

**CHAPTER 284**  
**REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT**

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• Act • Subsidiary Legislation •

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**ACT**

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**CHAPTER 284**  
**REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT**

**An Act to provide for the registration in Grenada of trade marks registered in the United Kingdom.**

[12th April, 1939.]

**1. Short title**

This Act may be cited as the Registration of United Kingdom Trade Marks Act.

**2. Interpretation**

In this Act—

“Court” means the High Court;

“register” means the register to be kept under this Act;

“Registrar” means the Registrar of the Supreme Court.

**3. Application for registration**

Any person being the registered proprietor of a trade mark in the United Kingdom by virtue of an entry in the register of trade marks kept under the Trade Marks Act, 1938, or any Act amending or substituted for that Act, or any person deriving title from such registered proprietor by assignment or other mode of transfer, may apply at any time

during the existence of the registration in the United Kingdom to have such trade mark registered in Grenada in respect of some or all of the goods comprised in the United Kingdom registration.

#### **4. Procedure on application**

An application for registration of a trade mark under this Act shall be made to the Registrar and accompanied by a certified representation of the trade mark and a certificate of the Comptroller-General of the United Kingdom Patent Office (under his or her title of Registrar of Trade Marks) giving full particulars of the registration of the trade mark in the United Kingdom.

#### **5. Issue of certificate**

Upon such application being lodged, together with the documents mentioned in section 4, the Registrar shall enter the prescribed particulars in the register, and shall issue a Certificate of Registration to the applicant, who shall then be the registered proprietor in Grenada of the trade mark in respect of the goods entered in the register.

#### **6. Privileges of proprietor**

Subject to the provisions of this Act, a registered proprietor shall have in Grenada such privileges and rights in the use of the trade mark in respect of the goods entered in the register as, *mutatis mutandis*, would be conferred on him or her by the law for the time being in force in the United Kingdom.

#### **7. Duration of privileges**

The privileges and rights conferred by section 6 shall date from the date of registration in the United Kingdom and shall continue in force, subject to the provisions of section 15, for so long as the registration in the United Kingdom remains in force in respect of the goods for which the trade mark is registered in Grenada:

Provided that no action for infringement of the trade mark shall be entertained in respect of any use of the trade mark prior to the date of issue of the Certificate of Registration in Grenada.

#### **8. Right of action for passing off**

Nothing in this Act shall be deemed to affect any right of action against any person for passing off goods as those of another person or any remedy in respect thereof.

#### **9. Powers of High Court**

The Court shall have power, upon the application of any person who alleges that his or her interests have been prejudicially affected by the issue of a Certificate of Registration, to declare on any of the grounds, *mutatis mutandis*, on which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom that the exclusive privileges and rights have not been acquired.

#### **10. Assignment of privileges**

Subject to the provisions of this Act, where a person becomes entitled by assignment or other mode of transfer to the privileges and rights conferred on a registered proprietor by this Act, the Registrar shall, on application being made in the prescribed manner, and on proof of title to his or her satisfaction, cause such person to be entered in the register as subsequent registered proprietor of the trade mark.

## **11. Application by registered user under Trade Marks Act, 1938**

A person entered in the United Kingdom Register of Trade Marks under section 28 of the Trade Marks Act, 1938, as a registered user in respect of any goods of a trade mark in respect of which a Certificate of Registration under this Act is in force may apply to be registered in Grenada as a registered user of the mark in respect of some or all of such goods, subject to any conditions or restrictions entered in the United Kingdom Register.

## **12. Entry in register**

Upon such application being lodged, together with a certificate of the United Kingdom Registrar of Trade Marks giving full particulars of the entry in the United Kingdom Register under the said section 28, the Registrar shall cause the applicant to be entered in the register of Grenada as a registered user of the trade mark, and on such entry the registered user shall be entitled in Grenada, subject to the aforesaid conditions and restrictions, to such privileges and rights in respect of the goods for which he or she is entered as, *mutatis mutandis*, would be conferred on him or her by the law for the time being in force in the United Kingdom.

## **13. Powers of the Minister**

The Minister may make such rules and do such things as he or she may think expedient, subject to the provisions of this Act, for regulating procedure under this Act, and prescribing the fees to be paid in respect of proceedings under this Act, and generally for prescribing anything which by this Act is to be prescribed.

## **14. Keeping and inspection of register**

(1) There shall be kept in the Registrar's Office a register in which shall be entered in the prescribed form all matters which by this Act are required to be registered.

(2) Such register shall be open to inspection at all hours during which the Registrar's Office is open.

## **15. Renewal of registration**

If the registration in the United Kingdom of a trade mark registered under this Act is renewed, the registered proprietor may, within such time after the date of renewal in the United Kingdom as may be prescribed, notify the Registrar, who shall then on sufficient evidence thereof and on payment of the prescribed fee, renew the registration in the register in the prescribed manner. If the registration in the register is not so renewed it shall be cancelled by the Registrar.

## **16. Powers of Registrar**

The Registrar may, on request in writing made by the registered proprietor, and on payment of the prescribed fee—

- (a) cancel the registration of a trade mark or of a registered user thereunder either wholly or as regards any particular goods in respect of which the trade mark or the registered user is registered;
  - (b) correct any clerical error in or in connection with any application under this Act or in any matter which is entered in the register;
  - (c) enter in the register any change in the name, description or address of the person who is registered as proprietor or user of a trade mark.
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**CHAPTER 284**  
**REGISTRATION OF UNITED KINGDOM TRADE MARKS ACT**

**SUBSIDIARY LEGISLATION**

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*List of Subsidiary Legislation*

1. Registration of United Kingdom Trade Marks Rules
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**Registration of United Kingdom Trade Marks Rules**

**Amended by**

SRO 3 of 1981

ARRANGEMENT OF RULES

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**REGISTRATION OF UNITED KINGDOM TRADE MARKS RULES**

[Section 13. Amended by SRO 3 of 1981.]

[12th October, 1939.]

**1. Citation**

These Rules may be cited as the Registration of United Kingdom Trade Marks Rules.

**2. Definitions**

In these Rules, unless there is anything repugnant in the subject or context—

“Act” means the Registration of United Kingdom Trade Marks Act;

“agent” means a person duly authorised to the satisfaction of the Registrar to represent another.

### **3. Fees**

The fees specified in the First Schedule to these Rules shall be paid in respect of proceedings under the Act.

### **4. Forms**

The forms in the Second Schedule to these Rules, modified as may be necessary, shall be used in matters to which they are applicable.

### **5. Register**

In the register to be kept under section 14 of the Act shall be entered all registered trade marks with the names, addresses and descriptions of their proprietors, notifications of assignments and transmissions, the names, addresses and descriptions of all registered users, disclaimers, conditions, limitations and such other matters relating to trade marks as may be prescribed.

### **6. Address for service**

Every person making an application under the Act shall give an address for service in St. George's, and such address may be treated as the actual address of such person for all purposes in connection with the Act, and any document required to be served may be served by leaving the same at such address.

### **7. Agent**

Any person entitled under the Act to make application or give any notice may appoint an agent for the purpose and for representing him or her in the matter of a trade mark by signing and sending to the Registrar an authority in writing to that effect in the Form 1.

### **8. Application for registration**

An application for the registration of a trade mark or a series of trade marks shall be made in the Form 2. A representation of the trade mark shall be affixed to the said application.

### **9. Certificate of Registration**

The Certificate of Registration to be issued by the Registrar under section 5 of the Act shall be in the Form 3.

### **10. Application to the Court**

(1) Applications to the Court under section 9 of the Act shall be made in accordance with the provisions of the Civil Procedure Act, Chapter 55.

(2) The Registrar shall, on production of an order of the Court declaring that the exclusive privileges and rights consequent upon registration have not been acquired, make an entry in the Register of a minute of such order and cancel the registration of such mark in conformity with the said order.

### **11. Subsequent registered proprietors**

(1) An application under section 10 of the Act shall be made in the Form 4.