

BELIZE:

GEOGRAPHICAL INDICATIONS BILL, 2026

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BELIZE:

BILL

FOR

AN ACT to provide for the registration and protection of geographical indications and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2026).

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:

PART I

Preliminary

Short title.

1. This Act may be cited as the

GEOGRAPHICAL INDICATIONS ACT, 2026.

Interpretation.

2. In this Act—

“act of unfair competition” means any act of competition contrary to honest business practices in industrial or commercial matters including—

- (a) all acts of such a nature that create confusion by any means with the establishment, the goods, or the industrial or commercial activities of a competitor;
- (b) false allegations in the course of trade of such a nature that discredit the establishment, the goods, or the industrial or commercial activities of a competitor; and
- (c) indications or allegations which, when used in the course of trade, are liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity of the goods.

“appeal” means an appeal against the decision of the Registrar in relation to geographical indications;

“applicant” means a person who has applied under section 24 for registration of a geographical indication;

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“Assistant Registrar” means the Assistant Registrar of Intellectual Property appointed under section 4 of the Patents Act;

“CARICOM Member State” means a Member State of the Caribbean Community, including the CARICOM Single Market and Economy, but excluding an Associate Member within the meaning of Article 231 of the Revised Treaty of Chaguaramas signed in the Bahamas on the 5th day of July, 2001;

“CARIFORUM-EU Economic Partnership Agreement” means Economic Partnership between the CARIFORUM States and the European Union of December 16, 2007;

“CARIFORUM-UK Economic Partnership Agreement” means Economic Partnership between the CARIFORUM States and the United Kingdom of Great Britain and Northern Ireland of March 22, 2019;

“Competent Authority” means a government department, governmental agency or entity or private body in Belize that has been vested by the Minister as having the responsibility for the geographical indication for which registration is sought pursuant to section 24;

“Court” means the High Court of Belize;

“degeneration” means a decline in quality;

“Deputy Registrar” means the Deputy Registrar of Intellectual Property appointed under section 4 of the Patents Act;

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“generic” means a name for which the relevant indication is identical with the term customary in common language as the common name for such goods or services in the territory of Belize;

“geographical indication” means an indication that identifies goods as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the goods is essentially attributable to its geographical origin;

“goods” means any natural or agricultural product or any product of industry or handicraft;

“hearing” means the procedure before making a decision on any opposition and objection by an opponent or objector;

“homonymous geographical indication” means a geographical indication that, in part or in whole, has the same spelling as, or sounds the same as, a geographical indication for any goods having a different geographical origin;

“interested party” or “interested person” means a person, whether natural or legal, for the purposes of section 35, specifically means a producer, trader or other person that is entitled to the use or benefit of a geographical indication registered under this Act;

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“Journal” means the Journal of Intellectual Property established under section 5(d) of the Patents Act;

“marketing material” means material used for labelling or packaging goods, or for advertising goods;

“Minister” means the Minister responsible for intellectual property;

“objection” or “opposition” means the opposition and objection against the registration of a geographical indication by any interested party or person;

“producer” means—

- (a) any producer of agricultural products or any other person exploiting natural products;
- (b) any processor of natural or agricultural or agri-food products;
- (c) any manufacturer of products of industry or handicraft; and
- (d) any trader dealing in the products referred to in paragraph (a), (b) or (c);

“Register” means the Register of Geographical Indications;

“registrant” in relation to a registered geographical indication, means the person upon whose application the geographical indication was registered, renewed, or re-registered, as the case may be;

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“Registrar” means the Registrar of Intellectual Property appointed under section 4(1) of the Patents Act;

“specifications” means the technical details of the geographical indication that must be provided with the geographical indication application, specifying the production geographical area, production conditions and the quality control process of geographical indication goods, which is compiled by the applicant;

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“trade mark” shall have the meaning assigned to it under the Trade Marks Act; and

“use” means use as part of, or in connection with—

- (a) any transaction, including the production, purchase, sale, offer for sale or exchange;
- (b) any importing or exporting;
- (c) any advertisement;
- (d) the designation or presentation of goods in any invoice, wine list, catalogue, business letter, business paper, price list or other commercial document;
- (e) any labelling in relation to the products covered by the geographical indication under protection; or
- (f) any such use as described in any of the preceding paragraphs, on the Internet and in electronic commerce.

PART II

Powers and functions of the Registrar, Deputy Registrar and Assistant Registrars

Powers and functions of the Registrar.

3.—(1) The Registrar shall have the following functions in relation to the administration, maintenance and registration of geographical indications in Belize, including—

- (a) receiving and examining applications;
- (b) examining the specifications;
- (c) receiving oppositions and objections and counter-statements to oppositions and objections;
- (d) registering geographical indications and dealing with the amendment, withdrawal, invalidation and cancellation of geographical indications in accordance with this Act or in the manner prescribed;
- (e) conducting hearings in relation to geographical indication applications or registrations;
- (f) publishing the application for registration and registered geographical indications in the Journal; and
- (g) carrying out any other instructions from the Minister relating to matters concerning geographical indications.

(2) The Registrar shall require the use of such forms as may be prescribed for any purpose relating to the registration of a geographical indication or any proceedings before the Registrar under this Act.

(3) The Registrar shall prescribe the forms to be used and give directions regarding their use.

(4) The Minister may give the Registrar written directions of a general character which are consistent with the provisions of this Act, concerning the exercise and performance of powers and functions in relation to any matter which appears to the Minister to concern the development of industrial property and any other matters connected therewith, and the Registrar shall carry out such directions.

4.—(1) The Registrar shall maintain a Register of Geographical Indications, comprising—

The Register and publication in the Register.

- (a) the list of all registered geographical indications;
- (b) such particulars as may be prescribed of registrable transactions affecting a registered geographical indication; and
- (c) such other matters relating to registered geographical indications as may be prescribed.

(2) Subject to sub-section (4), the Register shall be open for inspection by the public during normal working hours, and any person may request and obtain extracts from the Register or make copies of such extracts under the conditions prescribed and upon payment of the prescribed fee.

(3) The Register may be kept in whole or in part electronically and any record of a particular or other matter made electronically for the purpose of keeping the Register is taken to be an entry in the Register.

(4) Before publication of an application for registration of a geographical indication is made in accordance with section 27, documents or information constituting or relating to the application shall not be published by the Registrar or communicated by the Registrar to any person except—

- (a) in such cases and to such extent as may be prescribed; or
- (b) with the consent of the applicant, but subject to sub-section (5).

(5) Where a person has been notified that an application for registration of a geographical indication has been made, and that the applicant will, if the application is granted, bring proceedings against that person in respect of acts done after publication of the application, such person may make a request under sub-section (2), notwithstanding that the application has not been published, and that sub-section shall apply accordingly.

5. The Registrar may, subject to any regulations made under this Act, correct any error of translation or transcription, clerical error or mistake in any application or document filed with the Registrar or in any matter recorded pursuant to this Act.

Correction of errors.

6. If the Registrar is satisfied that the circumstances justify it, the Registrar may, upon receiving a written request, extend the time for doing any act or taking any proceeding under this Act, upon notice to parties concerned and upon such terms as the Registrar may direct, notwithstanding that the time for doing the act or taking the proceeding has expired.

Extension of time.

7.—(1) The Registrar shall publish in the Journal, or in any other place as may be prescribed, a notice of the application and registration of any geographical indication.

The Journal.

(2) The Journal shall contain all such particulars of any application for the registration of a geographical indication as may be prescribed and such other information relating to the geographical indication as the Registrar thinks fit.

Deputy Registrar
and Assistant
Registrars

8. The Deputy Registrar and Assistant Registrars shall perform such functions, and exercise such powers as the Minister may, by Order published in the *Gazette*, delegate to them from time to time.

PART III

Protection of Geographical Indications

Application of
the Act.

9.—(1) This Act shall apply to registered geographical indications.

(2) Notwithstanding sub-section (1), geographical indications which, although literally true as to the territory, region or locality in which the goods originate, falsely represent to the public that the goods originate in another territory are not protected under this Act.

(3) For the purposes of this section, a registered geographical indication is, in any proceedings under this Act, presumed to be a geographical indication by virtue of its registration, unless the contrary is proved.

(4) Geographical indications registered under this Act shall not become generic unless they fall into degeneration.

Homonymous
geographical
indications.

10.—(1) Subject to section 14, protection under this Act shall be accorded to homonymous or partly homonymous geographical indications.

(2) Where concurrent use of homonymous geographical indications is permitted, the Registrar shall determine the practical conditions under which those geographical indications shall be differentiated from each other, taking into account—

- (a) whether there is a sufficient distinction made in practice between the geographical indication that was first protected and the homonym subsequently protected;
- (b) the need to ensure equitable treatment of the producers concerned; and
- (c) that consumers are not misled.

Geographical
indications
excluded from
protection.

11.—(1) The following shall not be protected as geographical indications under this Act—

- (a) geographical indications which do not fall within the definition of geographical indication in section 2;
- (b) the use of a geographical indication which is contrary to public policy or morality;
- (c) the use of a geographical indication which is not or has ceased to be protected in its country or territory of origin, or which has fallen into disuse in its country or territory of origin;
- (d) the use of a geographical indication that is a generic term in Belize; or
- (e) products of the vine, plants or animals for which the relevant indication is identical with the name of a grape variety, plant variety or animal breed existing in the territory of the signatories of the CARIFORUM-EU Economic Partnership Agreement or the CARIFORUM-UK Economic Partnership Agreement.

12. Any marketing material in Belize which uses a geographical indication shall be relevant evidence that the geographical indication is not the generic term for any goods in Belize if the marketing material suggests in a misleading manner, by using words or pictures, that the goods to which the marketing material relates originate in the geographical origin of the geographical indication, when those goods originate elsewhere.

Misleading use of geographical indications as evidence of non-generic status.

13.–(1) The Registrar may not register a geographical indication if there exists a likelihood of confusion on the part of the public because the geographical indication is identical or similar to, and has the same geographical origin as, an earlier geographical indication.

Circumstances where a geographical indication may not be registered.

(2) Subject to sub-section (5), the Registrar may not register a geographical indication if there exists a likelihood of confusion on the part of the public because the geographical indication is identical or similar to a trade mark, and the trade mark fulfils either or both of the conditions specified in sub-section (3).

(3) The conditions referred to in sub-section (2) are–

(a) the trade mark is duly registered under the Trade Marks Act, and the Registrar takes into account, where appropriate, the priorities claimed in respect of the trade mark, including–

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(i) the application for the registration of the trade mark was made in good faith; and

(ii) the trade mark was registered in good faith under the Trade Marks Act before the date of application for registration of the geographical indication in Belize; and

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(b) the trade mark has been used in good faith in Belize in the course of trade before the date of application for registration of the geographical indication in Belize.

(4) Subject to sub-section (5), the Registrar may not register a geographical indication that is identical or similar to a trade mark if the Registrar is of the opinion that–

(a) the trade mark is, before the date of application for registration of the geographical indication in Belize, a well-known trade mark in Belize, and

(b) registration of the geographical indication is likely to mislead consumers as to the true identity of the goods identified by that geographical indication.

(5) The Registrar may, in the Registrar's discretion, register any geographical indication referred to in sub-sections (2) or (4), if the proprietor of the trade mark referred to in sub-sections (2) or (4), as the case may be–

(a) consents to the registration; or

(b) fails to give notice to the Registrar of the objection of the proprietor to the registration in accordance with section 27.

14.–(1) The following shall be prohibited–

(a) the use of any geographical indication in relation to any goods which did not originate in the place indicated by the geographical indication in a manner which misleads the public as to the geographical origin of the goods;

(b) the use of a registered geographical indication, directly or indirectly, in the course of trade in respect of goods that are identical or comparable to those of the registered

Prohibition and right to claim against improper use of geographical indications.

geographical indication where the misuse benefits or would benefit from the reputation of the geographical indication;

- (c) the use of a registered geographical indication, directly or indirectly, in the course of trade in respect of goods that are non-identical to those of the registered geographical indication where the unlawful use benefits or would benefit from the reputation of the geographical indication;
- (d) the use of a registered geographical indication identifying goods not complying with the specifications or not originating in the place indicated by the geographical indication in question even where—
 - (i) the true origin is indicated; or
 - (ii) the geographical origin is used in translation, or accompanied by such expression as “kind”, “type”, “style”, “imitation”, “method”, “comparable to”, or other similar expressions;
- (e) the use of a geographical indication in a manner which constitutes an act of unfair competition;
- (f) use of a sign on the internet that—
 - (i) contributes to the usurpation, evocation, acquisition in bad faith, or infringement of a geographical indication; or
 - (ii) constitutes an act of unfair competition; or
- (g) use of a trade mark which contains or consists of a geographical indication used in any manner specified in paragraphs (a) to (e).

Application to geographical indications literally true as to origin.

15.—(1) Subject to sub-section (2), any use of a geographical indication referred to in section 14 is to be regarded as an act to which that section applies even if the geographical indication is literally true as to the geographical origin of the goods in question.

(2) Sub-section (1) does not apply where the use of the geographical indication falsely represents to the public that the goods originate in another place.

Exceptions regarding prior use by qualified persons.

16.—(1) Section 14 shall not apply to the use by a qualified person of a geographical indication, being a geographical indication identifying a wine or a spirit, in relation to any goods if the qualified person has, or that person and that person’s predecessor in title have, continuously used in Belize that geographical indication in relation to those goods or related goods either—

- (a) for at least 10 years preceding 15th April 1994; or
- (b) in good faith preceding that date.

(2) For the purposes of sub-section (1), “qualified person” means—

- (a) a citizen of Belize or an individual resident in Belize or another CARICOM Member State;
- (b) a body corporate incorporated under the laws of Belize or another CARICOM Member State; or
- (c) any other person who has a real and effective industrial or commercial establishment in Belize.

17. Section 14 shall not apply to the use of a trade mark by a person where—

- (a) either—
 - (i) the application for the registration of the trade mark was made in good faith; or
 - (ii) the trade mark was registered in good faith under the Trade Marks Act; or
- (b) the person has, or the person and the person's predecessor in title have, continuously used that trade mark in good faith in Belize in the course of trade, either—
 - (i) before the date of the coming into operation of this Act; or
 - (ii) before the geographical indication in question is protected in its country or territory of origin.

Exceptions regarding prior use of trade marks.

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18.—(1) An action under section 14(2) against a person for the use of a trade mark which contains a geographical indication may not be brought after the expiration of five years beginning immediately after the earlier of the following dates—

Exceptions for failure to take action.

- (a) the date on which such use by that person or any predecessor in title has become generally known in Belize; or
- (b) the date on which the trade mark was actually registered under the Trade Marks Act, if the trade mark has been published by that date.

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(2) Sub-section (1) shall not apply where the trade mark was used, or registered, in bad faith.

19. This Act does not affect the right of any person to use, in the course of trade, the name of that person or the name of the predecessor of that person in business, except where such name is used in a manner that is likely to mislead the public.

Exception for use of personal name.

20. Subject to the provisions of this Act, if it is established to the satisfaction of the Court that the defendant in an action brought under section 14(2) has carried out or is carrying out an act to which that section applies, the Court may grant to the claimant one or more of the following—

Civil remedies.

- (a) an injunction to restrain the further carrying out of the act subject to such terms, if any, as the Court thinks fit;
- (b) damages or an account of profits; or
- (c) any other remedy or relief the Court thinks fit.

21.—(1) An aggrieved person may bring proceedings for relief under this section where a person threatens to bring proceedings against them for carrying out an act to which section 14 applies, other than—

Remedy for groundless threats of proceedings.

- (a) the application of a geographical indication in relation to goods or to material used or intended to be used for labelling or packaging goods; or
- (b) the importation of goods to which, or to the packaging of which, the geographical indication has been used.

(2) The relief referred to in sub-section (1) may be any of the following—

- (a) a declaration that the threats are unjustifiable;
- (b) an injunction against the continuance of the threats; or
- (c) damages in respect of any loss an aggrieved person sustained by the threats.

(3) A claimant to an action under this section is entitled to the relief referred to in sub-section (2) unless the defendant shows that the act in respect of which proceedings were threatened constitutes, or if done would constitute, an act to which section 14 applies.

(4) If the defendant to an action under this section shows that the act in respect of which proceedings were threatened constitutes, or if done would constitute, an act to which section 14 applies, the claimant is nevertheless entitled to relief if the claimant shows that an exception under this Act applies to the act concerned.

(5) The mere notification that a geographical indication is registered, or that an application for registration has been made, does not constitute a threat of proceedings for the purposes of this section.

(6) Nothing in this section shall render an attorney-at-law liable to an action under this section in respect of an act done by that attorney-at-law in his professional capacity on behalf of a client.

Remedies for prohibited internet domain use.

22. In any action brought under section 14(2) pursuant to section 14(1)(f), the Court may, in addition to any relief granted under this Act, order the cancellation of the domain name, or transfer of the domain to the claimant or interested party.

Provision restricting importation of infringing goods.

23.—(1) An interested party, in relation to goods identified by a geographical indication, may give notice in writing to the Comptroller of Customs, that—

- (a) the interested party has a legitimate interest or, as the case may be, is the registrant, of the registered geographical indication;
- (b) at a time and place specified in the notice, goods which are, in relation to that geographical indication, infringing goods, material or articles are expected to arrive in Belize; and
- (c) the interested party requests the Comptroller of Customs to treat such goods as prohibited goods.

(2) When a notice is in force under this section, the importation of the goods to which the notice relates, otherwise than by a person for private and domestic use, is prohibited, but a person is not by reason of the prohibition liable to any penalty other than forfeiture of the goods.

(3) The person with a legitimate interest in a geographical indication who gives notice to the Comptroller of Customs pursuant to sub-section (1) shall comply with any such conditions prescribed by the Minister with respect to—

- (a) the form of the notice;
- (b) the furnishing of evidence;
- (c) the payment of fees in respect of the notice;
- (d) the giving of security in respect of any liability or expense which the Comptroller may incur in consequence of the notice by reason of the detention of any article or anything done to a detained article;

- (e) the indemnification of the Comptroller against any liability or expenses, whether security has been given or not; and
- (f) any other incidental or supplementary matters, as may be prescribed, and different provisions may be prescribed for different classes or cases.

(4) Notwithstanding anything in the Customs Regulation Act, a person shall not be liable to any penalty under that Act other than the forfeiture of the goods by reason only that any goods are treated as prohibited goods by virtue of this section.

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PART IV

Registration of Geographical Indications

24.—(1) The following persons shall have a right to file an application for registration of a geographical indication—

- (a) any producer or group of producers carrying on an activity in the geographical area specified in the application with respect to the goods specified in the application; or
- (b) any competent authority.

Persons who may apply.

(2) Where the ordinary residence or principal place of business of an applicant is outside of Belize or any CARICOM Member State, the applicant shall be represented by an attorney-at-law who is resident and practicing as an attorney-at-law in Belize.

(3) An applicant under this section shall become the registrant of the geographical indication after registration.

25.—(1) An application for registration of a geographical indication shall be made to the Registrar in the prescribed manner and specify—

Application requirements.

- (a) the name, address and nationality of the applicant;
- (b) the capacity in which the applicant is applying for registration;
- (c) the name of the representative of the applicant, if any;
- (d) the geographical indication for which registration is sought;
- (e) the geographical area to which the geographical indication applies;
- (f) the goods to which the geographical indication applies;
- (g) the process of production;
- (h) the quality, reputation or other characteristic of the goods and how that quality, reputation or other characteristic, as the case may be, is essentially attributable to the place from which the goods originate;
- (i) where the geographical indication for which registration is sought relates to a country other than Belize, evidence that the geographical indication has obtained recognition or registration as a geographical indication in the qualifying country of origin, where applicable;
- (j) the labelling rules; and
- (k) such other particulars as may be prescribed.

(2) The processing of the application is subject to the payment of the prescribed fees.

Examination by
the Registrar.

26.—(1) The Registrar shall examine an application to determine whether—

- (a) the indication identifying goods satisfies the requirements of the definition of a geographical indication;
- (b) the applicant is entitled to apply under section 24(1);
- (c) the geographical indication is not excluded from protection by virtue of section 11;
- (d) the application contains the information required by section 25; and
- (e) the application complies with any requirements imposed by regulations made under this Act.

(2) For the purpose of sub-section (1), the Registrar may carry out a search, to such extent as the Registrar considers necessary, of earlier trade marks and earlier geographical indications.

(3) The Registrar may seek advice from experts in related fields and, if needed, take this advice into consideration when making a decision.

(4) If it appears to the Registrar that the requirements for registration are not met or that additional information or evidence is required to meet those requirements, the Registrar shall inform the applicant and give the applicant an opportunity, within such period as may be prescribed, to make representations, to amend the application or to furnish any other information or evidence.

(5) If the applicant responds within the prescribed period referred to in sub-section (4) but fails to satisfy the Registrar that those requirements are met, or to amend the application or furnish the additional information or evidence so as to meet them, the Registrar may refuse to accept the application.

(6) If the applicant fails to respond within the prescribed period referred to in sub-section (4), the application shall be treated as abandoned.

(7) If it appears to the Registrar that the requirements for registration are met, the Registrar shall accept the application.

(8) For the purpose of this section, “earlier trade mark” means –

- (a) an earlier trade mark as defined under section 38 (1) of the Trade Marks Act; and
- (b) a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of paragraph (a) subject to it being so registered.

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27.—(1) When an application for registration of a geographical indication has been accepted, the Registrar shall cause the application to be published in the Journal or in any other place as may be prescribed.

Publications and
objections.

(2) Any interested person may, within the prescribed period and in the prescribed manner, give notice to the Registrar of an objection to the registration of a geographical indication in an application on the grounds that—

- (a) the goods in the application fail to satisfy the definition of geographical indication in accordance with section 2;

- (b) the application cannot be registered as a geographical indication in accordance with section 11 or any regulations made under this Act;
- (c) the applicant does not comply with the provisions of this Act;
- (d) the geographical indication infringes an existing user of the name or similar name or evocation of the name;
- (e) the geographical indication infringes an earlier trade mark registered in good faith; or
- (f) the geographical indication is homonymous with another geographical indication and that no differentiation can be made between the two indications.

(3) The Registrar shall send a copy of the notice referred to in sub-section (2) to the applicant.

(4) Upon receipt of the copy of the notice, the applicant shall, within the prescribed period and in the prescribed manner, send to the Registrar a counter-statement of the grounds on which the applicant relies for the application, and if the applicant does not do so, it shall be deemed that the applicant has abandoned the application.

(5) Where the applicant sends a counter-statement, the Registrar shall furnish a copy of the counter-statement to the objector and, after hearing the parties, if either or both wish to be heard, and considering the merits of the case, the Registrar shall decide whether the geographical indication should be registered.

(6) For the purposes of this section, an “objector” is an interested person who, within the prescribed period and in the prescribed manner, gives notice to the Registrar of an objection to the registration of a geographical indication in an application in accordance with sub-section (2).

28.—(1) The applicant may, at any time, withdraw the application for registration of a geographical indication.

Withdrawal or amendment of applications.

(2) If the application has been published, the withdrawal shall also be published.

(3) An application for registration of a geographical indication may be amended at the request of the applicant only where the correction does not substantially affect the identity of the geographical indication and only by correcting—

- (a) the name or address of the applicant;
- (b) errors of wording or of copying; or
- (c) obvious mistakes.

(4) The Minister may make regulations for the publication of any amendment which affects the application for registration of a geographical indication, or the goods covered by the application for registration of the geographical indication, and for the making of objections by any person claiming to be affected by it.

29.—(1) The Registrar shall register the geographical indication where an application for its registration has been accepted and—

Registration.

- (a) no notice of objection is made in accordance with section 27; or

(b) all objection proceedings are withdrawn or decided in favour of the applicant.

(2) The effective date of registration shall be the date of the filing of the geographical indication application.

(3) On the registration of a geographical indication, the Registrar shall issue to the applicant a certificate of registration and publish a notice of the registration.

(4) Where, as the result of an objection made under section 27 or for any other reason, the Registrar is satisfied that the application for registration of a geographical indication does not comply with the requirements of this Act, the Registrar shall refuse the application.

Rectification of the Register.

30.—(1) A registrant or any interested person or competent authority may apply under this section for the rectification of an error or omission in the Register.

(2) The grounds to apply for rectification of the Register are—

(a) the geographical area specified in the registration does not correspond to the geographical indication; or

(b) the indication of the products for which the geographical indication is used or the indication of the quality, reputation or other characteristic of the products are missing.

(3) An application for rectification may be made either to the Registrar or to the Court, except that—

(a) if proceedings concerning the geographical indication in question are pending in the Court, the application shall be made to the Court; or

(b) if in any other case the application is made to the Registrar, the applicant may at any stage of the proceedings refer the application to the Court.

(4) The Registrar or the Court may allow an application for rectification if satisfied that an error or omission exists in the Register and that the rectification should be made.

(5) Except where the Registrar or the Court directs otherwise, the effect of rectification of the Register is that the error or omission in question shall be deemed never to have been made.

(6) The Registrar may, on request made in the prescribed manner by the registrant of a registered geographical indication, enter any change in the registrant's name or address as recorded in the Register.

(7) The Registrar may remove from the Register any matter appearing to have ceased to have effect.

Cancellation.

31.—(1) The registration of a geographical indication may be cancelled by—

(a) the Registrar upon an application by the registrant; or

(b) the Court or the Registrar upon an application by any other person on any of the grounds specified in sub-section (2).

(2) The grounds referred to in sub-section (1)(b) are that—

(a) the geographical indication was registered in breach of section 11;

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- (b) the registration was obtained fraudulently or by misrepresentation;
 - (c) the geographical indication has ceased to be protected in its country or territory of origin; or
 - (d) there has been a failure to maintain, in Belize, any commercial activity or interest in relation to the geographical indication, including commercialisation, promotion or market monitoring.
- (3) An application under sub-section (1)(b) may be made either to the Registrar or to the Court, except that—
- (a) if proceedings concerning the geographical indication in question are pending in the Court, the application must be made to the Court; and
 - (b) if in any other case the application is made to the Registrar, the Registrar may at any stage of the proceedings refer the application to the Court.
- (4) The Minister may make regulations—
- (a) to provide for the manner by which a registration of a geographical indication may be cancelled under sub-section (1)(a); and
 - (b) for protecting the interests of other persons having an interest in the registered geographical indication.
- (5) Where the registration of a geographical indication is cancelled under sub-section (1)(a), the rights conferred by the registration on any interested party with respect to goods identified by the geographical indication shall cease to exist with effect from the date of the cancellation of the registration.
- (6) Where the registration of a geographical indication is cancelled on a ground referred to in sub-section (2)(a) or (b), the geographical indication shall be deemed never to have been registered.
- (7) Where the registration of a geographical indication is cancelled on a ground referred to in sub-section (2)(c) or (d), the rights conferred by the registration on any interested party in respect of goods identified by the geographical indication shall cease to exist with effect from—
- (a) the date of the application for cancellation; or
 - (b) if the Registrar or the Court is satisfied that the ground existed at an earlier date, that earlier date.
- (8) A cancellation of the registration of a geographical indication under this section shall not affect any rights in respect of the geographical indication that are not conferred by the registration.
- (9) In any proceedings under this Act, notice of the request for cancellation under this section or rectification under section 30 shall—
- (a) be served on the person or registrant who filed the application for registration of the geographical indication; and
 - (b) by a publication in the prescribed manner, be given to all persons having the right to use the geographical indication under section 35.

(10) The persons referred to in sub-section (9) and any other interested person may, within such period as the Court or Registrar specifies in the notice and publication referred to in that sub-section, apply to be joined in the proceedings.

(11) If the proceedings are conducted in the Court, the Court shall notify the Registrar of the decision of the Court or the decision on any appeal and the Registrar shall record it and publish a notice of the decision as soon as possible.

Security for costs.

32. The Registrar may require a person who neither resides nor carries on business in Belize to give security for the costs of proceedings under this Act, and may, if security is not given, dismiss the proceedings, if the person—

- (a) gives notice of objection under section 27; or
- (b) applies to the Registrar under section 31 for cancellation of a registered geographical indication.

PART V

Registration of Foreign Geographical Indications

Application requirements for foreign geographical indication registration.

33.—(1) A foreign geographical indication shall be registered through the submission of an application to the Registrar in accordance with the provisions of this Act.

(2) A foreign geographical indication shall be eligible for registration as long as the foreign geographical indication is protected in accordance with the applicable laws in its country of origin and is not in conflict with the provisions of this Act.

(3) The Registrar shall not allow the registration of a foreign geographical indication which has ceased to be protected in its country of origin or has fallen into disuse in that country.

Procedure for foreign geographical indication registration.

34. Part IV shall apply *mutatis mutandis* to the foreign geographical indication registration procedure.

PART VI

Effects of Geographical Indications Registration

Rights conferred.

35.—(1) When a geographical indication is registered in accordance with the provisions of this Act, the right to use the registered geographical indication in the course of trade in respect of such products is limited to producers of goods that possess the quality, reputation or other characteristic specified in the Register, and who—

- (a) carry on their activity in the geographical area specified in the Register; and
- (b) comply with the product specifications of the concerned geographical indication.

(2) A right referred to in sub-section (1) shall not be transferable.

(3) Any interested party shall have the right to institute proceedings in the Court either against—

- (a) any person who uses the geographical indication of the registrant without authorisation; or
- (b) any geographical indication user who infringes a geographical indication as provided for in section 14.

(4) A list of authorised users of the geographical indication shall be established and maintained by the registrant.

36.—(1) The Registrar shall not be taken to warrant the validity of the registration of a geographical indication under this Act or under any treaty, convention, arrangement or engagement to which Belize is a party.

Exclusion of liability in respect of official acts.

(2) The Registrar shall not incur any liability by reason of, or in connection with, any examination required or authorised by this Act, or any such treaty, convention, arrangement or engagement, or any report or other proceedings consequent on such examination.

(3) A member of staff of the Office of Intellectual Property shall not incur any liability in respect of any matter for which, by virtue of this section, the Office or the Registrar is not liable.

37.—(1) The Court shall have jurisdiction in cases of dispute relating to the application of this Act and in matters which are to be referred to the Court under this Act.

Appeals.

(2) Any decision taken by the Registrar under this Act may be the subject of an appeal by any interested party or competent authority before the Court, and such appeal shall be filed within two months of the date of the decision.

38.—(1) Subject to the provisions of this Act, the registration of a geographical indication shall have effect for a period of ten years from the date of registration referred to in section 29(2).

Duration of registration.

(2) Subject to section 39, the registration of a geographical indication shall continue in force until it is cancelled or invalidated in accordance with this Act or until the period referred to in sub-section (1) has expired, as the case may be.

39.—(1) The registration of a geographical indication may be renewed at the request of the registrant, subject to payment of a prescribed renewal fee.

Renewal of registration.

(2) The Registrar shall, in the prescribed manner, inform the registrant of a registered geographical indication, before the expiry of the registration, of the date of expiry and the procedure by which the registration may be renewed.

(3) A request for renewal shall be made along with payment of a renewal fee before the expiry of the registration, and where this is not done, the request may be made and the fee paid within such further period as may be prescribed, in addition to an additional renewal fee which shall also be paid within that period.

(4) Renewal shall take effect from the expiry of the previous registration.

(5) If the registration is not renewed in accordance with this section, the Registrar shall remove the geographical indication from the Register.

(6) Regulations may be made for the restoration of the registration of a geographical indication which has been removed from the Register, subject to such conditions, if any, as may be prescribed.

(7) The renewal or restoration of the registration of a geographical indication shall be published.

40. The Registrar shall, before exercising any discretionary power under this Act in a manner that is likely to adversely affect any party to proceedings before the Registrar, give that party an opportunity to be heard.

Exercise of discretionary power.

41. The Registrar shall publish everything required to be published under this Act in the Journal or in any other place as may be prescribed.

Publication.

PART VII

Special Provisions Concerning Marks

42.—(1) The Registrar may, on the Registrar's own motion or at the request of an interested party, refuse or invalidate the registration of a trade mark which contains or consists of a geographical indication with respect to goods not originating in the territory indicated if use of the indication in the trade mark for such goods in Belize is of such a nature as to mislead the public as to the true place of origin.

Misleading marks.

(2) Where the Registrar—

- (a) refuses to register a trade mark, the Registrar shall notify the proprietor of the trade mark of such refusal within the prescribed time, or
- (b) invalidates the registration of a trade mark, the Registrar shall cause to be published in the prescribed manner, a notice of such invalidation.

PART VIII

Offences, Orders and Civil Proceedings

43.—(1) It shall be an offence for a person to make, or cause to be made, a false entry in the Register of geographical indications, knowing or having reason to believe that it is false.

Falsification of Register, etc.

(2) It shall be an offence for a person to—

- (a) make or cause to be made anything falsely purporting to be a copy or an extract of an entry in the Register, knowing or having reason to believe that it is false; or
- (b) produce or tender or cause to be produced or tendered in evidence anything falsely purporting to be a copy or an extract of an entry in the Register, knowing or having reason to believe that it is false.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

Unauthorised use of geographical indications.

44.—(1) Any person who, with intent to gain for himself or another, or with intent to cause a loss to another, and without the consent of the interested party or competent authority, uses a geographical indication in a manner specified in section 14, commits an offence and, subject to sub-section (2), is liable on conviction on indictment to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

(2) Where the Court is satisfied that any benefits were derived by or accruing to a person convicted under sub-section (1) from the commission of an offence under this section, the Court may order the person convicted to pay to the Crown such pecuniary penalty as the Court determines to be equivalent to the total value of such benefits.

Order for delivery up of goods, materials and articles.

45.—(1) In any action brought under section 14 in relation to a geographical indication, the Court may, in addition to any other relief granted under this Act, order any of the following in the possession of the defendant to be delivered up to the claimant—

- (a) goods in respect of which the defendant has been found to be carrying out or to have carried out, in relation to the geographical indication, an act to which section 14 applies;
- (b) material–
 - (i) which bears an indication identical with or similar to the geographical indication; and
 - (ii) which is used by the defendant for labelling or packaging goods, as a business paper, or for advertising goods; or
- (c) articles–
 - (i) used by the defendant to make upon material referred to in paragraph (b), copies of an indication identical with or similar to the geographical indication;
 - (ii) which are in the possession, custody or control of the defendant and the defendant knows or has reason to believe that they have been, or are to be, used to make upon material referred to in paragraph (b), copies of an indication identical with or similar to the geographical indication; or
 - (iii) in respect of which the defendant has been found to be carrying out or to have carried out, in relation to the geographical indication, an act to which section 14 applies.

(2) No order shall be made under this section unless the Court also makes, or it appears to the Court that there are grounds for making, an order under section 20.

(3) A person to whom any goods, material or articles are delivered up pursuant to an order under this section shall, if an order under section 20 is not made, retain the goods pending the making of an order under that section, or until the decision not to make such order.

46.–(1) Where any goods, materials or articles have been delivered up pursuant to an order under section 45, an application may be made to the Court for–

Order as to disposal of goods, materials or articles.

- (a) an order that they be destroyed or forfeited to such person as the Court thinks fit; or
- (b) a decision that no such order should be made.

(2) In considering what order, if any, should be made, the Court shall have regard to–

- (a) whether other remedies available in an action under section 20 would be adequate to compensate the claimant and protect the interest of the claimant; and
- (b) the need to ensure that no goods, material or articles are disposed of in a manner that would adversely affect the claimant.

(3) The Court shall issue directions as to the service of notice on persons having an interest in the goods, material or articles.

(4) Any person having an interest in the goods, material or articles is entitled to appear in proceedings for an order under this section, whether or not that person is served with notice under sub-section (3), and to appeal

against any order made, whether or not that person appears in the proceedings for that order.

(5) An order made under this section shall not take effect until the end of the period within which notice of an appeal may be given or, if before the end of that period notice of appeal is duly given, until the final determination or abandonment of the proceedings on the appeal.

(6) Where there is more than one person interested in the goods, materials or articles, the Court may direct that the goods, materials or articles be sold, or otherwise dealt with, and the proceeds divided, and shall make any other order as it thinks just.

(7) If the Court decides that no order should be made under this section, the person in whose possession, custody or control the goods, materials or articles were before being delivered up, is entitled to their return.

PART IX

Miscellaneous Provisions

Act not to affect the implementation of certain rules.

47. Nothing in this Act shall affect the implementation and application of rules relating to—

- (a) safety and hygiene; and
- (b) the placing of products on the market, competition rules, anti-fraud and consumer deception, except to the extent that this Act expressly provides otherwise.

Power of the Minister to make regulations.

48.—(1) The Minister may make regulations—

- (a) prescribing anything that is required by this Act to be prescribed; or
- (b) generally for giving effect to the provisions of this Act.