



BERMUDA

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

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[made under sections 38 and 39 of the Trade Marks Act 1974 and brought into operation on 19 June 1993]

TABLE OF CONTENTS

- 1 Citation and commencement
- 2 Interpretation
- 3 Forms

CLASSIFICATION

- 4 Classification of goods and services
- 5 Application for conversion
- 6 Proposal for amendment
- 7 Registration of conversion

GENERAL POINTS OF PROCEDURE

- 8 Size of documents
- 9 Signature of documents
- 10 Service of documents
- 11 Furnishing of address
- 12 Address for service
- 13 Agents

REGISTRABILITY

- 14 Marks subject to statutory restriction
- 15 Marks requiring particular consideration
- 16 Arms of city, etc
- 17 Living persons etc
- 18 Goods or services described on a mark
- 19 Preliminary advice

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

APPLICATION FOR REGISTRATION

20	Application for registration and request for amendment
21	Address for applications
22	Separate applications
23	Representation of the mark
24	Additional forms and representations
25	Cases of difficulty
26	Retention of specimen or copy
27	Series of marks
28	Transliteration and translation
29	British marks
30	Search
31	Acceptance and objection
32	Response to objections
33	Conditions, etc
34	Decision of Registrar
35	Disclaimer
36	Application for a defensive trade mark

ADVERTISEMENT AND OPPOSITION

37	Advertisement of application
38	Advertisement under section 19 or 37
39	Notice of opposition
40	Contents of notice
41	Counter-statement
42	Evidence in support of opposition
43	Evidence in support of application
44	Evidence in reply
45	Further evidence
46	Exhibits
47	Hearing
48	Subsequent extension of time
49	Withdrawal of appeal
50	Security for costs
51	Costs in uncontested cases

REGISTRATION AND RENEWAL

52	Non-compliance
53	Entry in register
54	Associated marks
55	Death of an applicant before registration
56	Certificate of registration
57	Renewal of registration
58	Notice before expiry of registration
59	Removal from register - restoration
60	Endorsement of certificate of registration
61	Record of removal

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

- 62 Joint application for registration of assignment or transmission
- 63 Application by subsequent proprietor for registration of assignment or transmission
- 64 Particulars to be stated in application
- 65 Case accompanying application
- 66 Proof of title
- 67 Assignment without goodwill
- 68 Entry of assignment or transmission in register
- 69 Separate registrations
- 70 Advertisement of assignment without goodwill
- 71 Alteration of address
- 72 Application for rectification or removal
- 73 Further procedure
- 74 Intervention by third parties
- 75 Request for alteration of the register
- 76 Evidence for alteration
- 77 Advertisement of request to enter disclaimer or memorandum
- 78 Application for alteration of registered mark
- 79 Advertisement before decision
- 80 Alteration of mark
- 81 Advertisement of altered mark

REGISTERED USERS

- 82 Application for entry of registered users
- 83 Entry of registered user
- 84 Application to vary entry
- 85 Application by proprietor or user to cancel entry
- 86 Application by any person to cancel entry
- 87 Cancellation and striking out
- 88 Notification and hearing

SUPPLEMENTARY

- 89 Extension of time
- 90 Dispensing with evidence
- 91 Amendments and irregularities
- 92 Certificates by Registrar
- 93 Search
- 94 Inspection of documents
- 95 Days and hours of business
- 96 Revocation

FIRST SCHEDULE FORMS

SECOND SCHEDULE CLASSIFICATION OF GOODS

THIRD SCHEDULE CLASSIFICATION OF GOODS AND SERVICES

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

FOURTH SCHEDULE
CLASSIFICATION OF GOODS AND SERVICES

FIFTH SCHEDULE
CLASSIFICATION OF GOODS AND SERVICES

SIXTH SCHEDULE
CLASSIFICATION OF GOODS AND SERVICES

Citation and commencement

1 These Regulations may be cited as the Trade Marks and Service Marks Regulations 1993 and shall come into operation on 19th June, 1993.

Interpretation

2 (1) In these Regulations unless the context otherwise requires—

“the 1974 Act” means the Trade Marks Act 1974 as it has effect with respect to trade marks;

“agent” means an agent duly authorized to the satisfaction of the Registrar in accordance with regulation 13(3);

“appropriate fee” means the fee prescribed under the Government Fees Act 1965 ;

“form” means the prescribed form in the First Schedule;

“the modified 1974 Act” means the Trade Marks Act 1974 as it has effect with respect to service marks;

“Registry” means the office of the Registrar-General;

“specification” means the designation of goods or, as the case may be, services in respect of which a trade mark or a service mark, or a registered user of a trade mark or a service mark, is registered or proposed to be registered.

(2) In these Regulations, references to something being filed at a place or with a person are to be construed as references to its being sent to that place or person or made or left at that place or given or made to or left with that person, or to that person being furnished with it; and references to the filing of any thing without an indication of the place at which or person with whom it is to be filed are to be construed as references to its being filed with the Registrar at the Registry.

Forms

3 (1) The forms mentioned in these Regulations are forms prescribed by regulations.

(2) The prescribed form of certificate of registration required by section 21(2) of the 1974 Act and the modified 1974 Act shall be as set out in the First Schedule.

(3) Where the form of any application, notice or other document to be used for anything to be done under the 1974 Act or these Regulations is not prescribed in the First Schedule the application shall be made, the notice shall be given or the document shall be

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

as near as may be in the form prescribed in the United Kingdom for the analogous provisions of the Trade Marks Act 1938 and the Trade Marks Act 1938 as it has effect with respect to service marks and the rules made thereunder: however, the Registrar may accept an application, notice or other document which is not in the form required by this regulation.

(4) The Registrar may direct that a form prescribed for a purpose may be modified in such manner as he may direct for other purposes.

CLASSIFICATION

Classification of goods and services

4 (1) For the purposes of trade mark registrations dated before 1st July 1975 and of registrations of registered users thereunder, goods are classified in accordance with the Second Schedule except in the case of a specification converted to the Third, Fourth, Fifth or Sixth Schedule in accordance with regulation 5.

(2) For the purposes of trade mark registrations dated before 1 May 2013, and of registrations of registered users thereunder in respect of which the specifications have been converted in accordance with regulation 5, goods are classified in accordance with Part I of the Third Schedule or Part I of the Fourth Schedule or Part I of the Fifth Schedule or Part I of the Sixth Schedule.

(3) For the purposes of service marks registered before 1 May 2013, and of registered users thereunder in respect of which the specifications have been converted in accordance with regulation 5, services are classified in accordance with Part II of the Third Schedule or Part II of the Fourth Schedule or Part II of the Fifth Schedule or Part II of the Sixth Schedule.

(4) For the purposes of trade mark registrations dated on or after 1 May 2013, goods and services are classified in accordance with the Sixth Schedule.

[Regulation 4 para (1) amended, (2) and (3) substituted, and (4) inserted, by BR 8/2003 effective 17 February 2003; para (1) amended, (2), (3), and (4) revoked and substituted by BR 70/2009 reg. 2 effective 13 November 2009; paras (1), (2), (3) and (4) amended by BR 39 / 2013 reg. 2 effective 1 May 2013]

Application for conversion

5 (1) Where the specification of a registered trade mark is founded on the Second, Third, Fourth or Fifth Schedule, the registered proprietor may make application to the Registrar in writing accompanied by the appropriate fee for the conversion of that specification so that it may be founded on the Third, Fourth, Fifth or Sixth Schedule, whether with or without the striking out of goods or services therefrom, but so that the registration retains its original date, and he shall include in the application a request for the like conversion of the specification of the goods or services of any registered user under that registration.

(2) After receipt of the application the Registrar, in accordance with section 38(3) of the 1974 Act, shall send to the registered proprietor a proposal showing the form which, in the Registrar's view, the amendment of the register shall take.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

(3) Two or more registrations of a trade mark in respect of goods or services falling within the same class of the Third, Fourth, Fifth or Sixth Schedule, having the same date of registration, may be amalgamated upon conversion in accordance with this regulation.

[Regulation 5 paras (1) and (3) substituted by BR 8/2003 effective 17 February 2003; paras (1) and (3) revoked and substituted by BR 70/2009 reg. 3 effective 13 November 2009; paras (1) and (3) amended by BR 39 / 2013 reg. 3 effective 1 May 2013]

Proposal for amendment

6 (1) The proposal for amendment under section 38(3) of the 1974 Act shall be advertised by the applicant in one issue of the Gazette.

(2) Written notice of opposition shall be given within two months from the date of the advertisement and shall be accompanied by the appropriate fee, a duplicate of the notice and a statement in duplicate showing how the proposed conversion would be contrary to section 38(2) of the 1974 Act.

(3) The Registrar shall send the duplicate copies to the registered proprietor, who shall, two months from the date of the Registrar's letter sending such duplicates, send to the Registrar a counter-statement setting out fully the grounds on which the opposition is contested. The counter-statement shall be accompanied by a duplicate, which the Registrar shall forthwith send to the opponent.

(4) The Registrar may then require or admit evidence directed to the questions in issue, and if so desired by either party he shall before deciding the matter, give the parties an opportunity of being heard thereon.

Registration of conversion

7 (1) When a proposal for conversion of a specification in accordance with regulation 6 has been advertised and has not been opposed, and the time for notice has expired, or having been opposed the opposition has been determined and a conversion allowed, the Registrar shall make all entries in the register necessary to give effect to the conversion in accordance with the proposal as advertised or the proposal as amended after opposition or appeal thereon, and shall enter in the register the date when the entries were made.

(2) For the purpose of determining the next renewal of a registration the specification of which has been so converted the expression "the expiration of the last registration" shall have regard to the same date as it had, in accordance with section 23(2) of the 1974 Act, with regard to the registration before conversion.

GENERAL POINTS OF PROCEDURE

Size of documents

8 Subject to any other directions that may be given by the Registrar, all applications, notices, representations or other documents required by the 1974 Act, the modified 1974 Act or these Regulations to be left with or sent to the Registrar shall be upon strong paper of a size of approximately 8½ inches (21.59 cm) by 14 inches (35.56 cm), and, except in the case of statutory declarations and affidavits, on one side only, and shall have on the left hand part thereof a margin of not less than one inch and a half.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Signature of documents

9 (1) A document signed for or on behalf of a firm shall be signed by all of the partners, by any of the partners stating that he signs on behalf of the firm or by any other person who satisfies the Registrar that he is authorised to sign the document.

(2) If a document mentioned in paragraph (1) does not contain the names of all the partners in full the Registrar may send to the firm a written request to furnish him with a written statement of those names and in such a case the Registrar may decline to take any further step in the matter to which the document in question relates until the firm has so furnished such a statement.

(3) A document signed for or on behalf of a body corporate shall be signed by a director or the secretary or other principal officer of the body or by any other person who satisfies the Registrar that he is authorised to sign the document.

(4) A document signed for or on behalf of an unincorporated body or association of persons, other than a firm, may be signed by any person who satisfies the Registrar that he is authorised to sign the document.

Service of documents

10 All applications, notices, statements, representations or other documents authorised or required by the 1974 Act, the modified 1974 Act or these Regulations to be made, sent or left with the Registrar, or any other person may be sent through the post by a prepaid letter.

Furnishing of address

11 Where an address is filed under the 1974 Act, the modified 1974 Act or these Regulations it shall be as full as possible other than the postal address for the purpose of enabling any other person easily to find the place of trade or business of the person in question.

Address for service

12 (1) The Registrar may require an applicant, opponent, agent, registered proprietor or registered user who does not reside or carry on business within Bermuda to give an address for service within Bermuda and such address may be treated as the actual address of that person for all purposes connected with the matter in question.

(2) Any registered proprietor or registered user or any person about to be registered as such may, if he so desires by notice in writing accompanied by the appropriate fee, where applicable, give an address for entry in the register, and such address may be entered by the Registrar.

(3) All applications for request for entry, alteration or cancellation in the register of address for service shall be signed by the applicant for registration or the registered proprietor or the registered user, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

(4) Any thing addressed to a party or person as aforesaid at an address given by him, or treated by the Registrar, as his address for service shall be deemed to be properly addressed.

(5) The Registrar, at any time that a doubt arises as to the continued availability of an address for service entered in the register, may request the person for whom it is entered, by letter addressed to his trade or business address entered in the register, to confirm the address for service, and if within three months from the date of making the request the Registrar receives no confirmation of that address, he may strike it off the register.

Agents

13 (1) Except as otherwise required by these Regulations but without prejudice to regulation 9, any act required or permitted to be done under the 1974 Act, the modified 1974 Act or these Regulations by or to any person may be done by or to an agent authorised by that person orally or in writing.

(2) In any particular case the Registrar may require the personal signature or presence of any person.

(3) Any such applicant, person making request or giving notice, proprietor or registered user may appoint an agent to act for him in any proceeding or matter before or affecting the Registrar under the 1974 Act, the modified 1974 Act and these Regulations by signing and sending to the Registrar an authority to that effect in Form TM 13, or in such other written form as the Registrar may deem sufficient.

(4) Where, after a person has become a party to proceedings before the Registrar, he appoints an agent for the first time or appoints one agent in substitution for another, the newly appointed agent shall file Form TM 13 in duplicate on or before the first occasion on which he acts as agent.

(5) The Registrar may decline to recognise as an agent any person who is proved to the Registrar or, on appeal, to the Minister to have been guilty of conduct discreditable to an agent appointed to act in accordance with this regulation, and without prejudice to the generality of the foregoing the following shall be regarded as evidence of such conduct:

- (a) conviction of a criminal offence;
- (b) having been struck off and not restored to the Roll of the Court (other than for reasons which would not be discreditable in a person who was not a barrister and attorney);
- (c) suspension for the time being from acting as a barrister and attorney.

REGISTRABILITY

Marks subject to statutory restriction

14 (1) The Registrar shall refuse to accept an application of a mark on which appears the words "Red Cross" or "Geneva Cross" and representations of the Geneva and other crosses in red, or of the Swiss Federal Cross in white on a red ground or silver on a red ground, or such representations in a similar colour or colours.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

(2) Where there appears in a trade mark or a service mark the registration of which is applied for a representation of a cross in any colour, not being one of those mentioned in paragraph (1), the Registrar may require the applicant as a condition of acceptance to undertake not to use the cross device in red, or in white on a red ground or silver on a red ground, or in any similar colour or colours.

(3) In any case in which there appears on a mark any thing the use of which by the applicant would not be in violation of paragraph (1) or (2) but which may be likely to be mistaken for any of the things mentioned in paragraph (1) or (2), the Registrar shall consider whether, if otherwise he would accept the application, the acceptance of the application should be subject to any amendment, modification, condition or limitation.

Marks requiring particular consideration

15 (1) The Registrar shall consider whether to refuse to accept an application for the registration of a mark on which any of the following appear:

- (a) representations of the Royal crests or armorial bearings or of insignia or devices so nearly resembling any of them as to be likely to be mistaken for them;
- (b) representations of the Sovereign or any member of the Royal Family or any colourable imitation thereof;
- (c) representations of the Royal Crown or seal or of the Royal or national flags;
- (d) the use of any words, letters or devices in such a manner as to be likely to lead persons to think that the applicant either has or recently has had Royal patronage or authorisation;
- (e) a representation of the arms, or any flag or seal of Bermuda;
- (f) a representation of the arms or emblem of a city or town in Bermuda or of a public authority or public institution in Bermuda;
- (g) the word or words "Patent", "by Royal Letters Patent", "Registered Design", "Copyright", "to counterfeit this is a forgery", or a word or words to the like effect.

(2) Representations of exhibition medals and awards that have been granted to an applicant or his predecessor in business in respect of the goods or services for which a trade mark or a service mark is proposed to be registered may appear on the mark but shall not be accepted as a registrable feature thereof; but representations of medals and awards that have not been so granted to the applicant or his predecessor in business may not appear on the mark.

Arms of city, etc

16 Where a representation of the name, initials, armorial bearings, insignia, orders of chivalry, decorations or flags of any international organisation, state, city, borough, town, place, society, body corporate, institution or person appears on a mark, the Registrar shall consider whether to refuse to accept an application for the registration of the mark unless

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

the consent of such official or other person as appears to the Registrar to be entitled to give consent is filed.

Living persons etc

17 Where the name or representation of any person living or recently dead appears on a mark, the Registrar shall consider whether to refuse to accept an application for the registration of the mark unless the consent of that person or, as the case may be, his legal representative is filed.

Goods or services described on a mark

18 (1) Where the name or description of any goods appears on a trade mark or the name or description of any services appears on a service mark, the Registrar shall consider whether to refuse to register such mark in respect of any goods or services, as the case may be, other than the goods or services so named or described.

(2) Where the name or description of any goods appears on a trade mark or the name or description of any services appears on a service mark and (in either case) the name or description in use varies, the Registrar shall consider whether to refuse to permit the registration of the mark for those and other goods or services, as the case may be, unless the applicant states in his application that the name or description will be varied when the mark is used upon goods or services covered by the specification other than the named or described goods or services.

Preliminary advice

19 (1) Any person who proposes to apply for the registration of a trade mark or a service mark in Part A or Part B of the register in respect of any goods or services may on Form TM 1 or where he is also making an application under regulation 93(1) on Form TM 2 apply to the Registrar for advice as to whether the mark of which representations shall accompany the Form, appears to the Registrar prima facie to be inherently adapted to distinguish within the meaning of section 10 of the 1974 Act or the modified 1974 Act, as the case may be, in relation to those goods or services or prima facie to be inherently capable of distinguishing within the meaning of section 11 of the 1974 Act or the modified 1974 Act, as the case may be, in relation to these goods or services, and shall apply separately in relation to those goods or services comprised within different classes of goods or services as set out in the Sixth Schedule.

(2) The application shall be accompanied by the appropriate fee.

(3) Notice of withdrawal of an application for the registration of a trade mark or a service mark given under section 41(2) of the 1974 Act or the modified 1974 Act, as the case may be, for the purpose of obtaining repayment of any fee paid on the filing of the application shall be given in writing within two months from the date of the notice of the Registrar's objection.

[Regulation 19 para (1) amended by BR 8/2003 effective 17 February 2003; para (1) amended by BR 70/2009 reg. 4 effective 13 November 2009; para (1) amended by BR 39 / 2013 reg. 4 effective 1 May 2013]

APPLICATION FOR REGISTRATION

Application for registration and request for amendment

20 (1) An application for registration of a trade mark or a service mark in Part A or Part B of the register shall be addressed to the Registrar on Form TM 3 accompanied by the appropriate fee, shall have affixed thereto a representation of the mark and shall be signed by the applicant or his agent.

(2) If the application is made for or on behalf of a partnership or a body corporate it shall be signed for in the manner provided by regulation 9 but in either case it may be signed by an agent authorised in accordance with regulation 13(3).

(3) Each application shall be for registration in respect of one class only of the Sixth Schedule.

(4) A request under section 18 of the 1974 Act or the modified 1974 Act for the amendment of an application for registration may be made in such manner or form as specified by the Registrar.

(5) In the case of an application for registration in respect of all goods or services included in a class or in respect of a large variety of goods or services, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if and when it is registered.

[Regulation 20 para (3) amended by BR 8/2003 effective 17 February 2003; para (3) amended by BR 70/2009 reg. 5 effective 13 November 2009; para (3) amended by BR 39 / 2013 reg. 5 effective 1 May 2013]

Address for applications

21 Any application to register a trade mark and any application to register a service mark shall be filed with the Registrar at the Registry.

Separate applications

22 (1) Applications for the registration of the same mark in different classes shall be treated as separate and distinct applications.

(2) Where a trade mark is registered under the same official number for goods in more than one class, whether on conversion of the specification under regulation 5 or otherwise, the registration in respect of the goods included in each separate class shall be deemed to be a separate registration for all the purposes of the 1974 Act.

Representation of the mark

23 (1) Every application for the registration of a trade mark or a service mark shall contain a representation of the mark in the space provided on the application form for that purpose.

(2) In any application, the Registrar, if dissatisfied with any representation of a mark, may at any time require another representation satisfactory to him to be substituted before proceeding with the application.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Additional forms and representations

24 Each application shall be accompanied by three additional representations of the mark exactly corresponding to that affixed to Form TM 3.

Cases of difficulty

25 Where a representation cannot be filed in accordance with regulations 23 and 24, a specimen or copy of the mark either of full size or on a reduced scale may, subject to the consent of the Registrar, be filed in any convenient form.

Retention of specimen or copy

26 The Registrar shall retain for inspection by the public each specimen or copy filed under regulation 25 and may refer thereto in the register in such manner as he may think fit.

Series of marks

27 Where application is made for the registration of a series of trade marks or service marks under section 24 of the 1974 Act or the modified 1974 Act, a representation of each mark of the series shall be affixed as aforesaid, to the application form, and three additional sets of representations shall be supplied therewith.

Transliteration and translation

28 (1) Where a trade mark or a service mark contains a word or words in characters other than Roman, there shall, unless the Registrar otherwise directs, be endorsed on the application and on each of the accompanying forms bearing additional representations a sufficient transliteration and translation of that word or each of those words to the satisfaction of the Registrar, and every such endorsement shall state the language to which the word in question belongs and shall be signed by the applicant or his agent.

(2) Where a trade mark or a service mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof together with the name of the language, and such translation and name shall, if he so requires, be endorsed and signed as provided for in paragraph (1).

British marks

29 An application for a United Kingdom trade mark or service mark made under section 18(4) of the 1974 Act or the modified 1974 Act shall, in addition to complying with regulations 20 to 28, be accompanied by a certificate of the Comptroller-General of the United Kingdom Patent Office giving full particulars of the registration of the trade mark or service mark in the United Kingdom.

Search

30 (1) Upon receipt of an application for the registration of a trade mark or service mark, the Registrar shall, for the appropriate purpose specified in paragraph (2) or (3), cause a search to be made amongst the registered marks and pending applications; and the Registrar may cause the search to be renewed at any time before the acceptance of the application, but shall not be bound to do so.

(2) In the case of an application for the registration of a trade mark in respect of any goods the appropriate purpose mentioned in paragraph (1) is that of ascertaining whether, for the same goods, for the same description of goods or for services or a description of services associated with the goods or goods of that description, there are on record any marks identical with the mark applied for or so nearly resembling it as to render the mark applied for likely to deceive or cause confusion.

(3) In the case of an application for the registration of a service mark in respect of any services the appropriate purpose mentioned in paragraph (1) is that of ascertaining whether for the same services, for the same description of services or for goods or a description of goods associated with the services or services of that description, there are on record any marks identical with the mark applied for or so nearly resembling it as to render the mark applied for likely to deceive or cause confusion.

Acceptance and objection

31 After a search in accordance with regulation 30 and after consideration of the application and of any evidence of use or distinctiveness or of any other matter which the applicant may, or may be required to file, the Registrar may accept it absolutely, or he may object to it, or he may express his willingness to accept it subject to such conditions, amendments, disclaimer, modifications or limitations as he may think right to impose.

Response to objections

32 If the Registrar objects to the application he shall send his objections to the applicant in writing, and unless within six months from the date of receipt of those objections the applicant files an application for a hearing or a considered reply in writing to those objections he shall be deemed to have withdrawn his application.

Conditions, etc

33 (1) If the Registrar is willing to accept the application subject to any conditions, amendments, disclaimer, modifications or limitations he shall send to the applicant written notice of such willingness.

(2) If the applicant objects to such conditions, amendments, disclaimer, modifications or limitations he shall within six months from the date of the receipt of the notice apply for a hearing or file his considered objections in writing, and if he does not do so he shall be deemed to have withdrawn his application.

Decision of Registrar

34 (1) The decision of the Registrar, at a hearing as in regulation 32 or 33, or without a hearing if the applicant has duly communicated his considered objections or considered reply in writing, and has stated that he does not desire to be heard, shall be communicated to the applicant in writing, and if the applicant objects to such decision he may within one month by making an application in writing accompanied by the appropriate fee, require the Registrar to state in writing the grounds of, and the materials used by him in arriving at, his decision.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

(2) Where the Registrar makes any requirements to which the applicant does not object, the applicant shall comply therewith before the Registrar issues such statement in writing.

(3) The date when the statement is sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

Disclaimer

35 The Registrar may call upon an applicant to insert into his application such disclaimer as the Registrar may think fit in order that the public generally may understand what the applicant's rights, if his mark is registered, will be.

Application for a defensive trade mark

36 (1) An application for the registration of a defensive trade mark under section 30 of the 1974 Act shall be accompanied by a statement of case setting forth full particulars of the facts on which the applicant relies in support of his application, verified by a statutory declaration on Form TM 11 made by the applicant or some other person approved for the purpose by the Registrar.

(2) The applicant may file with the statutory declaration or within such time as the Registrar may allow such other evidence as he may desire, whether after request made by the Registrar or otherwise, and the Registrar shall consider the whole of the evidence before deciding on the application.

(3) Subject to paragraphs (1) and (2), these Regulations shall, except to the extent that they are inappropriate or it is otherwise provided, apply to applications for the registration of defensive trade marks as they apply to applications for the registration of ordinary trade marks.

ADVERTISEMENT AND OPPOSITION

Advertisement of application

37 (1) An application for registration of a trade mark or a service mark required or permitted to be advertised by section 19(1) of the 1974 Act or the modified 1974 Act, as the case may be, shall be advertised in the Gazette.

(2) In the case of an application with which the Registrar proceeds only after the applicant has filed the written consent to the proposed registration of the registered proprietor, or the applicant for the registration, of another mark (whether a trade mark or a service mark) the words "By Consent" and the number of the other mark shall appear in the advertisement.

(3) If no representation of the mark be included in the advertisement, the Registrar shall refer in the advertisement to the place or places where a specimen or copy of the mark is available for inspection.

Advertisement under section 19 or 37

38 Advertisements under section 19(10), 37(2) and 37(5) of the 1974 Act and the modified 1974 Act shall be made in the same manner, with such modifications as may be

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

required to suit the circumstances, as advertisements relating to an application for registration.

Notice of opposition

39 Any person may, within two months from the date of any advertisement in the Gazette of an application for registration of a trade mark or a service mark, file in duplicate in writing notice of opposition to the registration and the Registrar shall forthwith send the duplicate to the applicant.

Contents of notice

40 (1) Notice of opposition shall include a statement of the grounds upon which the opponent objects to the registration opposed.

(2) If registration is opposed on the ground that the mark resembles another mark already on the register or the registration of which is the subject of a current application, the number and class of that mark and (except in the case of a mark the subject of an application not yet advertised) the date of issue of the Gazette in which it has been advertised shall be set out in the notice.

Counter-statement

41 (1) Within two months from the date of receipt of the duplicate provided for in regulation 39, the applicant shall file a counter-statement setting out the grounds on which he relies as supporting his application and the facts, if any, alleged in the notice of opposition which he admits.

(2) The counter-statement shall be accompanied by a duplicate.

Evidence in support of opposition

42 Upon receipt of the counter-statement and duplicate provided for in regulation 41, the Registrar shall forthwith send the duplicate to the opponent and within six months from the date of receipt of the duplicate the opponent shall file such evidence by way of statutory declaration as he may desire to adduce in support of his opposition and shall send to the applicant a copy of that evidence.

Evidence in support of application

43 If the opponent files no evidence in accordance with regulation 42 he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition; but if he does so file evidence the applicant shall, within six months from the date of his receipt of the copy of the opponent's evidence provided for in regulation 42, file such evidence by way of statutory declaration as he may desire to adduce in support of his application and shall send to the opponent a copy of that evidence.

Evidence in reply

44 (1) Within six months of the date of receipt by the opponent of the copy of the applicant's evidence provided for in regulation 43 the opponent may file evidence in reply by way of statutory declaration and shall send to the applicant a copy of that evidence.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

(2) Evidence in reply shall be confined to matters strictly in reply to the applicant's evidence.

Further evidence

45 No further evidence may be filed on either side, except that in any proceedings before him the Registrar may at any time if he thinks fit give leave to either party to file evidence upon such terms as to costs or otherwise as he may think fit.

Exhibits

46 (1) Where there are exhibits to declarations filed as evidence in an opposition, the party filing them shall, on the request and at the expense of the other party, send to him a copy or impression of each exhibit or, if a copy or impression cannot conveniently be sent, the originals shall be filed so that they may be open to inspection.

(2) The originals shall be produced at the hearing unless the Registrar otherwise directs.

Hearing

47 (1) As soon as possible after completion of the evidence the Registrar shall send to the parties notice of a date when he will hear argument in the case.

(2) The date for hearing argument shall be at least fourteen days after the date of receipt of the notice by the parties, unless the parties consent to shorter notice.

(3) Within seven days from the date of receipt of the notice any party who intends to appear shall give notice in writing and any party who does not do so may be treated as not desiring to be heard, and the Registrar may act accordingly.

Subsequent extension of time

48 Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, if he thinks fit, without giving that party a hearing, grant to any other party any reasonable extension of time, on payment of the appropriate fee, in which to take any subsequent step.

Withdrawal of appeal

49 Where under section 19(9) of the 1974 Act or the modified 1974 Act an appellant is entitled to withdraw his appeal, the withdrawal shall be effected by notice given to the Registrar and to the other parties, if any, to the appeal within seven days after the leave referred to in that section has been obtained.

Security for costs

50 Where a party filing notice of opposition under regulation 39 or a counter-statement under regulation 41 neither resides nor carries on business in Bermuda the Registrar may require him to give security, in such form as the Registrar may deem sufficient, for the costs or expenses of such proceedings before the Registrar, for such amount as the Registrar may see fit, and at any stage in the opposition proceedings may require further security to be given at any time before giving his decision in the case.

Costs in uncontested cases

51 In deciding whether costs or expenses should be awarded to an opponent where opposition is not contested by the applicant the Registrar shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was filed.

REGISTRATION AND RENEWAL

Non-compliance

52 (1) Where the registration of a trade mark or a service mark is not completed within twelve months from the date of application by reason of default on the part of the applicant, the Registrar shall give written notice to the applicant or his agent of such non-completion.

(2) If after fourteen days from the date when the notice was sent or such further time as the Registrar may allow, the registration is not completed, the application is deemed to be abandoned.

Entry in register

53 (1) As soon as may be after the expiry of the period of two months from the date of the advertisement in the Gazette of an application for the registration of a trade mark or a service mark, the Registrar shall, subject to any opposition and the determination thereof and subject also to the provisions of section 21(1) of the 1974 Act or the modified 1974 Act, as the case may be, and upon receipt of Form TM 4, accompanied by the prescribed fee, enter the mark in the register.

(2) The entry of a trade mark or a service mark in the register shall give the date of the registration, the goods or services in respect of which it is registered and all the particulars specified in section 2(1) of the 1974 Act or the modified 1974 Act, as the case may be, including -

- (a) the name and the trade or business address of the proprietor (including the name of all the partners where the proprietor is a firm);
- (b) particulars of any undertakings given by the proprietor and entered on the form of application; and
- (c) particulars affecting the scope of the registration or the rights conferred by it.

(3) In the case of an application which the Registrar accepts only after the applicant has filed the written consent to the proposed registration of the registered proprietor of another trade mark or service mark or another applicant for registration, the entry in the register shall state that it is "By Consent" and shall give the number of the other registration or application.

Associated marks

54 (1) Where a mark is registered as associated with any other mark or marks the Registrar shall note in the register in connection with the first mentioned mark the numbers of the marks with which it is associated and shall also note in the register in connection

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

with each of the associated marks the number of the first-mentioned mark as being a mark associated with it.

(2) An application under section 25(4) of the 1974 Act or the modified 1974 Act for the dissolution of the association between two or more associated marks shall be made in writing, accompanied by the appropriate fee and shall include a statement of the grounds of the application.

Death of an applicant before registration

55 In the case of the death of any applicant for the registration of a trade mark or a service mark after the date of his application, and before the trade mark or service mark has been entered on the register, the Registrar, after the expiration of the prescribed period of advertisement and the determination of any opposition to the application, may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the name, address and description of the person owning the trade mark or service mark, on such ownership being proved to the satisfaction of the Registrar.

Certificate of registration

56 Upon registration of a trade mark or a service mark the Registrar shall send to the proprietor a certificate of registration in Form TM 5 and shall affix thereto a copy of the mark supplied by the applicant under regulation 24.

Renewal of registration

57 (1) At any time not more than three months before the expiration of the last registration of a trade mark or a service mark any person may make application to the Registrar for the renewal of the registration of the mark upon Form TM 9 and, if he is not the registered proprietor, shall sign a statement that he is making application on behalf of the proprietor (if such be the case) and shall give his address.

(2) An application under this regulation shall be accompanied by the appropriate renewal fee.

Notice before expiry of registration

58 At a date not less than one month and not more than two months before the expiration of the last registration of a mark, if no Form TM 9 accompanied by the appropriate renewal fee has been received, the Registrar shall notify the registered proprietor in writing of the approaching expiration.

Removal from register - restoration

59 Where at the expiration of the last registration of a mark the appropriate renewal fee has not been paid, the Registrar may remove the mark from the register with effect from the date of expiration, but he may on application in writing on Form TM 9 made within six months from the date of the expiration accompanied by Form TM 10, the appropriate renewal fee and the appropriate restoration fee, restore the mark to the register if satisfied that it is just to do so, and upon such conditions as he may think fit to impose.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Endorsement of certificate of registration

60 If so requested by the registered proprietor the Registrar shall make an endorsement of the renewal on the certificate of registration.

Record of removal

61 Where a mark has been removed from the register, the Registrar shall cause to be entered in the register a record of the removal and of its cause.

Joint application for registration of assignment or transmission

62 Where a person becomes entitled by assignment or transmission to a registered trade mark or a registered service mark he may, conjointly with the registered proprietor, make application to the Registrar on Form TM 6 to register his title and such application shall be accompanied by the appropriate fee.

Application by subsequent proprietor for registration of assignment or transmission

63 Where a person becomes entitled to a registered trade mark or a registered service mark in the manner referred to in regulation 62, and no conjoint application as therein mentioned is made, he shall make the application to the Registrar on Form TM 7 to register his title and such application shall be accompanied by the appropriate fee.

Particulars to be stated in application

64 An application under regulation 62 or 63 shall contain the name, trade or business address, nationality and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims his entitlement, and such instrument shall be produced to the Registrar for inspection, preferably at the time of application. The full names of all the partners shall be given in the body of the application. The Registrar may in any case require and retain an attested copy of any instrument produced for inspection in proof of title, but such copy shall not be open for public inspection.

Case accompanying application

65 (1) Where in an application on Form TM 6 or Form TM 7 the person applying for registration of his title does not claim under any document or instrument which is capable in itself of furnishing proof of his title, he shall, unless the Registrar otherwise directs, either upon or with the application, state a case setting forth the full particulars of the facts upon which his claim to be proprietor of the mark is based, and showing that it has been assigned or transmitted to him.

(2) If the Registrar so requires, the case shall be verified by a statutory declaration on Form TM 8.

Proof of title

66 The Registrar may call upon any person who applies to be registered as proprietor of a registered trade mark or a registered service mark for such proof or additional proof of title as he may require for his satisfaction.

Assignment without goodwill

67 (1) An application under regulation 62 or 63 relating to an assignment of a trade mark or a service mark in respect of any goods or services shall state—

- (a) whether the mark was, at the time of the assignment, used in a business of any of those goods or services, as the case may be; and
- (b) whether the assignment was made otherwise than in connection with the goodwill of that business,

and if both those circumstances subsist the applicant shall leave with the Registrar a copy of the Registrar's directions to advertise the assignment, obtained under section 26(6) of the 1974 Act or the modified 1974 Act, as the case may be, and regulation 70, and such proof, including copies of advertisements or otherwise, as the Registrar may require that his directions have been fulfilled; however, if the Registrar is not satisfied that the directions have been fulfilled, he shall not proceed with the application.

(2) For the purposes of section 31A (4) of the 1974 Act and the modified 1974 Act, the period within which a corporation may be registered as the subsequent proprietor of a registered trade mark or a registered service mark upon application under regulation 62 or 63 shall be six months from the date on which the mark was entered in the register or such further period not exceeding six months as the Registrar may allow on application made by the applicant in writing accompanied by the appropriate fee for registration of title or the registered proprietor, as the case may be, at any time before or during the period for which extension may be allowed.

Entry of assignment or transmission in register

68 (1) When the Registrar is satisfied as to the title of the person claiming to be registered, he shall cause him to be registered as proprietor of the mark in question in respect of the relevant goods or services and shall enter in the register his name, trade or business address, nationality and other description, and particulars of the assignment or transmission.

(2) If so requested by the registered proprietor the Registrar shall make an endorsement of the assignment or transmission on the certificate of registration.

Separate registrations

69 Where, pursuant to an application under regulation 62 or 63 and as a result of a division and separation of the goods or services of a registration or a division and separation of places or markets, different persons become registered separately, whether or not under different official numbers, as subsequent proprietors of a trade or a service mark, each of the resulting separate registrations in the names of those different persons shall be treated as a separate registration for all the purposes of the 1974 Act or the modified 1974 Act, as the case may be.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Advertisement of assignment without goodwill

70 (1) An application to the Registrar under section 26(6) of the 1974 Act or the modified 1974 Act shall be in writing accompanied by the appropriate fee and shall state the date on which the assignment was made.

(2) In the case of a registered trade mark or a registered service mark, the application shall give particulars of the registration and, in the case of an unregistered trade mark or a service mark, the application shall show the mark and give particulars of the registered mark that has been assigned with it in accordance with section 26(2) of the 1974 Act or the modified 1974 Act.

(3) The Registrar may call for any evidence or further information and, if he is satisfied about the matters in question he shall issue directions in writing with respect to the advertisement of the assignment.

(4) A request to the Registrar for an extension of the period within which the application may be made, may be made at any time before or during the period for which extension may be allowed on payment of the appropriate fee; however, the extension of the period which the Registrar may allow shall not exceed three months.

Alteration of address

71 (1) A registered proprietor or a registered user of a trade mark or a service mark whose—

- (a) trade or business address is changed; or
- (b) given address for service as entered in the register is no longer appropriate whether by reason of discontinuance of the entered address or otherwise,

so that the entry in the register is rendered incorrect shall forthwith in writing request the Registrar to make the appropriate alteration of the address in the register and the Registrar shall, if he is satisfied in the matter, alter the register accordingly.

(2) The request shall be accompanied by the appropriate fee.

(3) A registered proprietor or registered user of a trade mark or a service mark whose registered address for trade or business is altered by a public authority, so that the changed address designates the same premises as before, may make in writing a request to the Registrar without payment of the appropriate fee to make the appropriate alteration of the address in the register and if the Registrar is satisfied as to the facts of the case, he shall alter the register accordingly.

(4) In the case of the alteration of the address of a person entered in the register as the address for service of more than one registered proprietor or registered user of trade marks or service marks, the Registrar may, on proof that the said address is the address of the applicant and if satisfied that it is just to do so, accept an application from the person either on payment of the appropriate fee or otherwise, as the Registrar may think fit, amended so as to suit the case for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given by the person making the request, and alter the entries accordingly.

(5) All applications under this regulation shall be signed by the registered proprietor or the registered user, as the case may be, or by the agent expressly authorised by the registered proprietor or the registered user, as the case may be, for the purpose of such applications, unless in exceptional circumstances the Registrar otherwise allows.

Application for rectification or removal

72 (1) An application to the Registrar under section 29, 30, 34 or 35 of the 1974 Act or section 29, 34 or 35 of the modified 1974 Act for making, expunging or varying an entry in the register shall be made in writing accompanied by the appropriate fee and a statement setting out fully the nature of the applicant's interest, the facts on which he bases his case and the relief which he seeks.

(2) Where the application is made by a person who is not the registered proprietor of the mark in question it shall be accompanied by two additional copies of the application and two additional copies of the statement and the Registrar shall forthwith send these copies to the registered proprietor at his trade or business address as entered in the register, and, if an address for service different therefrom is entered in the register, at that address also.

Further procedure

73 (1) Where an application under regulation 72 is made and appropriate copies thereof are sent to the registered proprietor, the provisions of regulations 41 to 51 shall apply to the further proceedings on the application with such modifications as may be required to suit the circumstances; but the Registrar shall not rectify the register or remove the mark in question from the register for the sole reason that the registered proprietor has not filed a counter-statement.

(2) In any case of doubt arising under this regulation any party may apply to the Registrar for directions.

Intervention by third parties

74 (1) Any person other than the registered proprietor alleging interest in a registered trade mark or a registered service mark in respect of which an application is made under regulation 72 may apply to the Registrar for leave to intervene, stating therein the nature of his interest and the Registrar may, after hearing, if so required, the parties concerned, refuse or grant such leave upon such terms and conditions as he may think fit.

(2) Before dealing in any way with an application for leave to intervene the Registrar may require the applicant to give an undertaking to pay such costs as he may award to any party.

(3) An application for leave to intervene shall be accompanied by the appropriate fee.

Request for alteration of the register

75 (1) An application to the Registrar under section 36(1) of the 1974 Act or the modified 1974 Act for the alteration of the register shall be made in writing and accompanied by the appropriate fee.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

(2) Requests under section 36(2) of the 1974 Act or the modified 1974 Act shall be made in writing and accompanied by the appropriate fee by a registered user of a mark, or by such person as may satisfy the Registrar that he is entitled to act in the name of the registered user; however, the Registrar may require such evidence by statutory declaration or otherwise as he may think fit as to the circumstances in which the request is made.

(3) Where it appears to the Registrar that the description formerly entered in the register of the registered proprietor or registered user of a trade mark is no longer correct, he may, if he thinks fit, remove it from the register.

Evidence for alteration

76 Where an application is made under section 36 of the 1974 Act or the modified 1974 Act, the Registrar may require such evidence by statutory declaration or otherwise as he may think fit as to the circumstances in which the application is made.

Advertisement of request to enter disclaimer or memorandum

77 (1) Before deciding on an application made under section 36(1)(e) of the 1974 Act or the modified 1974 Act for the entry of a disclaimer or memorandum, the Registrar, shall advertise the application in the Gazette to enable any person wishing to do so to state, within one month from the date of the advertisement, any reasons in writing against the making of the entry.

(2) An application referred to in paragraph (1) shall be accompanied by the appropriate fee.

Application for alteration of registered mark

78 Application under section 37 of the 1974 Act or the modified 1974 Act for addition to or alteration of a registered trade mark or a registered service mark shall be made in writing accompanied by the appropriate fee and four representations of the mark as it will appear when added to or altered.

Advertisement before decision

79 (1) The Registrar shall consider each application and shall, if it appears to him expedient, require the applicant to advertise the application in one issue of the Gazette before deciding it.

(2) Within two months from the date of the advertisement any person may give written notice of opposition to the application accompanied by the appropriate fee and a duplicate of the notice, and may also send therewith a further statement of his objections in duplicate.

(3) The Registrar shall send the duplicate notice and the duplicate of any further statement of objections to the applicant, and the provisions of regulations 41 to 51 shall apply to the further proceedings on the application with such modifications as may be required to suit the circumstances.

(4) In any case of doubt arising under this regulation any party may apply to the Registrar for directions.

Alteration of mark

80 If the Registrar decides to allow an application made in accordance with regulation 78 he shall add to or alter the mark in the register.

Advertisement of altered mark

81 In respect of an application to alter a registered mark the Registrar may at any time require the applicant to supply to the printer a printing block satisfactory to the Registrar and suitable for advertising the mark with the addition or the alteration as aforesaid, if in the opinion of the Registrar an advertisement describing the addition or the alteration in words would not be likely to be understood by persons interested in the matter.

REGISTERED USERS

Application for entry of registered users

82 An application under section 31 of the 1974 Act or the modified 1974 Act for the registration of a person as a registered user of a registered trade mark or a registered service mark shall be made by that person and the registered proprietor on Form TM 12 and shall be accompanied by the appropriate fee and where the said person is a firm the full names of all the partners shall be given in the application.

Entry of registered user

83 (1) The entry of a registered user in the register shall state the date on which the application for the entry was made and that date shall be deemed to be the date on which the person mentioned in the entry as a registered user was so registered.

(2) The entry shall state the name and the trade or business address of the registered user (including the names of all the partners where the registered user is a firm), and any address for service given under regulation 13.

(3) The Registrar shall send to the registered proprietor of the trade mark or the service mark in question and to the registered user notification in writing of the registration of the registered user.

Application to vary entry

84 An application by the registered proprietor of a trade mark or a service mark for the variation of the registration of a registered user of the mark under section 31(10)(a) of the 1974 Act or the modified 1974 Act shall be made in writing, and shall be accompanied by the appropriate fee and by a statement of the grounds on which it is made, and, where the registered user in question consents, by the written consent of that registered user.

Application by proprietor or user to cancel entry

85 An application by the registered proprietor or any registered user of a trade mark or a service mark for the cancellation of the registration of a registered user of that trade mark or service mark under section 31(10)(b) of the 1974 Act or the modified 1974 Act, as the case may be, shall be made in writing and be accompanied by the appropriate fee and a statement of the grounds on which the application is made.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Application by any person to cancel entry

86 An application for the cancellation of the registration of a registered user under section 31(10)(c) of the 1974 Act or the modified 1974 Act shall be made in writing and be accompanied by the appropriate fee and a statement of the grounds on which the application is made.

Cancellation and striking out

87 (1) Where in accordance with section 31(6)(d) of the 1974 Act or the modified 1974 Act, the registration of a registered user is for a period, the Registrar shall cancel the relevant entry at the end of the period.

(2) Where some or all of the goods or services, as the case may be, are struck out from those in respect of which a trade mark or a service mark is registered, the Registrar shall at the same time strike them out from those specifications of registered users of the mark in which they are comprised.

(3) The Registrar shall send written notice of every cancellation or striking out under this regulation to the registered users whose permitted use is affected thereby and to the registered proprietor of the trade mark or the service mark in question.

Notification and hearing

88 (1) The Registrar shall send written notice of applications under regulations 84, 85 or 86 to the registered proprietor and to each registered user (not being the applicant) whose registration is the subject of any such application and shall advertise the application in the Gazette.

(2) Any person who intends to intervene in the proceedings shall within two months from the date of the publication of the advertisement give written notice to the Registrar accompanied by the appropriate fee together with a statement of the grounds of his intervention.

(3) The Registrar shall send copies of the notice and the statement referred to in paragraph (2) to the applicant, the registered proprietor, each registered user whose registration is the subject of the application and any other registered user who intervenes.

(4) Any of the persons mentioned in paragraph (3) may, within such time or times as the Registrar may appoint, leave evidence in support of his case and the Registrar, after giving such persons an opportunity of being heard, may accept or refuse the application or accept it subject to any conditions, amendments, modifications or limitations he may think right to impose.

SUPPLEMENTARY

Extension of time

89 (1) If in any particular case the Registrar is satisfied that the circumstances are such as to justify an extension of time for doing any act or taking any proceeding under these Regulations, not being a time expressly provided in the 1974 Act or the modified 1974 Act or prescribed by regulation 67 or 70 or paragraph (4) below, he may extend the time

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

upon such notice to other parties and upon such terms as, subject to paragraph (5) below, he may direct.

(2) An extension may be granted although the time has expired for doing the act or taking the proceeding in question.

(3) Where the time in respect of which an extension is sought is prescribed in regulation 6, 39, 41, 42, 43, 44, 77, 79 or 88, the party seeking the extension shall send to every other person who at the time is a party to the proceedings a copy of the request for extension filed with the Registrar.

(4) Any such person may, within one month from the date of receipt of the copy referred to in paragraph (3), file observations on the request for extension.

(5) In considering whether to grant an extension of time in a case falling within paragraph (3) the Registrar shall take account of any observations filed under paragraph (4) and he shall send a copy of his decision to the party seeking the extension and to every other person referred to in paragraph (3).

Dispensing with evidence

90 Where under these Regulations any person is required to do any act or thing or any document or evidence is required to be filed and it is shown to the satisfaction of the Registrar that from any reasonable cause that person is unable to do that act or thing or that document or evidence cannot be filed, the Registrar may, upon the filing of such evidence and subject to such terms as he thinks fit, dispense with the doing of any such act or thing or the filing of such document or evidence.

Amendments and irregularities

91 Any document filed in any proceedings before the Registrar and any drawing or representation of a trade mark or a service mark may, if the Registrar thinks fit, be amended, and any irregularity in procedure in or before the Registry may be rectified, on such terms as the Registrar may direct.

Certificates by Registrar

92 (1) Subject to paragraph (2), any person may in writing request the Registrar to give a certificate as to any entry, matter or thing which is authorised or required by the 1974 Act or the modified 1974 Act or these Regulations to make or do, other than a certificate of registration issued under section 21(2) of the 1974 Act or the modified 1974 Act.

(2) Before giving a certificate under paragraph (1), the Registrar must be paid the appropriate fee and he may, if he thinks fit, require the person making the request to show to his satisfaction an interest in the entry, matter or thing in question.

(3) The Registrar shall not be obliged to include in the certificate a copy of any mark unless the person making the request has filed such a copy suitable for the purpose.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Search

93 (1) Any person may request the Registrar, on Form TM 2 accompanied by the appropriate fee, to cause a search to be made in respect of specified goods or services classified in any one class of the Second, Third, Fourth, Fifth or Sixth Schedule to ascertain whether any mark is on record at the date of the request which resembles a mark of which duplicate representations accompany the Form.

(2) The Registrar shall cause such a search to be made and the person making the request to be informed of the result thereof.

[Regulation 93 para (1) amended by BR 8/2003 effective 17 February 2003; para (1) amended by BR 70/2009 reg. 6 effective 13 November 2009; para (1) amended by BR 39 / 2013 reg. 6 effective 1 May 2013]

Inspection of documents

94 (1) Subject to paragraph (2), the Registrar shall on presentation of Form TM 14 accompanied by the appropriate fee, permit a person to—

- (a) inspect or make a search in any one class of the register;
- (b) inspect a notice of opposition, counter-statement or decision in connection with any opposition or application for rectification of the register relating to any trade mark or service mark;
- (c) inspect specimens and copies retained under regulation 26.

(2) The Registrar shall not be obliged to permit a document to be inspected under paragraph (1) until he has completed any procedure which he is required or permitted to carry out with respect to it by virtue of the 1974 Act or the modified 1974 Act or these Regulations.

(3) The Registrar shall not permit any other filed document to be inspected under this Regulation.

Days and hours of business

95 The Registry shall be open to the public and the register shall be open to inspection, every weekday, except Saturday, between the hours of 8.30 a.m. and 5.00 p.m.

Revocation

96 The Trade Marks Regulations 1975 are revoked.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

FIRST SCHEDULE

(Regulation 3)

FORMS

Form TM - 1

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Request for Registrar's preliminary advice as to distinctiveness or capability of distinguishing by a person proposing to apply for the registration of a trade mark or service mark (section 41 and regulation 19)

I/We, (a) _____ (a)Here insert full
_____ name and address

hereby request the Registrar to advise me/us whether the trade mark/service mark shown on the accompanying foolscap sheet appears to him *prima facie* to be inherently adapted to distinguish or inherently capable of distinguishing my/our goods/services so as to comply with the requirements of section 10 or section 11, respectively, of the 1974 Act/ the modified 1974 Act for registrability in Part A or Part B of the register.

The goods/services in respect of which I/we propose to apply for registration of the said trade mark/service mark are (b)

_____ (b)Here specify the
goods or services.
Only goods/
services included
one class should
be specified. A
separate form of
request is required
for each class.

_____ (in class (c)) _____ (c)Here insert the
_____ number of the
_____ class (if known).

_____ In case of doubt,
the Registrar's
direction may be
obtained.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Dated this _____ day of _____ 19 _____
(d) _____

To The Registrar of Trade Marks, Bermuda.

Note: If an application is made to register the trade mark/service mark, objection may arise if identical or resembling trade mark/service marks are found on the register. A prior notification of any such relevant marks (if any are to be found) can be obtained by a request to the Registrar made on Form TM - 2.

Form TM - 2

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

I - Request for search under regulation 93

The Registrar is hereby requested under regulation 93 to search in class * _____
in respect of (a) _____
class is not _____

*The Registrar's direction should be obtained if the class is not known.
(a) Here specify the goods/services (in the class stated) in respect of which the search is to be made.

to ascertain whether any trade mark/service marks are on record which resemble the trade mark/service mark sent herewith mounted on a foolscap sheet.

Dated this _____ day of _____ 19 _____
(b) _____ (b) Signature.
(c) _____ (c) Address.

II - Request for Registrar's preliminary advice as to distinctiveness or capability of distinguishing, by a person proposing to apply for the registration of a trade mark/service mark (section 41 and regulation 19)

I/We, (a) _____ (a) Here insert full name and address

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

hereby request the Registrar to advise me/us whether the trade mark/service mark referred to above appears to him *prima facie* to be inherently adapted to distinguish or inherently capable of distinguishing my/our goods/services above mentioned so as to comply with the requirements of section 10 or section 11, respectively, of the 1974 Act/the modified 1974 Act, for registrability in Part A or Part B of the register.

Dated this _____ day of _____ 19 _____

(b) _____ (b)Signature.

To the Registrar of Trade Marks, Bermuda.

Note: Part 1 must be completed.

Form TM - 3

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Application for registration of trade mark/service mark or series of trade marks/service marks in Part* of the Register (section 8, regulation 20(1); section 24 and regulation 27)

Application is hereby made for registration in Part*

_____ of the register of the trade mark/service mark mounted on the attached foolscap sheet in class _____

in respect of (a) _____

in the name of (b) _____

whose trade or business address is (c) _____

trading as (d) _____

by whom it is (e) proposed to be used and who claim(s) to be the proprietor(s) thereof.

(f) _____

Three additional unmounted representations of the trade mark/ service mark are attached.

Dated this _____ day of _____ 19 _____

(g) _____

To the Registrar of Trade Marks, Bermuda

(*) Write distinctly here "A" or "B", according to the registration desired.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

- (a) Here specify the goods/services. Only goods/services included in one class should be specified. A separate application form is required for each class.
- (b) Here insert legibly the full name, description (e.g. manufacturers; merchants; manufacturers & merchants; manufacturing chemists; importers and exporters; printers), and nationality of the individual, firm or body corporate making the application. The names of all partners in a firm must be given in full. If the applicant is a body corporate, the kind and country of incorporation should be stated.
- (c) Here insert the full trade or business address of the applicant.
- (d) Here insert the trading style (if any).
- (e) If the mark is already in use, strike out the words "proposed to be" and insert "being".
- (f) For additional matter if required otherwise to be left blank.
- (g) Signature.

Form TM - 4

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Application for Entry of Trade Mark/Service Mark in the Register and issue of Certificate of Registration.

Application No. _____ for the registration of trade mark/service mark _____ has been advertised in the Gazette of the _____ day of _____, 19 _____ and I/we now request that the mark be entered in the register and that a certificate of registration be issued to me/us.

Dated this _____ day of _____ 19 _____

(a) _____

To the Registrar of Trade Marks, Bermuda.

Form TM - 5

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Certificate of Registration

It is hereby certified that the trade mark/service mark a specimen of

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

which is hereunto annexed has been registered in Part _____
of the register in the name of _____

on class _____ under No. _____ as of the date of _____
19 _____, in respect of _____

Sealed at my direction this _____ day of _____, 19 _____

Registrar of Trade Marks

Trade Marks Registry,

Officer of the Registry,

Bermuda.

Note: 1. Registration is for a period of 7 years from the date first above-mentioned. At the end of that period it may be renewed for 14 years, after which it may be renewed successively for further periods of 14 years.

2. Upon any change of ownership of this trade mark/service mark, or change in address, application should AT ONCE be made to the Registrar to register the change.

Form TM - 6

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Joint request to the Registrar by Registered Proprietor and Transferee to register the Transferee as subsequent Proprietor of Trade Marks/Service Marks upon the same devolution of title (regulations 62, 64 to 67)

We, (a) _____

and (b) _____

hereby request, under regulation 62, that the name of (c) _____

carrying on business as (d) _____

at (e) _____

may be entered in the Register of Trade Marks as proprietor of the trade mark/service mark/s No. _____ * in class _____ as from the (f) _____

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

by virtue of (g) _____

(h) The trade mark/service mark at the time of the assignment was (h)(not) used in a business in the goods/services in question, and the assignment (took) (h) (did not take) place on or after the commencement of the Trade Marks Act 1974 otherwise than in connection with the goodwill of a business in the goods/services (h) and there is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisement complying therewith, and a statement of the dates of issue of any publications containing therein.

Dated this _____ day of _____ 19 _____
(i) _____
(j) _____

To the Registrar of Trade Marks, Bermuda.

Note: The instrument under which the transferee claims should preferably accompany this form.

- (a) Name and address of registered proprietor, or other assignor or transmitter.
- (b) Full name, trade address and nationality of transferee.
- (c) Name of transferee.
- (d) Description of transferee.
- (e) Trade or business address of transferee.
- (*) Additional numbers may be given in a signed schedule on the back of this form.
- (f) Date of acquisition of proprietorship.
- (g) Full particulars of the instrument of assignment or transmission, if any, or statement of case.
- (h) Strike out any words not applicable (see regulation 67).
- (i) Signature of assignor or transmitter.
- (j) Signature of transferee.

Form TM - 7

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Request to the Registrar to register a subsequent Proprietor of a Trade Mark/Service Mark or Trade Marks/Service Marks upon the same devolution of title (regulations 63 to 67)

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

I/We, (a) _____

hereby request under regulation 63, that my/our name _____

may be entered in the Register of Trade Marks as proprietor _____

of trade mark/service mark No. _____ * in class _____
as from the (b) _____

I am/We are entitled to the trade mark/service mark(s) by virtue of (c)

There is sent herewith a copy of the Registrar's direction to advertise the assignment, a copy of each of the advertisements complying therewith, and a statement of the dates of issue of any publications containing them. (d) _____

Dated this _____ day of _____ 19 _____
(e) _____

To the Registrar of Trade Marks, Bermuda.

Note: The instrument under which the transferee claims should preferably accompany this form.

(a) Here insert full name, trade or business address, nationality and description.

(*) Additional numbers may be given in a signed schedule on the back of this form.

(b) Date of acquisition of proprietorship.

(c) Here insert full particulars of the instrument of assignment or transmission, if any, or statement of case.

(d) Strike out any words not applicable (see regulation 67).

(e) Signature.

Form TM - 8

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Declaration (only to be furnished when requested by Registrar) in support of Statement of Case accompanying Form TM-6 or TM-7 (regulation 65)

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

I, _____
of _____

do hereby solemnly and sincerely declare that the particulars set out in the statement of case, exhibit marked _____ and left by me in connection with my request to be registered as subsequent proprietor of the trade mark/service mark No. _____ in class _____, are true and comprise every material fact and document affecting the present proprietorship of the trade mark/service mark.

(a) And I make this solemn declaration conscientiously believing the same to be true.

(b) _____

Declared at _____

this _____ day of _____ 19 _____

Before me (c) _____

To the Registrar of Trade Marks, Bermuda.

- (a) If made elsewhere than Bermuda a proper clause must be added.
- (b) To be signed by the person making the declaration.
- (c) Signature and title of authority before whom the declaration is made.

Form TM - 9

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Renewal of Registration of Trade Mark/Service Mark (section 23 and regulation 57)
(This form should not be filed more than three months before the expiration of the last registration)

I/We, (a) _____

hereby make application for the renewal of registration of the trade mark/service mark No. _____, in class _____, *

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

on behalf of the proprietor of the trade mark/service mark, that is to say

(b) _____

The appropriate renewal fee is forwarded herewith.

Dated this _____ day of _____ 19 _____

(c) _____

(d) _____

To the Registrar of Trade Marks, Bermuda.

(a) Here insert full name/s and address/es.

(*) If the application is made by the proprietor himself, this passage should be struck out.

(b) If the application is not made by the proprietor himself, insert his name and address here.

(c) Signature of the person making application.

(d) Address of the person signing.

Form TM - 10

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Additional Fee (regulation 59 to accompany Renewal Fee)
(Form TM - 9)

(To accompany Form TM - 9)

In pursuance of the notice issued by the Registrar, I/we hereby transmit the additional fee of \$ _____ (along with Form TM - 9) for the renewal of the registration of the trade mark/service mark No. _____ in class _____

Dated this _____ day of _____ 19 _____

(a) _____

(b) _____

To the Registrar of Trade Marks, Bermuda.

Note: This form must be signed by the person/s signing the Form TM-9, which accompanies it.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

- (a) Signature.
- (b) Address.

Form TM - 11

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Application under section 30 and regulation 36 for Registration of a Trade Mark as a Defensive Trade Mark

Application is hereby made for registration in Part * _____

of the register of the trade mark shown hereunder as a defensive trade mark in class _____

in respect of (a) _____

in the name of (b) _____

of (c) _____

trading as (d) _____

who is/are proprietor/s of the same trade mark registered in class _____

_____ in respect of _____ under No. _____

The particulars of the facts on which I/we rely in support of this application are set forth in the accompanying Statement of Case. (e)

Three additional copies of the mark are attached.

Dated this _____ day of _____ 19 _____

(f) _____

To the Registrar of Trade Marks, Bermuda.

(*) Write distinctly here "A" or "B" according to the registration desired.

(a) Here specify the goods. Only goods included in one and the same class should be specified.

(b) Here insert legibly the full name, description and nationality of the individual, firm or body corporate making the application. The names of all partners in a firm must be given in full. If the applicant is a body corporate, the kind and country of incorporation should be stated.

(c) Here insert the full trade or business address of the applicant.

(d) Here insert the trading style (if any).

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

- (e) To be furnished in duplicate.
- (f) Signature.

Form TM - 12

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Application for Registration of Registered User (section 31, regulation 82)

(To be accompanied by a Statement of Case giving particulars and stating as required by section 31 (6), verified by a statutory declaration and made by the proprietor, or by some person authorised to act on his behalf and approved by the Registrar).

Application is hereby made by (a) _____

_____ who is/are the registered proprietor/s of trade mark/service mark No./s _____ * registered in class _____

in respect of (b) _____

that (c) _____

of (d) _____

trading as (e) _____

who hereby joins in the application, may be registered as a registered user of the above-numbered registered trade mark/service mark in respect of (f) _____

_____ subject to the following conditions or restrictions—(g)

_____ (h) The proposed permitted use is to end on the _____ day of _____, 19 _____

The proposed permitted use is without limit of period.

Dated this _____ day of _____ 19 _____

(i) _____

To the Registrar of Trade Marks, Bermuda.

(a) Here insert full name/s, trade or business address/es and description of the registered proprietor/s.

(*) Additional numbers may be given in a signed schedule on the back of the form.

(b) Here insert the specification in the register.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

- (c) Here insert the full name, description and nationality of the individual, firm or body corporate, proposed as registered user. The names of all partners in a firm must be given in full. In the case of a body corporate brief particulars of the kind and country of incorporation should be stated.
- (d) Here insert the full trade or business address of the proposed registered user.
- (e) Here insert the trading style (if any).
- (f) Here insert designation of goods/services (which must be comprised within the specification).
- (g) Write "NONE" if there are no conditions or restrictions.
- (h) Strike out the words that are not applicable.
- (i) Signature of registered proprietor and proposed registered user.

Form TM - 13

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATION AND AMENDMENT) ACT 1991

Form of Authorisation of Agent in a matter or proceeding under the Act (regulation 13(3) and (4))

*I/We, _____
have appointed (a) _____
to act as my/our agent for (b) _____
_____ No. _____ and request that all notices,

requisitions and communications relating thereto may be sent to such agent at the above address.

I/We hereby revoke all previous authorisations, if any, in respect of the same matter or proceeding.

I/We hereby declare that I am/we are a (c) _____

Dated this _____ day of _____ 19 _____
(d) _____
(e) _____

(To be struck out if the person appointing the agent desires his own address to be treated as the address for service after registration).

I/We also authorise the said (a) _____

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

to request the entry of an address for service as part of any registration obtained under the above authorisation.

Dated this _____ day of _____ 19 ____
(d) _____
(e) _____

To the Registrar of Trade Marks, Bermuda.

(*) The full names of all the partners in a firm must be inserted, and the kind and country of incorporation stated.

(a) Here insert name and address of agent.

(b) Here state the particular matter or proceeding for which the agent is appointed, giving the reference number, if known.

(c) Here state nationality.

(d) To be signed by the person appointing the agent.

(e) Here insert the full trade or business address of the person appointing the agent.

Form TM - 14

THE TRADE MARKS ACT 1974 AND THE TRADE MARKS (MODIFICATIONS AND AMENDMENT) ACT 1991

Inspection of Register, etc. or making a search in Register (regulation 94)

I _____
hereby request that I be permitted—
(a) to inspect or make a search in the Trade Marks Register,
(b) to inspect—
relating to trade mark/service mark No. _____ registered in class

(c) _____

To the Registrar of Trade Marks, Bermuda.

SECOND SCHEDULE

(Regulation 4(1))

CLASSIFICATION OF GOODS

(Note: This was the Classification in the First Schedule to the Patents, Designs and Trade Marks Rules 1903 as in force immediately prior to the coming into force of these Regulations).

- Class 1. Chemical substances used in manufactures, photography or philosophical search, and anti-corrosives.
- Class 2. Chemical substances used for agricultural, horticultural, veterinary and sanitary purposes.
- Class 3. Chemical substances prepared for use in medicine and pharmacy.
- Class 4. Raw, or partly prepared, vegetable, animal, and mineral substances used in manufactures, not included in other Classes.
- Class 5. Unwrought and partly wrought metals used in manufacture.
- Class 6. Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in Class 7.
- Class 7. Agricultural and horticultural machinery and parts of such machinery.
- Class 8. Philosophical instruments, scientific instruments, and apparatus for useful purposes. Instruments and apparatus for teaching.
- Class 9. Musical instruments.
- Class 10. Horological instruments.
- Class 11. Instruments, apparatus and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.
- Class 12. Cutlery and edge tools.
- Class 13. Metal goods, not included in other Classes.
- Class 14. Goods of precious metals (including aluminium, nickel, Britannia metal, etc.) and jewellery, and imitations of such goods and jewellery.
- Class 15. Glass.
- Class 16. Porcelain and earthenware.
- Class 17. Manufactures from mineral and other substances for building or decoration.
- Class 18. Engineering, architectural and building contrivances.
- Class 19. Arms, ammunition, and stores, not included in Class 20.
- Class 20. Explosive substances.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

- Class 21. Naval architectural contrivances and naval equipments not included in Classes 19 and 20.
- Class 22. Carriages, bicycles and other vehicles.
- Class 23. (a) Cotton yarn, and sewing cotton not on spools or reels.
(b) Sewing cotton on spools or reels.
- Class 24. Cotton piece goods of all kinds.
- Class 25. Cotton goods not included in Classes 23, 24 or 38.
- Class 26. Linen and hemp yarn and thread.
- Class 27. Linen and hemp piece goods.
- Class 28. Linen and hemp goods not included in Classes 26, 27 and 50.
- Class 29. Jute yarns and tissues, and other articles made of jute, not included in Class 50.
- Class 30. Silk, spun, thrown or sewing.
- Class 31. Silk piece goods.
- Class 32. Other silk goods not included in Classes 30 and 31.
- Class 33. Yarns of wool, worsted or hair.
- Class 34. Cloths and stuffs of wool, worsted or hair.
- Class 35. Woollen, worsted and hair goods, not included in Classes 33 and 34.
- Class 36. Carpets, floor-cloth, and oilcloth.
- Class 37. Leather, skins unwrought and wrought, and articles made of leather not included in other Classes.
- Class 38. Articles of clothing.
- Class 39. Paper (except paper hangings) stationery, and bookbinding.
- Class 40. Goods manufactured from India-rubber and gutta-percha not included in other Classes.
- Class 41. Furniture and upholstery.
- Class 42. Substances used as food or as ingredients in food.
- Class 43. Fermented liquors and spirits.
- Class 44. Mineral and aerated waters, natural and artificial, including ginger beer.
- Class 45. Tobacco, whether manufactured or unmanufactured.
- Class 46. Seeds for agricultural and horticultural purposes.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Class 47. Candles, common soap, detergents; illuminating, heating, or lubricating oils; matches, and starch, blue and other preparations for laundry purposes.

Class 48. Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).

Class 49. Games of all kinds and sporting articles not included in other Classes.

Class 50. Miscellaneous:-

- (1) Goods manufactured from ivory, bone or wood, not included in other Classes.
- (2) Goods manufactured from straw or grass, not included in other Classes.
- (3) Goods manufactured from animal and vegetable substances, not included in other Classes.
- (4) Tobacco pipes.
- (5) Umbrellas, walking-sticks, brushes and combs.
- (6) Furniture cream, plate powder and other cleaning and polishing substances and preparations.
- (7) Tarpaulins, tents, rick-cloths, rope, twine.
- (8) Buttons of all kinds other than of precious metal or imitations thereof.
- (9) Packing and hose of all kinds.
- (10) Goods not included in the foregoing Classes.

THIRD SCHEDULE

(Regulations 4(2), 4(3), and 20(3))

CLASSIFICATION OF GOODS AND SERVICES

PART I - GOODS

Class 1. Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Class 2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Class 3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Class 4. Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

Class 5. Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Class 6. Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

Class 7. Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements; incubators for eggs.

Class 8. Hand tools and implements (hand operated); cutlery; side arms; razors.

Class 9. Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

Class 10. Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials.

Class 11. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

- Class 12. Vehicles; apparatus for locomotion by land, air or water.
- Class 13. Firearms; ammunition and projectiles; explosives; fireworks.
- Class 14. Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
- Class 15. Musical instruments.
- Class 16. Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.
- Class 17. Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.
- Class 18. Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
- Class 19. Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.
- Class 20. Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.
- Class 21. Household or kitchen utensils and containers (not of precious metals or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.
- Class 22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.
- Class 23. Yarns and threads, for textile use.
- Class 24. Textiles and textile goods, not included in other classes; bed and table covers.
- Class 25. Clothing, footwear, headgear.
- Class 26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.
- Class 27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hanging (non-textile).

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Class 28. Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

Class 29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.

Class 30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder, salt, mustard; vinegar, sauces (condiments); spices; ice.

Class 31. Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.

Class 32. Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

Class 33. Alcoholic beverages (except beers).

Class 34. Tobacco; smokers' articles; matches.

PART II - SERVICES

Class 35. Advertising; business management; business administration; office functions.

Class 36. Insurance; financial affairs; monetary affairs; real estate affairs.

Class 37. Building construction; repair; installation services.

Class 38. Telecommunications.

Class 39. Transport; packaging and storage of goods; travel arrangement.

Class 40. Treatment of materials.

Class 41. Education; providing of training; entertainment; sporting and cultural activities.

Class 42. Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; services that cannot be placed in other classes.

FOURTH SCHEDULE

(Regulations 4(2), 4 (3), and 20(3))

CLASSIFICATION OF GOODS AND SERVICES

PART I - GOODS

Class 1

Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Class 2

Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Class 3

Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Class 4

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.

Class 5

Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Class 6

Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

Class 7

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

Class 8

Hand tools and implements (hand-operated); cutlery; side arms; razors.

Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs, automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

Class 10

Surgical, medical, dental, and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

Class 11

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Class 12

Vehicles; apparatus for locomotion by land, air or water.

Class 13

Firearms; ammunition and projectiles; explosives; fireworks.

Class 14

Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.

Class 15

Musical instruments.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Class 16

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

Class 17

Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

Class 18

Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

Class 19

Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

Class 20

Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

Class 21

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Class 22

Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks, and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

Class 23

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Yarns and threads, for textile use.

Class 24

Textiles and textile goods, not included in other classes; bed and table covers.

Class 25

Clothing, footwear, headgear.

Class 26

Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Class 27

Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

Class 28

Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

Class 29

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.

Class 30

Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

Class 31

Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.

Class 32

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

Class 33

Alcoholic beverages (except beers).

Class 34

Tobacco; smokers' articles; matches.

PART II - SERVICES

Class 35

Advertising; business management; business administration; office functions.

Class 36

Insurance; financial affairs; monetary affairs; real estate affairs.

Class 37

Building construction; repair; installation services.

Class 38

Telecommunications.

Class 39

Transport; packaging and storage of goods; travel arrangement.

Class 40

Treatment of materials.

Class 41

Education; providing of training; entertainment; sporting and cultural activities.

Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Class 43

Services for providing food and drink; temporary accommodation.

Class 44

Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

Class 45

Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

[Fourth Schedule inserted by BR 8/2003 effective 17 February 2003]

FIFTH SCHEDULE

(regulations 4(2), 4(3), and 20(3))

CLASSIFICATION OF GOODS AND SERVICES

PART I - GOODS

Class 1

Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Class 2

Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Class 3

Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Class 4

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.

Class 5

Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Class 6

Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

Class 7

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

Class 8

Hand tools and implements (hand-operated); cutlery; side arms; razors.

Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

Class 10

Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

Class 11

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Class 12

Vehicles; apparatus for locomotion by land, air or water.

Class 13

Firearms; ammunition and projectiles; explosives; fireworks.

Class 14

Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.

Class 15

Musical instruments.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Class 16

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

Class 17

Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

Class 18

Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

Class 19

Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

Class 20

Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

Class 21

Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Class 22

Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

Class 23

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Yarns and threads, for textile use.

Class 24

Textiles and textile goods, not included in other classes; bed and table covers.

Class 25

Clothing, footwear, headgear.

Class 26

Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Class 27

Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

Class 28

Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

Class 29

Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.

Class 30

Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

Class 31

Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.

Class 32

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

Class 33

Alcoholic beverages (except beers).

Class 34

Tobacco; smokers' articles; matches.

PART II - SERVICES

Class 35

Advertising; business management; business administration; office functions.

Class 36

Insurance; financial affairs; monetary affairs; real estate affairs.

Class 37

Building construction; repair; installation services.

Class 38

Telecommunications.

Class 39

Transport; packaging and storage of goods; travel arrangement.

Class 40

Treatment of materials.

Class 41

Education; providing of training; entertainment; sporting and cultural activities.

Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Class 43

Services for providing food and drink; temporary accommodation.

Class 44

Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

Class 45

Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

[Fifth Schedule inserted by BR 70/2009 reg. 7 effective 13 November 2009]

SIXTH SCHEDULE

(regulations 4(2), 4(3), and 20(3))

CLASSIFICATION OF GOODS AND SERVICES

PART I - GOODS

Class 1

Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Class 2

Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Class 3

Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Class 4

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.

Class 5

Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Class 6

Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

Class 7

Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs; automatic vending machines.

Class 8

Hand tools and implements (hand-operated); cutlery; side arms; razors.

Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission

or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus.

Class 10

Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

Class 11

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Class 12

Vehicles; apparatus for locomotion by land, air or water.

Class 13

Firearms; ammunition and projectiles; explosives; fireworks.

Class 14

Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.

Class 15

Musical instruments.

Class 16

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

Class 17

Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

Class 18

Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas and parasols; walking sticks; whips, harness and saddlery.

Class 19

Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

Class 20

Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

Class 21

Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel wool; un-worked

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Class 22

Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

Class 23

Yarns and threads, for textile use.

Class 24

Textiles and textile goods, not included in other classes; bed covers; table covers.

Class 25

Clothing, footwear, headgear.

Class 26

Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Class 27

Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

Class 28

Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

Class 29

Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk and milk products; edible oils and fats.

Class 30

Coffee, tea, cocoa and artificial coffee; rice; tapioca and sago; flour and preparations made from cereals; bread, pastry and confectionery; ices; sugar, honey, treacle; yeast, baking-powder; salt; mustard; vinegar, sauces (condiments); spices; ice.

Class 31

Grains and agricultural, horticultural and forestry products not included in other classes; live animals; fresh fruits and vegetables; seeds; natural plants and flowers; foodstuffs for animals; malt.

Class 32

Beers; mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices; syrups and other preparations for making beverages.

Class 33

Alcoholic beverages (except beers).

Class 34

Tobacco; smokers' articles; matches.

PART II - SERVICES

Class 35

TRADE MARKS AND SERVICE MARKS REGULATIONS 1993

Advertising; business management; business administration; office functions.

Class 36

Insurance; financial affairs; monetary affairs; real estate affairs.

Class 37

Building construction; repair; installation services.

Class 38

Telecommunications.

Class 39

Transport; packaging and storage of goods; travel arrangement.

Class 40

Treatment of materials.

Class 41

Education; providing of training; entertainment; sporting and cultural activities.

Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

Class 43

Services for providing food and drink; temporary accommodation.

Class 44

Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

Class 45

Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.”

[Sixth Schedule inserted by BR 39 / 2013 reg. 7 effective 1 May 2013]

[Amended by:

BR 8 / 2003

BR 70 / 2009

BR 39 / 2013]