



BELIZE

**TRADE MARKS ACT
CHAPTER 257**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

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PART IV

*International Matters**The Paris Convention and Other International Arrangements*

Application of treaties.

59. The provisions of any international treaty in respect of trade marks, collective marks and certification marks to which Belize is party shall apply to matters dealt with by this Act and, in case of conflict with the provisions of this Act, shall prevail over the latter.

The Paris Convention.

60.-(1) The Paris Convention for the Protection of Industrial Property of March 20th 1883, as revised or amended from time to time, the Regulations made thereunder, and the Administrative Instructions made under those Regulations shall be given full effect.

(2) Where reference is made in this Act to the Paris Convention, such reference shall include the Regulations and Administrative Instructions referred to subsection (1).

(3) Where the provisions of this Act and the Regulations made thereunder conflict with those of the Paris Convention, the provisions of the Paris Convention shall prevail.

Protection of well-known trade mark: Article 6bis of Paris Convention.

61.-(1) References in this Act to a trade mark which is entitled to protection under the Paris Convention as a well-known trade mark are to a mark which is well-known in Belize as being the mark of a person who:-

- (a) is a national of a Convention country; or
- (b) is domiciled in, or has a real and effective industrial or commercial establishment in, a Convention country,

whether or not that person carries on business, or has any goodwill, in

Belize, and references to the proprietor of such a mark shall be construed accordingly.

(2) The proprietor of a trade mark which is entitled to protection under the Paris Convention as a well known trade mark is entitled to restrain by injunction the use in Belize of a trade mark which, or the essential part of which, is identical or similar to his mark, in relation to identical or similar goods or services, where the use is likely to cause confusion, but this right is subject to section 48 (effect of acquiescence by proprietor of earlier trade mark).

(3) Nothing in subsection (2) affects the continuation of any *bona fide* use of a trade mark begun before the commencement of this section.

62.-(1) A trade mark which consists of or contains the flag of a Convention country shall not be registered without the authorisation of the competent authorities of that country, unless it appears to the Registrar that use of the flag in the manner proposed is permitted without such authorisation.

National emblems,
etc., of Conven-
tion countries:
Article 6ter of
Paris Convention.

(2) A trade mark which consists of or contains the armorial bearings or any other state emblem of a Convention country which is protected under the Paris Convention shall not be registered without the authorisation of the competent authorities of that country.

(3) A trade mark which consists of or contains an official sign or hallmark adopted by a Convention country and indicating control and warranty shall not, where the sign or hallmark is protected under the Paris Convention, be registered in relation to goods or services of the same, or a similar kind, as those in relation to which it indicates control and warranty, without the authorisation of the competent authorities of the country concerned.

(4) The provisions of this section as to national flags and other state emblems, and official signs or hallmarks, apply equally to anything which from

a heraldic point of view imitates any such flag or other emblem, or sign or hallmark.

(5) Nothing in this section prevents the registration of a trade mark on the application of a national of a country who is authorised to make use of a state emblem, or official sign or hallmark, of that country, notwithstanding that it is similar to that of another country.

(6) Where by virtue of this section the authorisation of the competent authorities of a Convention country is or would be required for the registration of a trade mark; those authorities are entitled to restrain by injunction any use of the mark in Belize without their authorisation.

Emblems, etc., of certain international organisations: Article 6^{ter} of Paris Convention.

63.-(1) This section applies to:-

- (a) the armorial bearings, flags or other emblems; and
- (b) the abbreviations and names,

of international intergovernmental organisations of which one or more Convention countries are members.

(2) A trade mark which consists of or contains any such emblem, abbreviation or name which is protected under the Paris Convention shall not be registered without the authorisation of the international organisation concerned, unless it appears to the Registrar that the use of the emblem, abbreviation or name in the manner proposed:-

- (a) is not such as to suggest to the public that a connection exists between the organisation and the trade mark; or
- (b) is not likely to mislead the public as to the existence of a connection between the use and the organisation.

(3) The provisions of this section as to emblems of an international organisation apply equally to anything which from a heraldic point of view imitates any such emblem.

(4) Where by virtue of this section the authorisation of an international organisation is or would be required for the registration of a trade mark, that organisation is entitled to restrain by injunction any use of the mark in Belize without its authorisation.

(5) Nothing in this section affects the rights of a person whose *bona fide* use of the trade mark in question began before the day when the relevant provisions of the Paris Convention entered into force in relation to Belize.

64.-(1) For the purposes of section 62, state emblems of a Convention country (other than the national flag), and official signs or hallmarks, shall be regarded as protected under the Paris Convention only if, or to the extent that:-

Notification under Article 6ter of the Paris Convention.

- (a) the country in question has notified Belize in accordance with Article 6ter (3) of the Convention that it desires to protect that emblem, sign or hallmark;
- (b) the notification remains in force; and
- (c) Belize has not objected to it in accordance with Article 6ter (4) or any such objection has been withdrawn.

(2) For the purposes of section 62, the emblems, abbreviations and names of an international organisations shall be regarded as protected under the Paris Convention only if, or to the extent that:-

- (a) the organisation in question has notified Belize in accordance with Article 6ter (3) of the Convention that

it desires to protect that emblem, abbreviation or name;

- (b) the notification remains in force, and
- (c) Belize has not objected to it in accordance with Article 6ter (4) or any such objection has been withdrawn

(3) Notification under Article 6ter (3) of the Paris Convention shall have effect only in relation to applications for registration made more than two months after the receipt of the notification.

(4) The Registrar shall keep and make available for public inspection by any person, at all reasonable hours and free of charge, a list of:-

- (a) the state emblems and official signs or hallmarks; and
- (b) the emblems, abbreviations and names of international organisations,

which are for the time being protected under the Paris Convention by virtue of notification under Article 6ter (3).

Acts of agent or representative:
Article 6septies of the Paris Convention.

65.-(1) The following provisions apply where an application for registration of a trade mark is made by a person who is an agent or representative of a person who is the proprietor of the mark in a Convention country.

(2) If the proprietor opposes the application, registration shall be refused.

(3) If the application (not being so opposed) is granted, the proprietor may -

- (a) apply for a declaration of the invalidity of the registration; or

(b) apply for the rectification of the register so as to substitute his name as the proprietor of the registered trade mark.

(4) The proprietor may (notwithstanding the rights conferred by this Act in relation to a registered trade mark) by injunction restrain any use of the trade mark in Belize which is not authorised by him.

(5) Subsections (2), (3) and (4) do not apply if, or to the extent that, the agent or representative justifies his action.

(6) An application under subsection (3) (a) or (b) shall be made within three years of the proprietor becoming aware of the registration; and no injunction shall be granted under subsection (4) in respect of a use in which the proprietor has acquiesced for a continuous period of three years or more.

66.-(1) Judicial notice shall be taken of the Paris Convention or any other Treaty relating to trade marks, collective marks and certification marks to which Belize may become a party, and of any bulletin, journal or gazette published under such Convention or Treaty.

Judicial notice of certain treaties.

(2) Any document referred to in any such bulletin, journal or gazette shall be admissible as evidence of any instrument or other act thereby communicated, or of any institution established by or having functions under any Convention or Treaty referred to in subsection (1) above.