
**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English/
anglais/
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

BELIZE

The present document reproduces the text¹ of the Trade Marks Bill, 2000, as notified by Belize under Article 63.2 of the Agreement (see document IP/N/1/BLZ/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

BELIZE

Le présent document contient le texte¹ du projet de loi sur les marques de fabrique ou de commerce, de 2000, notifié par le Belize au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/BLZ/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

BELICE

En el presente documento se reproduce el texto¹ de la Ley de Marcas de Fábrica o de Comercio, 2000, que Belice ha notificado en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/BLZ/1).

¹ In English only./En anglais seulement./En inglés solamente.

BELIZE:

TRADE MARKS BILL, 2000

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BELIZE:

B I L L

for

AN ACT to make new and better provisions for the protection and registration of trade marks; to give effect to certain provisions of the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised and amended; to repeal the United Kingdom Trade Marks Act, Chapter 213 of the Laws of Belize, Revised Edition 1980-90; to repeal the Merchandise Marks Act, Chapter 209 of the Laws of Belize, Revised Edition 1980-90; and to provide for matters connected therewith or incidental thereto.

(Gazetted 18th March, 2000.)

PART I

PRELIMINARY

1. This Act may be cited as the

Short title.

TRADE MARKS ACT, 2000

Interpretation.

2. (1) In this Act, unless the context otherwise requires:-

“business” includes a trade or profession;

“certification mark” is a mark indicating that the goods or services in connection with which it is used are certified by the proprietor of the mark in respect of origin, materials, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics, and the provisions of this Act apply to certification marks subject to the provisions of the Second Schedule;

**Second
Schedule.**

“collective mark” means a mark distinguishing the goods or services of members of the association which is the proprietor from those of other undertakings, and the provisions of this Act apply to collective marks subject to the provisions of the First Schedule;

First Schedule.

“Court” means the Supreme Court;

“Director” in relation to a body corporate whose affairs are managed by its members, means any member of the body;

“infringement proceedings” in relation to a registered trade mark, include proceedings for an order for delivering up of infringing goods;

“Journal” means the Journal of Intellectual Property referred to in section 11 of this Act;

“Minister” means the Minister for the time being to whom the subject of intellectual property is assigned by the *Governor-General* pursuant to section 41 of the Belize Constitution;

CAP.4.

“Paris Convention” means the Paris Convention for the Protection of Industrial Property of March 20, 1883, as last revised;

“priority date” means the date of the earlier application that serves as the basis for the right of priority provided for in the Paris Convention;

“publish” means make available to the public and references to publication:-

- (a) in relation to an application for registration are to publication under section 16(1) of this Act; and
- (b) in relation to registration, are to publication under section 18 of this Act;

“Register” means the Register of Trade Marks referred to in this Act;

“Registrar” means the Registrar of Intellectual Property appointed under section 4 of the Patents Act, 1999;

“trade” includes any business or profession;

“trade mark” means any sign capable of being represented graphically which is capable of distinguishing goods or services of one undertaking from those of other undertakings and it may, in particular, consist of words (including personal names), designs, letters, numerals or the shape of goods or their packaging.

(2) References in this Act to a trade mark include, unless the context otherwise requires, references to a collective mark or a certification mark.

PART II

ADMINISTRATIVE AND OTHER PROVISIONS

The Registrar and the register

The Registrar.

3. (1) The Registrar of Intellectual Property appointed by the Minister pursuant to section 4(1) of the Patents Act shall maintain a Register of Trade Marks, Certification Marks and Collective Marks in accordance with this Act.

(2) The provisions of section 4(2) to (5) of the Patents Act, 1999, shall apply to this Act.

(3) References in this Act to “the Register” are to the register; and references to registration (in particular, in the expression “registered trade mark”) are, unless the context otherwise requires, to registration in the register.

(4) The Registrar shall enter in the register in accordance with this Act:-

- (a) registered trade marks; certification marks and collective marks;
- (b) such particulars as may be prescribed of registrable transactions affecting a registered trade mark; and
- (c) such other matters relating to registered trade marks as may be prescribed.

(5) The register shall be kept in such a manner as may be prescribed, and provision shall in particular be made for:-

- (a) public inspection of the register upon payment of the prescribed fee;

- (b) the supply of certified or uncertified copies, or extracts, of entries in the register.

Powers and duties of the Registrar

4. (1) The Registrar may require the use of such forms as he may direct for any purpose relating to the registration of a trade mark or any proceedings before him under this Act.

Powers and duties of the Registrar.

(2) The forms, and any direction of the Registrar with respect to their use, shall be published by the Registrar as Regulations in the *Gazette*.

5. (1) After publication of an application for registration of a trade mark, the Registrar shall on request, and upon payment of the prescribed fee, provide any person with such information and permit such person to inspect such documents relating to the application, or to any registered trade mark resulting from it, as may be specified in the request, subject, however, to any prescribed restrictions.

Information about applications and registered trade marks.

(2) Any request referred to in subsection (1) above shall be made in the prescribed manner and shall be accompanied by the appropriate prescribed fee, if any.

(3) Before publication of an application for registration of a trade mark, documents or information constituting or relating to the application shall not be published by the Registrar or communicated by him to any person except:-

(a) in such cases and to such extent as may be prescribed; or

(b) with the consent of the applicant,

but subject to the provisions of subsection (4) below.

(4) Where a person has been notified that an application for registration of a trade mark has been made, and that the applicant will, if the application is granted; bring proceedings against him in respect of acts done after publication of the application, such person may make a request under subsection (1) above, notwithstanding that the application has not been published, and that subsection shall apply accordingly.

**Rectification or
correction of
the register.**

6. (1) Any person having a sufficient interest may apply for the rectification or correction of an error or omission in the register:

Provided that an application shall not be made under this section in respect of a matter affecting the validity of the registration of a trade mark.

(2) An application for rectification or correction of the register shall be made to the Registrar.

(3) The effect of a rectification or correction made under this section is that the error or omission shall be deemed never to have been made.

(4) The Registrar may, on request made in the prescribed manner by the proprietor of a registered trade mark, or a licensee, enter any change in his name or address as recorded in the register.

(5) The Registrar may, subject to the provisions of this Act, remove from the register any matter which appears to him to have ceased to have effect.

**Adaptation of
entries to new
classification.**

7. (1) The Minister may make Regulations empowering the Registrar to do such things as the Registrar considers necessary to implement any amended or substituted classification of goods or services for purposes of the registration of trade marks.