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New Procedures and Journal under New Trade Marks Act

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Belize has adopted new practice procedures and amended rules as part of the implementation of its sweeping new Trade Marks Act, the country's first-ever comprehensive trademark law. The new practice procedures allow multi-class filing for as many as five classes in a single application and facsimile filing of power of attorney and application forms, provided the original documentation is filed soon thereafter.

With the enactment of its Trade Marks Act in 2000, Belize established an independent trademark registration system, repealed its prior laws that required a U.K. registration as a prerequisite to registration in Belize, and allowed the publication of "cautionary notices" under the Merchandise Marks Act. BELIPO, the Belize Intellectual Property Office, was created by the Patents Act in January 2001 and became operational on July 9, 2001, headed by a Registrar of Intellectual Property.

BELIPO launched the biweekly *Intellectual Property Journal* on April 1, 2002. All trademark applications, including renewals, are published in the *Journal* and are open to opposition and/or observation. The period of opposition for new applications has been extended to twelve weeks from the date of first publication.

Service marks also are covered by the Trade Marks Act, which incorporates the Eighth Edition of the Nice International Classification. Current U.K.-based registrations continue in force in Belize for their remaining terms, and owners of marks who previously published cautionary notices in Belize must now register their trademarks under the new Act. Trademark owners may apply for late renewal within a grace period of six months, and all renewals must be published.

The Trade Marks Act provides for Paris Convention priority and recognition of well-known marks, as defined in the Paris Convention. At the same time, the common law of "passing off" and the doctrine of "honest concurrent user" have been retained. All applications are subject to absolute and relative grounds of refusal. Prior use in Belize is unnecessary provided the applicant

asserts intent to use, and applicants may seek revocation for nonuse only after five years of nonuse following registration.

For a complete text of the Trade Marks Act, visit www.belizelaw.org.

Although every effort has been made to verify the accuracy of items carried in the INTA Bulletin, readers are urged to check independently on matters of specific concern or interest.