some basic FACTS about TRADE MARKS

INTELLECTUAL PROPERTY OFFICE
OFFICE OF THE ATTORNEY GENERAL AND MINISTRY OF LEGAL AFFAIRS

WHAT IS A TRADE MARK?

A trade mark means, except in relation to a certification trade mark, any sign capable of being represented graphically and which is capable of distinguishing goods or services dealt with or provided in the course of trade by a person, from goods or services so dealt with or provided by any other person.

WHAT IS A CERTIFICATION MARK?

A certification mark is a sign used, or intended to be used, to distinguish goods or services dealt with or provided in the course of trade; and certified by the proprietor of the certification mark in relation to origin, material, mode of manufacture of goods, or performance of services, quality, accuracy or other characteristics, from other goods or services dealt with or provided in the course of trade but not so certified.

WHAT IS A COLLECTIVE MARK?

A collective mark is a sign used, or intended to be used, in relation to goods or services dealt with or provided in the course of trade by members of an association to distinguish those goods or services from goods or services so dealt with or provided by persons who are not members of the association.

CAN YOU APPLY FOR NON-CONVENTIONAL TRADE MARKS *(SOUND, SCENT AND TOUCH)*?

Yes, you can apply for non-conventional trade marks. The Trade Marks Act, allows for the registration of non-conventional marks including sound, scent and touch trade marks.

An example of a non-conventional sound mark is the MGM lion's roar.

TRADE MARKS SHOULD NOT CONSIST OF WORDS, SYMBOLS OR DEVICES THAT:

1. Are descriptive of the product
2. Are likely to deceive or cause confusion
3. Are contrary to law or morality
4. Resemble any national, regional or international flags, arms, crests and emblems.
5. May be considered a scandalous design
6. Are disentitled to protection by a court
7. Have any significant geographical reference
8. Are generic - that is common name of all goods and does not distinguish origin. Generic terms are not protectable.

DOES A TRADE MARK NEED TO BE REGISTERED?

There is no requirement for registration of a trade mark, however it is highly recommended to have your trade mark registered.

WHY REGISTER A TRADE OR SERVICE MARK?

Registering of a trade or service mark gives the owner of the trademark a monopoly. This gives the owner the right to use the registered mark on the goods and/or services for which it is registered. The owner of a registered mark can sue for infringement of his registration if someone else uses the same or a similar mark on the same or similar goods and/or services for which the mark is registered.

WOULD MY TRADE MARK BE PROTECTED INTERNATIONALLY AS WELL?

Trade marks are jurisdictional rights and therefore once they are registered in Trinidad and Tobago, they will only be protected in Trinidad and Tobago.

WHO MAY APPLY?

Any person or corporation who is the owner of a mark used, or proposed to be used, by him in Trinidad and Tobago, may make an application for the registration of a mark in this country.

HOW CAN I APPLY FOR A TRADE MARK?

Applicants are required to complete the Application Form (TM No. 2) on letter size paper (these forms are also available as pdf fillable forms on our website http://ipo.gov.tt/related-links-tm/trade-mark-forms-2/) and submit the form at the Intellectual Property Office together with the application fee. Where the application is being filed by an agent on behalf of the applicant, an Authorization of Agent Form TM No. 1 must also be completed.

The fee to apply for a trade mark is $1400 (which includes one class of goods/services) and $150 for any additional class.

HOW CAN I RENEW MY TRADEMARK?

You can renew your trade mark by completing an Application for Renewal of Registration Form (TM-No 9) on letter size paper (these forms are also available as pdf fillable forms on our website http://ipo.gov.tt/related-links-tm/trade-mark-forms-2/) and submit the form at the Intellectual Property Office together with the application fee.

The fee to renew your trade mark registration is $1400.

CAN I APPLY ONLINE?

Firstly, to access our online services you would need to send an email to filings@ipo.gov.tt and request a WIPO File account be set up. Then you will be able to submit an online application using WIPO File (see link for a tutorial video).
http://ipo.gov.tt/tutorials-for-e-services/request-a-wipo-file-account/

CAN I PAY ONLINE?

You can pay on our online platform through GOVPAYTT via credit card, once you have a verified WIPO file account. https://payment.ipo.gov.tt/

CAN I SEARCH TO SEE IF MY TRADE MARK EXIST?

Any individual, firm or organization can search the Trade Marks Registry for possible similar marks prior to Registration by going through the Trade Mark Index Books. This service is available free of charge. Applicants may search for Trade Marks using the online search facility. http://ipo.gov.tt/trademark-search/

HOW LONG DOES REGISTRATION OFFER PROTECTION?

Initial registration of a trade mark is valid for a period of ten (10) years. However it is indefinitely renewable for further periods of 10 years each, on payment of a prescribed fee not more than six (6) months before expiration.

WHERE CAN I OBTAIN A COPY OF THE LEGISLATION?

It is strongly advised that you get a copy of the Trade Mark Legislation in force in Trinidad and Tobago. The Trade Mark Act No. 8 of 2015 and the Trade Mark Regulations 2020. It is also available on our website http://ipo.gov.tt/related-links-tm/trade-mark-act/

HOW CAN I PAY FOR MY TRADE MARK?

- Linx
- Online Payments can be made through GOVPAYTT via credit card
- Bank Manager's Cheque made payable to "THE CONTROLLER, INTELLECTUAL PROPERTY OFFICE"
- Cash at Treasury Building after receiving a voucher from the IPO

- Trade Marks Act No. 8 of 2015.
- Trade Marks Regulations 2020.
- Trade Marks Border Enforcement Regulations 2020.

RELEVANT INTERNATIONAL TREATIES TO WHICH TRINIDAD AND TOBAGO IS A PARTY

1. The NICE Agreement concerning the International Classifiction of Goods and services for the purposes of Registration of Marks (1957) (The Nice Classification (20th March 1996).

2. Vienna Agreement establishing an International Classification of the Figurative Elements of Marks (1973) (The Vienna Classification). (20th March 1996)

3. Trademark Law Treaty (TLT) (1994) (16th April 1998).

4. Singapore Treaty of the Law of Trademarks (2006) (4th January 2020)

KEY WORDS

Register - the legal record of trade marks kept at the Intellectual Property Office.

Class - A group of similar goods or services as defined by the Nice Classification.

EXAMPLES OF TRADEMARKS IN TRINIDAD AND TOBAGO

Carib

CRIX

Nestlé

TSTT

KC CANDY

CONSUMER AFFAIRS

CERTIFIED Trinidad and Tobago Fine or Flavour Cocoa

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