

BELIZE:

TRADE MARKS (AMENDMENT) ACT, 2022

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of section 2.
3. Amendment of section 10.
4. Insertion of new sections.
5. Amendment of section 66.
6. Insertion of new section.



No. 21 of 2022

I assent,

(H. E. DAME FROYLA TZALAM)
Governor-General

12th September 2022

AN ACT to amend the Trade Marks Act, Chapter 257 of the Substantive Laws of Belize, Revised Edition 2020; give effect to the Protocol relating to the Madrid Agreement concerning the International Registration of Marks (“the Madrid Protocol”); and to provide for matters connected therewith or incidental thereto.

(Gazetted 13th September, 2022).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

Short title.

TRADE MARKS (AMENDMENT) ACT, 2022,

CAP. 257.
51 of 2021.

and shall be read and construed as one with the Trade Marks Act, which is hereinafter referred to as the principal Act.

Amendment of
section 2.

2. The principal Act is amended in section 2 by inserting the following terms and their corresponding definitions in their proper alphabetical sequence—

““basic application” means an application for registration of a trade mark, filed with the Registrar under section 12 and which is used as a basis to file an international application under the Madrid Protocol;

“basic registration” means a trade mark registered by the Registrar under section 18 and which is used as the basis to file an international application under the Madrid Protocol;

“international application” means an application for the registration of a trade mark in the International Register;

“international registration” means the registration of a trade mark effected by the International Bureau under the Madrid Protocol;

“Madrid Protocol” means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989, as amended;

“Office of origin” means the Office of the Contracting Party where, in accordance with Article 2(2) of the Madrid Protocol, the international application was filed;”.

Amendment of
section 10.

3. The principal Act is amended in section 10(1) by inserting the words, “the Madrid Protocol” immediately after the words “Paris Convention”.

Insertion of
new sections.

4. The principal Act is amended by inserting the following new sections immediately after section 65—

“Madrid
Protocol.

65A.-(1) The Madrid Protocol of June 27, 1989, 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 Madrid Protocol, 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 Madrid Protocol, the provisions of the Madrid Protocol shall prevail.

International
registration of
marks under
the Madrid
Protocol.

65B. (1) An international application under the Madrid Protocol which is based on a basic application or on basic registration originating from Belize shall be dealt with in the manner prescribed by regulations.

(2) An international registration where Belize is designated shall be dealt with in the manner prescribed by regulations.

(3) The processing of international applications where Belize is considered to be the Office of origin and of international registrations designating Belize may be prescribed in regulations.

5. The principal Act is amended in section 66(1) by inserting the words, “the Madrid Protocol” immediately after the words “Paris Convention”.

Amendment of
section 66.

Insertion of
new section.

6. The principal Act is amended by inserting the following section immediately after section 71–

“Power
to make
regulations.

71A. The Minister may make regulations for the purpose of any provision of this Act required to give effect to any international convention or treaty to which Belize is a party and in particular, the Minister may make regulations–

- (a) as to the manner of filing of international applications and other documents;
- (b) the types of documents supporting the filing of international applications and other documents;
- (c) requiring and regulating the translation of documents and the filing and authentication of any translation;
- (d) prescribing fees in relation to filing of international applications and other documents;
- (e) authorizing the rectification of irregularities of procedure; and
- (f) generally for giving effect to anything required to be given effect to in relation to an international convention or treaty to which Belize is a party.