

THE GEOGRAPHICAL INDICATIONS REGULATIONS, 2006

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ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

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THE GEOGRAPHICAL INDICATIONS REGULATIONS, 2006
Made in exercise of the powers contained under section 20 of
the Geographical Indications Act, 2003-Act, No. 21 of 2003.

PART 1

PRELIMINARY

- 1. These Regulations may be cited as the Geographical Indications Regulations, 2006. Citation.
- 2. In these Regulations, unless the context otherwise requires—

“Act” means the Trade Marks Act, 2003;

“published” includes publication on the Internet;

3. The fees to be paid in respect of matters arising under the Act or these Regulations shall be those specified in Schedule 1. Fees.

4. (1) The forms referred to in these Regulations are those set out in Schedule 2; and Forms.

(2) A requirement under these Regulations to use such a form is satisfied by the use either of a replica of that form or of a form which is acceptable to the Registrar and contains the information required by the corresponding form set out in that Schedule.

(3) Documents required or authorized by the Act or these Regulations to be sent to the Registrar may be transmitted by telefacsimile or electronic mail, and the date of application shall be the date of transmission, provided that the original of the document so transmitted is filed with the Registrar within one month of such transmission.

5. Applications shall be in the English language, and any document forming part of an application or submitted to the Registrar pursuant to the Act or these Regulations and which is in a language other than English shall be accompanied by an English translation. Language of documents and translations.

Indication of name, address, nationality and residence.

6. (1) Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s); the names of legal entities shall be indicated by their full, official designations.

(2) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units, including the house number, if any; addresses shall also indicate telephone numbers.

(3) Nationality shall be indicated by the name of the State of which a person is a national; legal entities shall indicate the name of the State under whose laws they are constituted and their Registered Office.

(4) Residence shall be indicated by the name of the State of which a person is a resident.

Signatures by partnerships, companies and association.

7. (1) 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 or by any partner qualified to sign, stating that he signs on behalf of the partnership, or by any other person who satisfies the registrar that he is authorized to sign the document.

(2) 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 authorized to sign the document and shall bear seal of the body corporate.

(3) A document purporting to be signed for or on behalf of an association of persons may be signed by any person who satisfies the Registrar that he is duly authorized.

(4) The Registrar may, whenever he deems it necessary, request evidence of authorization to sign.

Representation by agent.

8. (1) The appointment of an agent shall be by an authorisation of agent which shall be signed by the applicant or, if there are more than one, by each applicant.

(2) The authorisation of agent may be filed together with the application or within two months from its filing date and if the

appointment is not thus made and is not in accordance with section 8(3) of the Act and subregulation (1) any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

(3) A local attorney at law or agent admitted to represent clients before Intellectual Property Office may be appointed as an agent.

(4) An agent who is not a local attorney at law shall apply to the Registrar to be registered as an agent admitted to represent clients before Intellectual Property Office.

PART 2

REGISTRATION OF GEOGRAPHICAL INDICATIONS

9. The application for the registration of a geographical indication shall be made on Form No. 1 and shall be signed by the applicant or authorised agent.

Application for registration.

10. (1) The application may be withdrawn in writing to the Registrar and signed by each applicant or authorised agent.

Withdrawal of application.

(2) The application fee shall not be refunded if the application is withdrawn.

11. (1) Upon receipt, the Registrar shall mark on each document making up the application, the actual date of receipt and the application number consisting of the letters AG, slant, the letters GI, slant, the numbers of the year in which the initial papers were received, slant, and a number allotted in the sequential order in which applications are received and where any corrections or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt in the appropriate place of the request for registration of the geographical indication.

Marking application.

(2) The application number allotted under subregulation (1) shall be quoted in all subsequent communications concerning the application.

12. (1) If, upon examination in accordance with section 10(1) of the Act, the Registrar objects to the application for registration of a geographical indication, he shall notify the applicant in writing of his objections with all the relevant

Objection to or conditional acceptance of application; hearing.

details and invite the applicant to amend the application, to submit his observations in writing or to apply for a hearing within two months from the date of the notification and if the applicant does not comply with the invitation within the set period, he shall be deemed to have withdrawn his application.

(2) If, upon examination in accordance with section 10(1) of the Act, the Registrar decides to accept the application subject to amendments, modifications, conditions or limitations he shall communicate the decision to the applicant in writing.

(3) If the applicant objects to the amendments, modifications, conditions or limitations, he shall, within two months from the date of the communication, request a hearing or submit his observations in writing.

(4) If the applicant does not object to such amendments, modifications, conditions, or limitations, he shall notify the Registrar in writing and amend his application accordingly.

(5) If the applicant does not respond in one way or the other within the set period, he shall be deemed to have withdrawn his application.

(6) The request for a hearing, which shall be accompanied by the prescribed fee, shall be made in writing to the Registrar who, upon receiving the same, shall give the applicant at least one month's notice in writing of the date and time when he may be heard.

Refusal of application or conditional acceptance to which applicant objects.

13. (1) If, after a hearing or after consideration of the applicant's amendments or observations in writing, the Registrar refuses the application or accepts it subject to any amendments, modifications, conditions or limitations to which the applicant objects, he shall communicate his decision to the applicant in writing.

(2) The applicant may, within one month from the date of such communication, upon payment of the prescribed fee, request the Registrar to state in writing the grounds of his decision and the material used by him in arriving thereat.

Acceptance of application; publication for opposition.

14. (1) If the Registrar accepts the application unconditionally or accepts it subject to any conditions or limitations to which the applicant does not object, he shall so

notify the applicant, requesting him to pay the publication fee within one month from the date of the notification.

(2) If the publication fee referred to in subregulation (1) is paid within the time limit prescribed, the Registrar shall proceed to publish the application setting out—

- (a) the geographical indication for which registration is sought;
- (b) the name, address and nationality of the natural person or legal entity filing the application, and the capacity in which the applicant is applying for registration;
- (c) the name and address of the agent, if any;
- (d) the address for service if an agent has not been appointed in accordance with section 8(3) of the Act and regulation 8;
- (e) the demarcation of the geographical area to which the geographical indication applies;
- (f) the goods for which the geographical indication is used;
- (g) the quality, reputation or other characteristic of the goods for which the geographical indication is used, and any conditions under which the indication may be used;
- (h) the filing date and number of the application.

(3) If the publication fee referred to in subregulation (1) is not paid within the time limit prescribed, the application shall be considered withdrawn.

15. (1) The notice of opposition, under section 10(3) of the Act shall be given within three months from the date of the publication referred to in regulation 14(2), on Form No. 2, together with payment of the prescribed fee and accompanied by supporting evidence, if any.

Opposition.

