of the certificate of validity.

Dated thisday of....., 20....
(c).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 49

TRADEMARKS ACT

Application for Registration of Registered User

(To be accompanied by a Statement of Case giving particulars and stating as required by section 30(4), verified by a Statutory Declaration made by the Proprietor, or by some person authorised to act on his behalf and Approved by the Registrar)

*Additional numbers may be given in a signed Schedule on the back of the Form.
(a) Here insert full names, trade or business address and description of the registered proprietor(s).
(b) Here insert the

Application is hereby made by (a).....
.....
who is (or are) the registered proprietor(s) of Trade Mark(s) No.(s) *registered in Class in respect of (b).....
that (c)
.....
of (d)
.....trading as (e).....
.....
who hereby joins in the application, may be registered as a registered user of the above numbered registered trade mark(s) in respect of (f).....

[Subsidiary]

Trade Marks Rules

specification in the register.

(c) Here insert the full name, description and nationality of the individual, firm, or body corporate, proposed as registered user.

The names of all partners in a firm must be given in full. In the case of a body corporate brief particulars of the kind and country of incorporation should be stated.

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

(e) Here insert trading style (if any).

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

(g) Write "None" if there are no conditions or restrictions.

(h) Strike out the words that

.....

subject to the following conditions or restrictions:

(g).....

(h) The proposed permitted use is to end on theday of20..... The proposed permitted use is without limit of period.

Dated thisday of, 20.....

(i)

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

(A request for the entry of an address for service of the registered user may be made on a copy of Form 33 if it accompanies this Form.)

are not applicable.
(i) Signature.

FORM 50

TRADE MARKS ACT

Application by a Registered Proprietor of a Trade Mark for variation of the registration of a Registered User thereof with regard to the goods or the conditions or restrictions

(section 30(8)(a); rule 97)

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

(a) Here insert the full name, description and trade or business address of the registered proprietor.
*Additional numbers may be given in a signed Schedule on the back of the Form.
(b) Here insert the specification in the register.
(c) Here insert the full name, description and trade or business address of the registered user.
(d) Here insert the goods in respect of

Application is hereby made by (a)
.....
.....
the proprietor or trade mark(s) No.....*registered
in Class in respect of (b).....
.....
that the registration of (c)
.....
as a registered user of the above numbered trade mark(s) in
respect of (d).....
.....may be varied in the following manner:
(e).....
.....
.....
Dated thisday of,20.....
(f).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

[Subsidiary]

Trade Marks Rules

which the user is registered.

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

(f) Signature

FORM 51

TRADE MARKS ACT

Application by the Registered Proprietor of a Trade Mark or by any of the Registered Users of the Trade Mark for the cancellation of entry of the Registered User thereof

(section 30(8)(b); rule 98

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

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

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

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

Application is hereby made by (a)..... being (b) the Registered Proprietor (a Registered User) of trade mark (s) No..... *registered in Class in respect of (c)..... for the cancellation of the entry under the above mentioned registration(s) of (d)..... as a registered user of the trade mark(s) in respect of (e).....

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

Dated thisday of,20.....

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(c) Here insert the specification in the register.

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

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

(f) Signature.

(f)
.....
.....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown

FORM 52

TRADE MARKS ACT

Application for cancellation of entry of a Registered User of a Trade Mark

(section 30(8)(c); rule 99)

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

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

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

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

Application is hereby made by (b)
.....
(whose address for service in Guyana in these proceedings is) for

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the registered proprietor as entered in the register.
 (b) Here insert the name and address of the applicant for cancellation.
 (c) Here insert the name, trade or business address and description of the registered user as entered in the register.
 (d) Here insert the goods in respect of which the registered user is entered.
 (e) Here insert one or more of the subparagraphs of paragraph (c) of section 30(8) numbered (i), (ii), (iii).
 (f) Signature.

the cancellation of the entry under the above mentioned registration(s) of (c).....

as the registered user thereof in respect of (d).....

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

Dated thisday of, 20....

(f).....

To the Registrar,
 The Patent Office,
 Trade Marks Registry,
 Deeds Registry,
 Georgetown.

FORM 53

TRADE MARKS ACT

Notice to the Registrar under section 30(9) and rule 100 of intention to intervene in proceedings for the variation or cancellation of an entry of a Registered User of a Trade Mark
 (To be accompanied by a Statement of the Grounds for intervention)

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

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(a) Insert here the name of the Registered Proprietor. registered in Classin the name of (a)..... and

(b) Insert here the name and trade or business address of the Registered User. IN THE MATTER OF a registration of (b) thereunder as a Registered User of the Mark.

In reply to the Registrar's Notification dated the day of....., 20..... notice is hereby given of my intention to intervene in the proceedings in the above matter.

My address for service in Guyana for the purpose of these proceedings is.....

Dated thisday of20..... (c).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 54

TRADE MARKS ACT

The Trade Mark shown above has been registered in Part A (or B) of the Register in the name ofin Class Under No.as of the date..... 20....., in respect of

Sealed at my direction, thisday of 20.....

Registrar.

The Patent Office,
Trade Marks Registry,

[Subsidiary]

Trade Marks Rules

Deeds Registry,
Georgetown.

Registration is for 7 years from the date first above-mentioned, and may then be renewed, and also at the expiration of each period of 14 years thereafter.

This certificate is not for use in Legal proceedings or for obtaining Registration abroad.

Note.-Upon any change of ownership of this Trade Mark, or change in address, application should AT ONCE be made to the Registrar to register the change.

FORM 55

TRADE MARKS ACT
FORM OF APPOINTMENT OF AGENT

I (or We) hereby appoint of
.....to act as my (or
our) agent in Guyana for (a).....
and request that all notices, applications or communications
relating thereto may be sent to such agent at the above address.

Dated theday of,20.....

(b).....

(a) Here state the particular purpose for which the agent is appointed, e.g., all purposes, in connection with the registration of the accompanying trade mark in Part C of the register and any application in opposition thereto under section 46 of the Act and

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

any assign-
ment or
renewals
thereof.
(b) Signature.

FORM 56

TRADE MARKS ACT

APPLICATION FOR REGISTRATION IN PART OF
THE REGISTER



One representation to be fixed within this space and four others to be sent on separate Forms 4.

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

(a) Here insert the name, address and description of applicant or applicants.
(b) Here insert number of United Kingdom Trade Mark of Marks.
(c) Here insert date of United Kingdom registration.
(d) Signature.

I (or We) (a)
of.....do solemnly and sincerely
declare that I am (or We are, or A.B. is or are) the registered
proprietor (or proprietors) of the Trade Mark (or series of Trade
Marks) registered in the United Kingdom under the Trade Marks
Act, 1938, of the United Kingdom numbered
(b)..... and bearing the date I
..... and referred to in the accompanying
certificate of the Comptroller General of the United Kingdom
Patent Office.

And I (or We) make this declaration conscientiously believing
the same to be true and according to the Statutory Declarations
Act, Chapter 5:09.

(d).....
Declared before me at.....
thisday of, 20.....

I (or We) hereby apply for registration of the said Mark(s) in

[Subsidiary]

Trade Marks Rules

Part C of the register and that a Certificate of Registration may be issued to me (or to us, or A.B.) for the said Mark(s).

(d).....

My (or Our) address for service in Georgetown is:

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 57

TRADE MARKS ACT
CERTIFICATE OF REGISTRATION

(a) Here state name, address and description of registered proprietor.

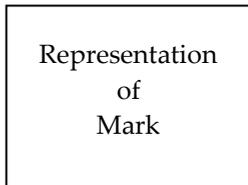
To (a)
I, Registrar of Patents
Designs and Trade Marks, Guyana, do hereby certify that the
United Kingdom Trade Mark(s) numbered
and dated

(a specimen of which is hereunto affixed) has been registered in
accordance with the provisions of the above named Act in your
name in Part C of the register in Class.....in
respect of (b).....

(b) Here state goods.

And I do hereby further certify that the privileges and rights
conferred by this Certificate issued under the said Act shall date
from the (c).....day of.....,20..... subject to
proviso to section 44 of the said Act and shall continue in force for
such time as the registration in the United Kingdom shall remain
in force, subject to notification in Guyana of
renewals of registration in the United
Kingdom as required by section 50 of the
said Act.

(c) Here insert date of registration in the United Kingdom.



In witness whereof I have hereunto set my

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hand and seal of office this.....
day of in the year of Our
Lord Two Thousand and
.....

Registrar of Patents, Designs and Trade Marks.

The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 58

TRADE MARKS ACT
APPLICATION TO REGISTER SUBSEQUENT PROPRIETOR

(a) Here insert name, address and description of applicant or applicants.

I (or We) (a) hereby make application to you to enter my (or our) names (or names) in Part C of the register of trade marks as the proprietor (or proprietors) of the United Kingdom Trade Mark registered in Guyana under No..... in Class..... in respect of.....

(b) Describe any document on which the applicant bases his title.

I am (or We are) entitled to the privileges and rights conferred by the Certificate of Registration issued under the above-mentioned Act, in proof whereof I (or we) transmit the said Certificate of Registration and (b).....

Dated theday of.....20.....

(c) Signature.

(c)

My (or Our) address for service in Georgetown is as follows:

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 59

TRADE MARKS ACT

APPLICATION FOR REGISTRATION OF REGISTERED USER IN PART OF THE REGISTER



One representation to be fixed within this space and four others to be sent on separate Form 4.

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

- (a) Here insert name, address and description of applicant or applicants.
- (b) Here set out the goods.
- (c) Here insert number of United Kingdom Trade Mark or Marks.
- (d) Here insert date of United Kingdom registration.
- (e) Signature.

I (or We) (a).....of.....
do solemnly and sincerely
 declare that I am (or we are, or A.B. is or are) entered in the
 United Kingdom Register of Trade Marks as a registered user (or
 users) in respect of (b).....Of
 the Trade Mark(s) registered in the United Kingdom under the
 Trade Marks Act, 1938, of the United Kingdom numbered
 (c)..... and bearing date (d)
and referred to in the accompanying certificate of
 the Comptroller General of the United Kingdom Patent Office.

And I (or We) make this declaration conscientiously believing
 the same to be true and according to the Statutory Declarations
 Act, Cap. 5:09.

Declared before me at
 (e).....
 thisday
 of.....,20.....

I (or We) hereby apply to be registered as a registered user of
 the said Mark(s) in respect of (b).....
 in Part C of the register and that a Certificate of Registration may
 be issued to me (or to us, or A, B.) accordingly.

(e).....
 My (or our) address for service in Georgetown is:

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To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 60

TRADE MARKS ACT
NOTICE OF RENEWAL

(a) Name,
address and
description of
applicant.

I (or We) (a).....hereby
give you notice that registration in the United Kingdom of the
Trade Mark registered in Guyana under No..... in
Class..... in respect ofhas been
renewed in the United Kingdom. In proof whereof I (or We)
transmit the accompanying certificate of the Comptroller General
of the United Kingdom Patent Office dated.....
.....

My (or Our) address for service in Georgetown is as follows:

Dated theday of,20.....

(b) Signature.

(b).....

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry,
Georgetown.

FORM 61

TRADE MARKS ACT
APPLICATION UNDER SECTION 51 OF THE ACT

In the matter of the United Kingdom Trade Mark registered in Part C under number..... on

- (a) Name, address and description.
- (b) Use words in brackets as circumstances may require.
- (c) Name of goods.
- (d) Set out error and correction required.
- (e) Insert here new name and/or address.
- (f) Signature.

.....

I (or We) (a)the registered proprietor of the said Trade Mark hereby apply (b) (that the registration of the said Trade Mark may be cancelled in respect of (c)or that you will correct the following clerical error, viz. (d) or that you will enter (e) in the register as the name and/or address of the proprietor of the said Trade Mark).

Dated theday of,20.....
(f).....

My address for service in Georgetown is:

To the Registrar,
The Patent Office,
Trade Marks Registry,
Deeds Registry.
Georgetown.

FORM 62

TRADE MARKS ACT
REQUEST OF ISSUE OF CERTIFICATE

In the matter of the United Kingdom Trade Mark registered in Part C under number on

- (a) Name, address and description.
- (b) Here set out

Sir,
I (or We) (a)hereby request you to furnish me (or us) with your Certificate that (b)

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particulars which the Registrar is requested to certify. (c) Here state the purpose for which the Certificate is required. (d) Signature.

This Certificate is required for the following purpose, viz. (c)..... Dated thisday of.....,20.... (d).....

To the Registrar, The Patent Office, Trade Marks Registry, Deeds Registry, Georgetown.

THIRD SCHEDULE

CLASSIFICATION OF GOODS

Class 1

Chemical substances used in manufacturers, photography, or philosophical research, and anti-corrosives.

Class 2

Chemical substances used for agricultural, horticultural, veterinary and sanitary purposes.

Class 3

Chemical substances prepared for use in medicine and pharmacy.

Class 4

Raw, or partly prepared, vegetable, animal, and mineral substances used in manufacturers, not included in other classes.

Class 5

Unwrought and partly wrought metals used in manufacture.

Class 6

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines and their parts included in Class 7.

Class 7

Agricultural and horticultural machinery, and parts of such machinery.

Class 8

Philosophical instruments, scientific instruments, and apparatus for useful purposes; instruments and apparatus for teaching.

Class 9

Musical instruments.

Class 10

Horological instruments.

Class 11

Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.

Class 12

Cutlery and edge tools.

Class 13

Metal goods, not included in other Classes.

Class 14

Goods of precious metals and jewellery, and imitations of such goods and jewellery.

Class 15

Glass.

Class 16

Porcelain and earthenware.

Class 17

Manufactures from mineral and other substances for building or decoration.

Class 18

Engineering, architectural, and building contrivances.

Class 19

Arms, ammunition, and stores, not included in Class 20.

Class 20

Explosive substances.

Class 21

Naval architectural contrivances and naval equipments not included in other Classes.

Class 22

Carriages.

Class 23

- (a) Cotton yarn.
- (b) Sewing cotton.

Class 24

Cotton piece goods.

Class 25

Cotton goods not included in other Classes.

Class 26

Linen and hemp yarn and thread

Class 27

Linen and hemp piece goods.

Class 28

Linen and hemp goods not included in other Classes.

Class 29

Jute yarns and tissues, and other articles made of jute, not included in other Classes.

Class 30

Silk, spun, thrown, or sewing.

Class 31

Silk piece goods.

Class 32

Silk goods not included in other Classes.

Class 33

Yarns of wool, worsted or hair.

Class 34

Cloths and stuffs of wool, worsted, or hair.

Class 35

Woollen and worsted and Hair goods, not included in other Classes.

Class 36

Carpets, floor cloth and oil cloth.

Class 37

Leather, skins unwrought and wrought, and articles made of leather not included in other Classes.

Class 38

Articles of clothing.

Class 39

Paper (except paper hangings), stationery, and book binding.

Class 40

Goods manufactured from India-rubber and gutta-percha not included in other Classes.

Class 41

Furniture and upholstery.

Class 43

Fermented liquors and spirits.

Class 44

Mineral and aerated waters, natural and artificial, including ginger beer,

Class 45

Tobacco, whether manufactured or unmanufactured.

Class 46

Seeds for agricultural and horticultural purposes.

Class 47

Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches; and starch, blue, and other preparations for laundry purposes.

Class 48

Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).

Class 49

Games of all kinds and sporting articles not included in other Classes.

Class 50

Miscellaneous

- (1) Goods manufactured from ivory, bone or wood, not included in other Classes.
- (2) Goods manufactured from straw or grass, not included in other Classes.
- (3) Goods manufactured from animal and vegetable substances, not included in other Classes.
- (4) Tobacco pipes.

- (5) Umbrellas, walking sticks, brushes and combs for the hair.
- (6) Furniture cream, plate powder.
- (7) Tarpaulins, tents, rick cloths, rope (jute or hemp), twine.
- (8) Buttons of all kinds other than of precious metal or imitations thereof.
- (9) Packing and hose.
- (10) Other goods not included in the foregoing Classes.

FOURTH SCHEDULE

CLASSIFICATION OF GOODS

NAMES OF THE CLASSES

(Parts of an article or apparatus are, in general, classified with the actual article or apparatus, except where such parts constitute articles included in other classes.)

1. Chemical products used in industry, science, photography, agriculture, horticulture; forestry; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.
2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; resins; metals in foil and powder form for painters and decorators.
3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentrifices.
4. Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirits) and illuminants; candles, tapers,

night lights and wicks.

5. Pharmaceutical, veterinary and sanitary substances; infants' and invalids' foods; plasters, materials for bandaging; material for stopping teeth, dental wax; disinfectant; preparations for killing weeds and destroying vermin.

6. Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic material for railway tracks; chains (except driving chains for vehicles); cables and wires (non electric); locksmiths, work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in non precious metal not included in other classes; ores.

7. Machines and machine tools; motors (except for vehicles); machine couplings and belting (except for vehicles); large size agricultural implements; incubators.

8. Handtools and instruments; cutlery, forks and spoons; side arms.

9. Scientific, nautical surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life saving and teaching apparatus and instruments; coin or counter-freed apparatus; talking machines; cash registers; calculating machines; fire extinguishing apparatus.

10. Surgical, medical, dental and veterinary instruments and apparatus (including artificial limbs, eye and teeth).

11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

12. Vehicles; apparatus for locomotion by land, air or water.

13. Firearms; ammunition and projectiles; explosive substances; fireworks.

14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewellery, precious stones; horological and other chronometric instruments.
15. Musical instruments (other than talking machines and wireless apparatus).
16. Paper and paper articles, cardboard and cardboard articles; printed matter, newspapers and periodicals, books; book binding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes, typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; (printers') type and clichés (stereotype).
17. Gutta percha, India rubber, balata and substitutes, articles made from these substances and not included in other classes; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (non metallic).
18. Leather and imitations of leather, and articles made from these materials, and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
19. Building materials, natural and artificial stone, cement, lime, mortar; plaster and gravel; pipes of earthenware or cement; road making materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.
20. Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother of pearl, meerschaum, celluloid, and substitutes for all these materials.
21. Small domestic utensils and containers (not of precious metal, nor coated therewith); combs and sponges; brushes (other than

paint brushes); brush making materials; instruments and material for cleaning purposes; steelwool; glassware; porcelain and earthenware not included in other classes.

22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, capoc, feathers, seaweed, etc.); raw fibrous textile materials.

23. Yarns, threads.

24. Tissues (piece goods); bed and table covers; textile articles not included in other classes.

25. Clothing, including boots, shoes and slippers.

26. Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

27. Carpets, rugs, mats and matting; linoleums and other materials for covering floors; wall hangings (non textile).

28. Games and playthings; gymnastic and sporting articles (except clothing) ornaments and decorations for Christmas trees.

29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables, jellies, jams; eggs, milk and other dairy products; edible oils and fats; preserves, pickles.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionery, ices, honey, treacle, yeast, baking powder; salt, mustard, pepper, vinegar, sauces; spices; ice.

31. Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables, seeds; live plants and flowers' food stuffs for animals, malt.

32. Beer, ale and porter; mineral and aerated waters and other non alcoholic drinks; syrups and other preparations for making beverages.

33. Wines, spirits and liqueurs.

34. Tobacco, raw or manufactured; smokers' articles; matches.
