

Topics	Barbados Trade Marks Act Cap. 319 Trade Marks Regulations 1984	Guyana Trade Marks Act Cap. 90:01 Trade Marks Rules 1955	Jamaica Trade Marks Act No. 32 of 1999 Trade Marks Rules 2001 and Trade Marks Amendment Rules 2011	St. Vincent and the Grenadines Trade Marks Act Cap. 315 Trade Marks Regulations 2004	Trinidad and Tobago Trade Marks Act No. 8 of 2015
Definition of a trade mark	2 (definition of mark relates to goods or services as well as a sign used as a collective mark or certification mark)	2 (trade mark definition relates to goods only, not services)	2 (trade mark definition relates to goods or services)	2 (trade mark definition relates to goods or services)	3 (trade mark definition relates to goods or services)
Types of registrable trade marks	4 (trade, service, collective and certification marks) TMR 31 (examination of collective marks) TMR 31A (examination of certification trade marks)	23 (series of trade marks) 29 (defensive trade marks) 39 (certification trade marks) 40-49 (Applic. may be submitted to register UK registered tms in Part C of Register) TMR 37 (defensive trade marks) TMR 38-41 (certification trade marks)	3 (collective trade marks, certification trade marks)	5 (mark registrable in relation to goods and/or services) 32 (series of trade marks) 136-140 (collective trade marks) 141-153 (certification trade marks) 154-158 (defensive trade marks) TMR 70-72 (certification trade marks)	18 (series of trade marks) 64-72 (collective trade marks) 73-82 (certification trade marks)

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Rights in a registered trade mark	5-7	6-7	5	6	4, 27 & 38
Application for registration of a trade mark	10 TMR 19 - 24	19 TMR 21 – 30	16 TMR 5	13 TMR 6-11	5
Classification of goods and services	10(2)(d)	5 TMR 5	18 (Registrar’s decision is final) TMR 7-8 TMR 35 – 36 – reclassification of goods / services to be published and is subject to opposition	13(3) & 13(4) TMR 4	7 (Controller’s decision is final)
Joint proprietors	31	71	6	14	39
Date of filing	-		17 (date when applicant furnishes documents containing everything under section 16)	2 TMR 80	5(4) (date when all the requirements under section 5(2) have been satisfied and all fees payable under 5(3) have been paid or treated as paid by the Controller)

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Priority claim	12 TMR 22		19-20 (application in JA to be filed within six months of the earlier application) TMR 6	15 (application in SVG to be filed within six months of the earlier application) TMR 10 (more than one priority date may relate to the same application) TMR 16	11-12 (application in TT to be filed within six months of the earlier application)
Criteria for registration	11 14-15 TMR 25-30 (registration procedures)	11-12 TMR 20 (any person may apply to the Registrar for advice on whether a mark is prima facie adapted to distinguish or capable of distinguishing) TMR 31 – 36	21	16 TMR 13 – 17 TMR 23 – 24 (request may be made for expedited examination)	13
Unregistrable marks	8-9 TMR 16-17	13-14 TMR 15-19	11-13	21-26 TMR 20 First Schedule to the TMR	8-10

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Duration of rights	25 (10 years renewable)	22 (7 years and renewable for subsequent periods of 14 years)	8 (10 years renewable)	52 (10 years renewable)	19 (10 years renewable)
Disclaimer or limitation	TMR 26 – 30	16	26 TMR 20	54	31
Associated trade marks	-	25 (associated trade marks may only be transferred together) TMR 61			
Deferment of acceptance	-			18 TMR 18	
Series of Trade Marks	-	23 TMR 29 & 44	25 TMR 17	32	18
Publication	16 23 TMR 38	20(1), para. 2(1) of Schedule to the Act TMR 42-45	22 (date of publication shall be reckoned as the date of acceptance) TMR 11	16 TMR 11 - 12	14

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Opposition	<p>17-18 (within 90 days of the publication of the notice of application)</p> <p>TMR 32-33</p>	<p>20 TMR 46 – 58 (Notice of Opposition to be filed within one month of publication of advertisement of tm.)</p>	<p>22 TMR 12 (Notice of Opposition to be filed within two months of the publication of the tm.)</p>	<p>33 (time frame for filing a notice of opposition may be extended)</p> <p>38-42 (grounds for opposing registration)</p> <p>TMR 25-28 & 101 -102 (three months to file Notice of Opposition)</p> <p>TMR 29 (in opposition proceedings, opponent may ask for copy of earlier application where priority is claimed)</p> <p>TMR 30 – 42 (opposition proceedings)</p>	<p>14 (Notice of Opposition to be filed within two months of the publication of the mark)</p>

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Infringement	38-40 49 – 49E	4 6-8	9 10 31-39	12(1)(b) 100-110 TMR 5	28-29 32-37
Assignment and transmission of marks	28-29 TMR 24, 51 - 53 (collective and certification marks) Provisions on transfer of application for registration and transfer of registration of trade or service marks are included.	24-27	27	86-91 TMR 59 – 63	40 79 (Controller’s consent required to assign a registered certification mark)
Licensees	30-36A, 39 TMR 42 – 45	30 (registered user) TMR 95-102	28-29	12 92-99 TMR 64 – 66	44-47 70 (collective mark) 80 (certification mark)
Registrable transactions	20		30 TMR 29-30	92-99 TMR 64-66	41-43

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Madrid Protocol	-				57 (The Minister may make regulations to give effect to the Madrid Protocol. TT has not yet acceded to the Protocol)
Use of trade marks on the Internet	-				48 (use of a sign on the Internet constitutes use in TT if the use has a commercial effect in TT)

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Removal of mark from the Register	41	28 (Removal on grounds of five years non-use or three years non-use and lack of bona fide intention to use the mark)	43-44 (revocation on grounds that (1) within five year prior to the date of the revocation application, the trade mark has not been used for bona fide purposes in JA in relation to the goods or services for which the trade mark is registered and there are no proper reasons put forward by the proprietor for tis non-use; (2) the bona fide use of the trade mark has been suspended for a continuous period of five years prior to the date of the revocation application and no proper reasons have been put forward for its disuse; (3) as a result of the act or failure to act on the part of the proprietor, the trade mark has become	72-84 (removal on the grounds that the applicant had no intention in good faith to use the mark in SVG before the period of one month ending on the day on which the application is filed or three years from completion of registration and up to one month before the non-use application is filed, mark not used in SVG or mark not used in good faith in SVG.) TMR 55 – 58	23 (revocation on the grounds of five years non use) 71 (additional grounds for revocation of a collective mark) 81 (additional grounds for revocation of a certification mark)

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Removal of mark from the Register			the common name in the trade for a product or service in respect of which the trade mark is registered (4) the trade mark is likely to deceive or confuse the public as to the nature, quality or geographical origin of goods or services on account of its use by the proprietor or with his consent in relation to the goods for which it is registered. TMR 26		
Offences	48-51	68-69	69-73	123-135	49-56
Well-known trade marks	8(1)(e), (f)	29	49	40 (refers to a trade mark that has acquired a reputation in SVG)	9(4) and 58-63
Trade Marks Register	19-21 24 – Inspection of Register TMR 35-41	3 (Register divided into Parts A, B or C) TMR 60	61-65 (Register may be kept in such manner as may be prescribed)	170-172 (Register may be kept on a computer) TMR 48 – 49	83-85 (Register may be kept in whole or in part in electronic form)

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Customs provisions	53A-53M		66-68	111-122 TMR 67 – 69	96-115
Renewal	26-27 TMR 39-41	22 TMR 64-70	40 TMR 23 – 24	55 - 60 TMR 50 – 52	19(2)
Renunciation	37 TMR 50		42 TMR 22		
Invalidation	43-46		45-46 TMR 26		24 72 (additional grounds for invalidity of a collective mark) 82 (additional grounds for revocation of a certification mark)

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Cooling-off period	-		TMR 12(3A)		
Registration & Certificate of Registration	19 – 22 TMR 35, 37	21	24	48-49 TMR 48-49	16
Appeals	47	57-64 TMR 117-123	60	16(2)(b), 17, 37, 47, 63(2), 84, 149(4), 150(4), 161, 185(7)	94
Costs	36C		74 TMR 48 – 50	182-183 TMR 87-88	86 89 (security for costs) 120
Extensions of time	TMR 54, 56, 58	TMR 103	TMR 54	185 TMR 100-103	87
Evidence before Registrar / Director / Controller	36B	65 TMR 108	TMR 42 – 44	TMR 92	90
Changes in Register / Rectification / Correction of the Register / Correction of errors	TMR 46-49, 59	34-38 TMR 82-84 TMR 93-94 (certification marks)	62 TMR 26	61-64 (amendment and cancellation of registration by Registrar) 65-71 (amendment and cancellation of registration by Court) TMR 53 – 54 (cancellation of trade mark)	22 (cancellation in relation to some or all of the goods or services for which a mark is registered) 85

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Powers and duties of the Registrar / Director / Controller	TMR 55, 57	54-56	54-60	164-169	86-94
Amendment of application	TMR 28 - 29	TMR 109	23 TMR 10	43-47 TMR 44 – 47	15 26
Alteration of registered trade mark	-	51 TMR 81 (alteration of address) TMR 85-92	41 TMR 21	61 – 71	21
Revocation of acceptance	-			20	17
Issuing Directions	55 TMR 60				116
Defensive trade marks	-	TMR 37		154-158 TMR 73	
Statutory Declarations	36B	65 TMR 86 & 113		TMR 81 – 82	