

**CONSOLIDATED TO 1 DECEMBER 2014**

NOTE: This Cap has been repealed by the Industrial Property Act, 2014, which had not yet been brought into operation as at 1 December 2014.

**LAWS OF SEYCHELLES**

**CHAPTER 239**

**TRADE MARKS DECREE**

*[4th January, 1978]*

Dec. 18 of 1977  
Act 15 of 1991

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**TRADE MARKS DECREE**

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PART I - GOODS

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**PART I. - PRELIMINARY**

**Citation**

1. This Decree may be cited as the Trade Marks Decree.

**Commencement**

2. This Decree shall come into operation on such date as the President may, by order, appoint.

**Interpretation**

3. (1) In this Decree, unless the context otherwise requires -

"appointed day" means the day appointed under section 2 for the commencement of this Decree;

"assignment" means assignment by act of the parties concerned;

"Court" means the Supreme Court;

"limitations" means any limitations of the exclusive right to the use of a trade mark given by the registration of a person as proprietor of the mark, including limitations of that right as to-

(a) mode of use;

(b) use in relation to goods to be sold or otherwise traded in, or services to be provided in any place, within Seychelles, or

(c) use in relation to goods to be exported or services to be provided in any place outside Seychelles;]

"mark" includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral or any combination thereof;

"permitted use" has the meaning assigned to it by section 25(2);

"prescribed" means in relation to proceedings before the Court, prescribed by rules to Court, and in other cases, prescribed by this Decree or the regulations.

"the Register" means the Register of Trade Marks kept under this Decree;

"registered trade mark" means a trade mark that is actually on the Register;

"registered user" means a person who is for the time being registered as such under section 25;

"relevant date" means the date of commencement of the Trade Marks (Amendment) Act, 1991.

"the Registrar" means the Registrar General;

"the repealed Act" means the Trade Marks Act (Cap. 218 of 1952 Edition of the Laws of Seychelles);

"trade mark" means, except in relation to a certification trade mark, a mark used or proposed to be used in relation to goods (for services) for the purpose of indicating, or so as to indicate, a connection in the course of (business) between as proprietor or as registered user to use the mark, whether with or without any indication of the identity of that person, and means, in relation to a certification trade mark, a mark registered or deemed to have been registered under section 34;

"transmission" means transmission by operation of law, devolution on the heirs or legatees, or legal representatives of a deceased person and any other mode of transfer not being an assignment.

(2) In this Decree, references to the use of a mark shall be construed as references to the use of the printed or other visual representation of the mark and references to the use of a mark -

(a) in relation to goods, shall be construed as references to the use of the mark upon,



or in physical or other relation to, goods, or

(b) in relation to services, shall be construed as references to the use of the mark in any relation to the provision of the services.";

(3) For the purposes of this Decree, goods and services are associated with each other if it is likely that the goods or same description of goods might be sold or otherwise traded in and the services or same description of services might be provided by the same business.

## **PART II. - REGISTRATION AND OTHER SUBSTANTIVE PROVISIONS**

### **Division 1 - The Register**

#### **Register of Trade Marks**

4. (1) The Registrar shall cause to be kept a Register of Trade Marks in which shall be entered the matter relating to trade marks required by this Decree to be entered in the Register and such other matters as may be prescribed.

(2) The Register shall be in such form as the Registrar determines.

(3) (Subject to such regulations as may be presented) the Register may, (during the hours of business of Government offices) be inspected and copies of all or any part of any entry in the Register taken -

(a) without payment, by -

(i) any officer in the public service acting in the course of his duty; and

(ii) any person exempted by the rules from payment of a fee; or

(b) on payment of such fee as may be presented, by any other person.

(4) The Register shall be received in proceedings before any court or tribunal as evidence of the matters required by or under this Decree to be entered in it, and any instrument purporting to be certified by the Registrar to be true copy of an entry in the Register shall be received in proceedings before any court or tribunal as evidence of any such matters contained in the entry.

#### **Registration to be in respect of particular goods**

5. (1) A trade mark may be registered only in respect of particular goods or (services in one or more classes in accordance with the prescribed classification of goods or services).

(2) Any question concerning the class within which any goods or services fall shall be determined by the Registrar whose decision shall be final.

(3) (The Registrar shall, in the case of a trade which was registered before the commencement of this Decree, classify the goods in respect of which the trade mark was registered in accordance with the prescribed classification of goods);

#### **Rights given by registration**

6. The rights given by registration in the Register shall be as provided in the First Schedule and

the provisions of that Schedule shall apply in relation to any infringement of those rights.

## **Division 2 - Registration**

### **Distinctiveness requisites for registration**

7. (1) In order for a trade mark (other than a certification trade mark) to be registrable, it must contain or consist of at least one of the following essential particulars, namely -

- (a) the name of a company, individual, or firm represented in a special or particular manner;
- (b) the signature of the applicant for registration or some predecessor in his business;
- (c) an invented word or invented words;
- (d) a word or words having no direct reference to the character or quality of the goods (or services) and not being according to its ordinary signification a geographical name or a surname; and
- (e) any other distinctive mark, but a name, signature or word or words, other than such as fall within the description in paragraphs (a), (b), (c) and (d), shall not be registrable under the provisions of this paragraph except upon evidence of its distinctiveness.

(2) For the purposes of this section, "distinctive" means adapted, in relation to the goods (or services) in respect of which a trade mark is registered, or proposed to be registered to distinguish goods (or services) with which the proprietor of the trade mark is or may be connected in the course of (business) from goods (or services) in the case of which no such connection subsists, either generally or, where the trade mark is registered or proposed to be registered subject to limitations, in relation to use within the extent of the registration.

(3) In determining whether a trade mark is adapted to distinguished as aforesaid, the Registrar may have regard to the extent to which -

- (a) the trade mark is inherently adapted to distinguish as aforesaid; and
- (b) by reason of the use of the trade mark or of any other circumstances, the trade mark is in fact adapted to distinguish as aforesaid.

### **Prohibition of Registration of deceptive, etc., matter**

8. It shall not be lawful to register as a trade mark or part of a trade mark any matter the use of which would by reason of its being likely to deceive or cause confusion or otherwise, be disentitled to protection in a court or would be contrary to law or morality, or any scandalous design.

### **Prohibition of Registration of Identical and Resembling Trade Marks**

9. (1) Subject to the provisions of subsection (2), no trade mark shall be registered in respect of any goods (or services) or description of goods (or services) that is identical with a trade mark belonging to a different proprietor and already on the Register in respect of the same goods (or services) or that so nearly resembles such a trade mark as to be likely to deceive or cause confusion.

(2) In the case of honest concurrent use, or of other special circumstances which in the opinion of the Court or the Registrar make it proper so to do, the Court or the Registrar may permit the registration of trade marks that are identical or nearly resemble each other in respect of the same goods (or services) or description of goods (or services) by more than one proprietor subject to such conditions and limitations, if any, as the Court or the Registrar, as the case maybe, may think it right to impose.

(3) Where separate applications are made by different persons to be registered as proprietors respectively of trade marks that are identical or nearly resemble each other, in respect of the same goods (or services) or description of goods (or services) the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been settled by agreement in a manner approved by him or, on an appeal, the Court.

### **Registration subject to disclaimer**

10. If a trade mark -

(a) contains any part not separately registered by the proprietor as a trade mark; or

(b) contains matter common to the (business) or otherwise of a non-distinctive character,

the Registrar or the Court, in deciding whether the trade mark shall be entered or shall remain on the Register, may require as a condition of its being on the Register -

(i) that the proprietor shall disclaim any right to the exclusive use of any part of the trade mark, or to the exclusive use of all or any portion of any such matter aforesaid, to the exclusive use of which the Registrar or, as the case may be, the Court holds him not to be entitled; or

(ii) that the proprietor shall make such other disclaimer as the Registrar or, as the case may be, the Court may consider necessary for the purpose of defining his rights under the registration:

Provided that no disclaimer on the Register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

### **Words used as name or description of an article or substance or services**

11. (1) the registration of a trade mark shall not become invalid by reason only of any use, after the date of registration, of a word or words which the trade mark contains or of which it consists, as the name or description of an article or substance or service:

Provided that if it is proved-

(a) that there is a well-known and established use of the word or words as the name or description of the article or substance or service by a person carrying on business in relation to the article, substance or service, not being used in relation to goods or services connected in the course of business with the proprietor or registered user of the trade mark or, in the case of a certification trade mark, goods or services certified by the proprietor; or

(b) in the case of a word or words which is or are the name or description of an article or substance, that the article or substance, was formerly manufactured under a patent that a period of two years or more after the cesser of the patent has elapsed and that the word or words is or are the only practical name or description of the article or substance

subsection (2) shall have effect.;

(2) where the facts mentioned in paragraph (a) or paragraph (b) of the proviso to subsection (1) are proved with respect to any word or words, then-

(a) if the trade mark consists solely of that word or those words, the registration of the trade mark, so far as regards registration in respect of the article or substance (or services) in question or of any goods of the same description, shall be deemed for the purposes of section 29 to be an entry wrongly remaining on the Register ;

(b) if the trade mark contains that word or those words and other matter, the Court or the Registrar, in deciding whether the trade mark shall remain on the Register, so far as regards registration in respect of the article or substance (or services) in question and of any goods (or services) of the same description, may in case of a decision in favour of its remaining on the Register require as a condition thereof that the proprietor shall disclaim any right to the exclusive use in relation to that article or substance (or services) and any goods (or services) of the same description of that word or those words, so, however, that no disclaimer on the Register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made; and

(c) for the purposes of any other legal proceedings relating to the trade mark -

(i) if the trade mark consist solely of that word or those words, all rights of the proprietor, whether by registration or otherwise, to the exclusive use of the trade mark in relation to the article or substance (or services) in question or to any goods (or services) of the same description; or

(ii) if the trade mark contains that word or those words and other matter, all such rights of the proprietor to the exclusive use of that word or those words in such relation, as aforesaid,

shall be deemed to have ceased on the date at which the use mentioned in paragraph (a) of the proviso to subsection (1) first became well known and established, or at the expiration of the period of two years mentioned in paragraph (b) of that proviso.

(3) No word which is the commonly used and accepted name of any single chemical element or single chemical compound, as distinguished from a mixture shall be registered as a trade mark in respect of a chemical substance or preparation, and any such registration in force on the or appointed day or thereafter shall, notwithstanding anything in section 11 be deemed for the purposes of section 29 to be an entry wrongly remaining on the Register, as the circumstances may require:

Provided that this subsection shall not have effect in relation to a word which is used to denote only a brand or make of the element or compound as made by the proprietor or a registered user of the trade mark, as distinguished from the element or compound as made by others, and in associated with a suitable name or description open to the public use.

### **Effect of limitation as to colour, and of absence thereof**

12. (1) A trade mark may be limited in whole or in part to one or more specified colours, and in any such case the fact that it is so limited shall be taken into consideration by the Registrar or the Court in deciding on the distinctive character of the trade mark.

(2) If and so far as a trade mark is registered without limitation of colour, it shall be deemed to be registered for all colours.

### **Division 3 - Procedure for and Duration of Registration**

#### **Application for Registration**

13. (1) Any person claiming to be the proprietor of a trade mark or used by him who is desirous of registering it must apply in writing to the Registrar in the prescribed manner for registration.

(2) Subject to the provisions of this Decree, the Registrar may refuse the application, or may accept it absolutely or subject to such amendments, modifications, conditions or limitations, if any, as he may think fit.

(3) In the case of a refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving thereat, and the decision shall be subject to appeal to the Court.

(4) An appeal under this section shall be made in the prescribed manner, and on the appeal, the Court shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what amendments, modifications, conditions or limitations, if any, the application is to be accepted.

(5) Appeals under this section shall be heard on the materials stated as aforesaid by the Registrar and no further grounds of objection to the acceptance of the application shall be taken by the Registrar, other than those so stated as aforesaid by him, except by leave of the Court; and, where any further grounds of objection are taken, the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.

(6) The Registrar of the Court, as the case may be, may at any time, whether before or after acceptance, or correct any error in or connection with the application upon such terms as the Registrar or the Court, as the case may be, may think fit.

#### **Opposition to Registration**

14. (1) When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions or limitations, the Registrar shall, as soon as may be after acceptance, cause the application as accepted to be advertised in the prescribed manner, and the advertisement shall set forth all conditions and limitations subject to which the application has been accepted :

Provided that the Registrar may cause an application to be advertised before acceptance if it is made under section 7(1) (e) or in any other case where it appears to him that it is expedient by reason of any exceptional circumstances so to do, and where an application has been so advertised the Registrar may, if he thinks fit, advertise it again when it has been accepted but shall not be bound so to do.

(2) Any person may, within the prescribed time from the date of the advertisement of an application, give notice to the Registrar of opposition to the registration.

(3) The notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.

(4) The Registrar shall send a copy of the notice to the applicant, and within the prescribed time after receipt thereof the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application.

(5) If the applicant sends such a counter-statement as aforesaid, the Registrar shall furnish a copy thereof to the person giving notice of opposition, and shall, after hearing the parties, if so required, and considering the evidence decide whether, and subject to what conditions or limitations, if any registration is to be permitted.

(6) The decision of the Registrar shall be subject to appeal to the Court.

(7) An appeal under this section shall be made in the prescribed manner, and on the appeal the Court shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions or limitations, if any, registration is to be permitted.

(8) On the hearing of an appeal under this section, any party may, either in the manner prescribed or by special leave of the Court, bring forward further material for the consideration of the Court.

(9) On an appeal under this section, no further grounds of objection to the registration of a trade mark shall be allowed to be taken by the opponent or the Registrar, other than those so stated as aforesaid by the opponent, except by leave of the Court; and, where any further grounds of objection are taken, the applicant shall be entitled to withdraw his application without payment of the costs of the opponent on giving notice as prescribed.

(10) On an appeal under this section, the Court may, after hearing the Registrar, permit the trade mark proposed to be modified in any manner not substantially affecting the identity thereof, but in any such case the trade mark as so modified shall be advertised in the prescribed manner being registered.

(11) If a person giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such a notice, or an appellant, neither resides nor carries on business in Seychelles, the Court or the Registrar may require him to give security for costs of the proceedings before the Court or the Registrar relative to the opposition or to the appeal, as the case may be, and in default or such security being duly given may treat the opposition or application, of the appeal, as the case may be, as abandoned.

## **Registration**

15. (1) When an application for registration of a trade mark has been accepted, and either :-

(a) the application has not been opposed and the time for notice of opposition has expired; or

(b) the application has been opposed and the opposition has been decided in favour of the applicant,

the Registrar shall, unless the application has been accepted in error, register the trade mark and the trade mark, when registered, shall be registered as of the date of the application for registration, and that date shall be deemed for the purposes of this Decree to be the date of registration:

Provided that the provisions of this subsection, relating to the date as of which a trade mark shall be registered and to the date to be deemed to be the date of registration, shall, as respect a trade mark registered under this Decree with the benefit of any enactment relating to international or inter-Commonwealth arrangements, have effect subject to the provisions of that enactment.

(2) On the registration of a trade mark, the Registrar shall issue to the applicant a certificate in the prescribed form of the registration thereof sealed with the seal of the Office of the Registrar General.

(3) Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner treat the application as abandoned unless it is completed within the time specified in that behalf in the notice.

### **Registration to be conclusive as to validity after 7 years**

16. (1) Subject to subsection (2), in all legal proceedings relating to a registered trade mark (including applications under section 29) the original registration of the trade mark shall, after expiration of 7 years from the date of that registration, be taken to be valid in all respect, unless -

(a) the registration was obtained by fraud; or

(b) the trade mark offends against the provisions of section 8.

(2) A trade mark which before the relevant date was registered under Part B of the Register shall not be taken to be valid in all respect for the purposes of this Decree until a period of 7 years has elapsed from the relevant date.

### **Duration and Renewal of Registration**

17. (1) The registration of a trade mark shall be for a period of seven years, but may be renewed from time to time in accordance with the provisions of this section :

Provided that, in relation to a registration as of a date before the appointed day, the period of seven years shall commence to run on the appointed day.

(2) The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of the trade mark for a period of fourteen years from the date of expiration of the original registration or of the last renewal of registration, as the case may be, which date is in this section referred to as "the expiration of the last registration".

(3) At the prescribed time before the expiration of the last registration of a trade mark, the Registrar shall send notice in the prescribed manner to the registered proprietor of the date of expiration and the conditions as to payment of fees and otherwise upon which a renewal of registration may be obtained, and, if at the expiration of the time prescribed in that behalf those conditions have not been duly complied with, the Registrar may remove the trade mark from the Register, subject to such conditions as may be prescribed.

(4) Where a trade mark has been removed from the Register for non-payment of the fee for renewal it shall, nevertheless, for the purpose of any application for the registration of a trade mark during one year next after the date of the removal, be deemed to be at trade mark that is already on the Register:

(a) that there has been no bona fide trade use of the trade mark that has been removed during the two years immediately preceding its removal; or

(b) that no deception or confusion would be likely to arise from the use of the trade mark that is the subject of the application for registration by reason of any previous use of the trade mark that has been removed.

### **Registration of Part of Trade Mark and of Trade Marks as a series**

18. (1) Where the proprietor of a trade mark claims to be entitled to the exclusive use of any part thereof separately, he may apply to register the whole and any such part as separate trade marks.

(2) Each such separate trade mark must satisfy all the conditions of an independent trade mark and shall, subject on the provisions of section 20(4) and section 27(2) have all the incidents of an independent trade mark.

(3) Where a person claiming to be the proprietor of several trade marks, in respect of the same goods (or services) or description of goods (or services), which, while resembling each other in the material particulars thereof, yet differ in respect of -

(a) statements of the goods (or services) in relation to which they are respectively used or proposed to be used; or

(b) statements of number, price, quality or names of places; or

(c) other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or

(d) colour,

seeks to register those trade marks, they may be registered as a series in one registration.

### **Division 4 - Assignment and Transmission**

#### **Powers of, and restrictions on assignment and transmission**

19. (1) Notwithstanding any rule of law to the contrary, a registered trade mark shall be, and shall be deemed always to have been, assignable and transmissible either in connection with the goodwill of a business or not.

(2) A registered trade mark shall be, and shall be deemed always to have been, assignable and transmissible in respect either of all the goods (or services) in respect of which it is registered, or was registered, as the case may be, or of some (but not all) of those goods (or services).

(3) The provisions of subsections (1) and (2) shall have effect in the case of an unregistered trade mark used in relation to any goods (or services) as they have effect in the case of registered trade mark registered in respect of any goods (or services), if at the time of the assignment or transmission of the unregistered trade mark it is or was used in the same business as a registered trade mark, and if



it is or was assigned or transmitted at the same time and to the same business as a registered trade mark and in respect of goods (or services) all of which are goods (or services) in relation to which the unregistered trade mark is or was used in that business and in respect of which that registered trade mark is or was assigned or transmitted.

(4) Notwithstanding anything in subsections (1), (2) and (3), a trade mark shall not be, or be deemed to have been, assignable or transmissible in a case in which as a result of an assignment or transmission there would in the circumstances subsist, or have subsisted, whether by registration or otherwise, exclusive rights in more than one of the persons concerned to the use, in relation to the same goods (or services) or description of goods (or services) of trade marks nearly resembling each other or of identical trade marks, if, having regard to the similarity of the goods (or services) and of the trade marks, the sue of the trade marks in exercise of those rights would be, or have been, likely to deceive or cause confusion :

Providing that, where a trade mark is or has been assigned or transmitted in such a case as aforesaid, the assignment or transmission shall not be deemed to be, or have been, invalid under this subsection if the exclusive rights subsisting as a result thereof in the persons concerned respectively are, or were, having regard to limitations imposed thereon, such as not to be exercisable by two or more of those persons in relation to goods to be sold, or otherwise traded in (or services to be provided) within Seychelles, (otherwise than for export therefrom) or in relation to goods to be exported (or services to be provided to the same place outside Seychelles).

(5) The proprietor of a registered trade mark who proposes to assign it in respect of any goods (or services) in respect of which it is registered may submit to the Registrar in the prescribed manner a statement of case setting out the circumstances, and the Registrar may issue to him a certificate stating whether, having regard to the similarity of the goods (or services) and of the trade marks referred to in the case, the proposed assignment of the first mentioned trade mark would not be invalid under subsection (4), and a certificate so issued shall, subject to the provisions of this section as to appeal and unless it is shown that the certificate was obtained by fraud or misrepresentation be conclusive as to the validity or invalidity under that subsection of the assignment in so far as such validity or invalidity depends upon the facts set out in the case, but, as regards a certificate in favour of validity, only if application for the registration under section 22 of the titled of the person becoming entitled is made within six months from the date on which the certificate is issued.

(6) Notwithstanding anything in subsections (1) (2) and (3), a trade mark shall not, on or after the appointed day, be assignable or transmissible in case in which as a result of an assignment or transmission thereof there would in the circumstances subsist, whether by registration or otherwise, an exclusive right in one of the persons concerned to the use of the trade mark limited to use in relation to goods to be sold or otherwise traded in (or services or goods provided,) in a place or places in Seychelles, and an exclusive right in another of those persons to the use of a trade mark or of an identical trade mark in relation to the same goods or description of goods, (or same services or description of services) limited to use in relation to goods to be sold, or otherwise traded in (or services or goods provided) in another place or other places in Seychelles :

Provided that, on application in the prescribed manner by the proprietor of a trade mark who proposes to assign it, or of a person who claims that a trade mark has been transmitted to him or to a predecessor in title of his on or after the appointed day, in any such case, the Registrar, if he is satisfied that in all the circumstances the use of the trade marks in exercise of the said rights would not be contrary to the public interest, may approve the assignment or transmission, and an assignment or transmission so approved shall not be deemed to be, or to have been, invalid under this subsection or under subsection (4), so, however, that in the case of a registered trade mark this provision shall not have effect unless application for the registration under section 22 of the title of the person becoming entitled is made within six months from the date on which the approval is given or, in the case of transmission, was made before that date.

(7) Where an assignment in respect of any goods (or services) of a trade mark that is the time of the assignment used in a business in those goods (or services) of a trade that is at the time of the assignment used in a business in those goods, (or services) is made, on or after the appointed day, otherwise than in connection with the goodwill of that business, the assignment shall not take effect until the following requirements have been satisfied, that is to say, the assignee must, not later than the expiration of six months from the date on which the assignment is made or within such extended period, if any, as the Registrar may allow, apply to him for directions with respect to the advertisement of the assignment, and must advertise it in such form and manner and within such period as the Registrar may direct.

(8) Any decision of the Registrar under this section shall be subject to appeal to the Court.

### **Certain trade marks to be associated so as to be assignable and transmissible as a whole only**

20. (1) Trade marks that are registered as, or that are deemed by virtue of this Decree to be, associated trade marks shall be assignable and transmissible only as a whole and not separately but they shall for all other purposes be deemed have been registered as separate trade marks.

(2) Where a trade mark that is registered or is the subject of an application for registration is identical to or so resembles another trade mark which is registered or is the subject of an application for registration in the name of the same proprietor that the use of the trade marks by different persons in relation to goods or services or closely related goods or services in respect of which the trade marks are registered or proposed to be registered would be likely to deceive or cause confusion, the Registrar may at any time require that the trade marks shall be entered in the Register as associated marks.

(3) Any decision of the Registrar under subsection (2) shall be subject to appeal to the Court.

(4) Where a trade mark and any part or parts thereof are, by virtue of section 18(1) registered as separate trade marks in the name of the same proprietor, they shall be deemed to be, and shall be registered as, associated trade marks.

(5) All trade marks that are, by virtue of section 18(2), registered as a series in one registration shall be deemed to be, and shall be registered as, associated trade marks.

(6) On application made in the prescribed manner by the registered proprietor of two or more trade marks registered as associated trade marks, the Registrar may dissolve the association as respects any of them if he is satisfied that there would be no likelihood of deception or confusion being caused if that trade mark were used by another person in relation to any of the goods (or services) in respect of which it is registered, and may amend the registered accordingly.

(7) Any decision of the Registrar under subsection (6) shall be subject to appeal to the Court.

### **Power of registered proprietor to assign and give receipts**

21. Subject to the provisions of this Decree, the person for the time being entered in the Register as proprietor of a trade mark shall, subject to any rights appearing from the Register to be vested in any other person, have power to assign the trade mark, and to give effectual receipts for any consideration for an assignment thereof.

### **Registration of assignments and transmission**

22. (1) Where a person becomes entitled by assignment or transmission to a registered trade

mark, he shall make application to the Registrar to register his title, and the Registrar shall, on receipt of the application and on proof of title to his satisfaction, register him as the proprietor of trade mark in respect of the goods (or services) in respect of which the assignment or transmission has effect, and shall cause particulars of the assignment or transmission to be entered on the Register.

(2) Any decision of the Registrar under this section shall be subject to appeal to the Court.

(3) Except for the purposes of an appeal under this section or of an application under section 29, a document or instrument in respect of which no entry has been made in the Register in accordance with the provisions of subsection (1) shall not be admitted in evidence in any Court in proof of the title to a trade mark unless the Court otherwise directs.

### **Division 5 - Use and Non-use**

#### **Renewal from Register and imposition of limitations on ground of non-use**

23. (1) Subject to the provision of section 24 a registered trade mark may be taken off the Register in respect of any of the goods [or services] in respect of which it is registered on application by any person aggrieved to the Court or, at the option of the applicant and subject to the provisions of section 46, to the Registrar, on the ground that either -

(a) the trade mark was registered without any bona fide intention on the part of applicant for registration that it should be used in relation to those goods (or services) by him, and that there has in fact been no bona fide use of the trade mark in relation to those goods (or services) by any proprietor thereof for the time being up to the date one month before the date of the application; or

(b) up to the date one month before the date of the application a continuous period of five years or longer elapsed during which the trade mark was a registered trade mark and during which there was no bona fide use thereof in relation to those goods (or services) by any proprietor thereof for the time being :

Provided that (except where the applicant has been permitted under section 9(2) to register an identical or nearly resembling trade mark in respect of the goods (or services) in question or where the Court or the Registrar is of opinion that he might properly be permitted so to register such a trade mark) the Court or the Registrar, as the case may be, may refuse an application made under paragraph (a) or paragraph (b) in relation to any goods (or services) if it is shown that there has been, (up to the date of one month before the date of filing of the application) or during the relevant period, as the case may be, bona fide use of the trade mark by any proprietor thereof for the time being in relation to goods (or services) of the same description, being goods (or services) in respect of which the trade mark is registered.

(2) Where in relation to any goods or services in respect of which a trade mark is registered -

(a) the matters referred to in subsection (1) (b) are shown so far as regards non-use of the trade mark in relation to goods to be sold or otherwise traded in, or services to be provided, in Seychelles, or in relation to goods to be exported to or services to be provided in a particular place outside Seychelles; and

(b) a person has been permitted under section 9(2) to register an identical or nearly resembling trade mark in respect of goods or services under a registration extending to use in relation to goods to be sold or otherwise traded in, or services to be provided, in Seychelles, or in relation to goods to be exported to or services to be

provided in the particular place outside Seychelles, or the Court or the Registrar is of opinion that the person might properly be permitted so to register such a trade mark,

on the application by that person to the Court, or at the option of the applicant and subject to section 46, to the Registrar, the Court or Registrar may impose on the registration of the first-mentioned trade mark such limitations as the Court or the Registrar thinks proper for securing that that registration shall cease to extend to the use of the trade mark as permitted to be registered under section 9(2);

(3) An applicant shall not be entitled to rely for the purposes of subsection (1) (b), or for the purpose of subsection (2), on any non-use of a trade mark that is shown and not to any intention not to use or to abandon the trade mark in relation to the goods to which the application relates.

### **Defensive registration of well known trade marks**

24. (1) Where a trade mark consisting of an invented word or invented words has become so well known as respects any goods [or services] in respect of which it is registered and in relation to which it has been used that the use thereof in relation to other goods [or services] would be likely to be taken as indicating a connection in the course of business between those goods [or services] and a person entitled to use the trade mark in relation to the first mentioned goods [or services], then, notwithstanding that the proprietor registered in respect of the first mentioned goods [or services] does not use the trade mark in relation to those other goods (or services) and notwithstanding anything in section 23, the trade mark may, on the application in the prescribed manner of the proprietor registered in respect of the first-mentioned goods [or services], be registered in his name in respect of those other goods (or services) as a defensive trade mark and, while so registered, shall not be liable to be taken off the Register in respect of those goods (or services) under that section.

(2) The registered proprietor of a trade mark may apply for the registration thereof in respect of any goods (or services) as a defensive trade mark notwithstanding that it is already registered in his name in respect of those goods (or services) otherwise than as a defensive trade mark, or may apply for the registration thereof in respect of any goods (or services) otherwise than as a defensive trade mark notwithstanding that it is already registered in his name in respect of those goods (or services) as a defensive trade mark, in lieu in each case of the existing registration.

(3) A trade mark registered as a defensive trade mark and that trade mark as otherwise registered in the name of the same proprietor shall, notwithstanding that the respective registration are in respect of different goods (or services), be deemed to be, and shall be registered as associated trade marks.

(4) On application by any person aggrieved to the Court or, at the option of the applicant and subject to the provisions of section 46, to the Registrar, the registration of a trade mark as a defensive trade mark may be cancelled on the ground that the requirements of subsection (1) are no longer satisfied in respect of any goods (or services) in respect of which the trade mark is registered in the name of the same proprietor otherwise than as a defensive trade mark on the ground there is no longer any likelihood that the use of the trade mark in relation to those goods (or services) would be taken as giving the indication mentioned in subsection (1).

(5) The Registrar may at any time cancel the registration as a defensive trade mark of which there is no longer any registration in the name of the same proprietor otherwise than as a defensive trade mark.

(6) Except as otherwise expressly provided in this section, the provisions of this Decree shall apply in respect of the registration of trade marks as defensive trade marks and of trade marks so registered as they apply in other cases.

## Registered users

25. (1) Subject to the provisions of this section, a person otherwise than the proprietor of a trade mark may be registered as a registered user thereof in respect of all or any of the goods (or services) in respect of which it is registered (otherwise than as a defensive trade marks and either with or without conditions or restrictions.

(2) The use of a trade mark by a registered user thereof in relation to goods (or services) with which he is connected in the course of (business) and in respect of which for the time being the trade mark remains registered and he is registered as a registered user, being use such as to comply with any conditions or restrictions to which his registration is subject, is in this Decree referred to as the permitted use thereof.

(3) The permitted use of a trade mark shall be deemed to be used by the proprietor thereof, and shall be deemed not to be use by a person other than the proprietor, for the purposes of section 23, and for any other purpose for which such use is material under this Decree or otherwise.

(4) Subject to any agreement subsisting between the parties, a registered user of a trade mark shall be entitled to call upon the proprietor thereof to take proceedings to prevent infringement thereof, and, if the proprietor refuses or neglects to do so within two months after being so called upon, the registered user may institute proceedings for infringement in his own name, as if he were the proprietor, making the proprietor a defendant.

(5) A proprietor so added as defendant shall not be liable for any costs unless he takes part in the proceedings.

(6) Where it is proposed that a person should be registered as a registered user of a trade mark, the proprietor and the proposed registered use must apply in writing to the Registrar in the prescribed manner and must furnish him with a statutory declaration made by the proprietor, or by some person authorised to act on his behalf and approved by the Registrar -

(a) giving particulars of the relationship, existing or proposed, between the proprietor and the proposed registered user, including particulars showing the degree of control by the proprietor over the permitted use which their relationship will confer and whether it is a term of their relationship that the user of that there shall be any other restriction as to persons for whose registration as registered user application may be made;

(b) stating the goods (or services) in respect of which registration is proposed;

(c) stating any conditions or restrictions proposed with respect to the characteristics of the goods (or services) to the mode or place of permitted use or to any other matter; and

(d) stating whether the permitted use is to be for a period or without limit of period, and if for a period the duration thereof,

and with such further documents, information or evidence as may be required under the rules or by the Registrar.

(7) When the requirements of subsection (6) have been complied with, if the Registrar, after considering the information furnished to him under that subsection, is satisfied that in all the circumstances the use of the trade mark in relation to the proposed goods or services or any of them

by the proposed registered user subject to any conditions or restrictions which the Registrar thinks proper would not be the proposed registered user as a registered user in respect of the goods or services as to which he is so satisfied subject as aforesaid.

(8) The Registrar shall refuse an application under the foregoing provisions of this section if it appears to him that the grant thereof would tend to facilitate trafficking in a trade mark.

(9) The Registrar shall, if so required by an applicant, take steps for securing that information given for the purposes of an application under the foregoing provisions of this section (other than matter entered in the Register) is not disclosed to rivals in trade.

(10) Without prejudice to the provisions of section 29 the registration of a person as registered user may be -

(a) varied by the Registrar as regards the goods (or services) in respect of which, or any conditions or restrictions subject to which, it has effect, on the application in writing in the prescribed manner of the registered proprietor of the trade mark to which the registration relates ;

(b) cancelled by the Registrar on the application in writing in the prescribed manner of the registered proprietor or of the registered user or of any other registered user of the trade mark; or

(c) cancelled by the Registrar on the application in writing in the prescribed manner of any person on any of the following grounds, that is to say -

(i) that the registered user has used the trade mark otherwise than by way of the permitted use, or in such a way as to cause, or to be likely to cause, deception or confusion;

(ii) that the proprietor or the registered user misrepresented, or failed to disclose, some fact material to the application for the registration, or that the circumstances have materially changed since the date of the registration;

(iii) that the registration ought not to have been effected having regard to rights vested in the applicant by virtue of a contract in the performance of which he is interested.

(11) Provision shall be made by the rules for the notification of the registration of a person as a registered user to any other registered user of the trade mark, and for the notification of an application under subsection (10) to the registered proprietor and each registered user (not being the applicant) of the trade mark, and for giving to the applicant on such an application, and to all persons to whom such an application is notified and who intervene in the proceedings in accordance with the rules, an opportunity of being heard.

(12) The Registrar may at any time cancel the registration of a person as a registered user of a trade mark in respect of any goods (or services) in respect of which the trade mark is no longer registered.

(13) Any decision of the Registrar under the foregoing provisions of this section shall be subject to appeal to the Court.

(14) Nothing in this section shall confer on a registered user of a trade mark any assignable or

transmissible right to the use thereof.

### **Proposed use of trade mark by corporation to be constituted, etc**

26. (1) No application for the registration of a trade mark in respect of any goods (or services) shall be refused, nor shall permission for such registration be withheld, on the ground only that it appears that the applicant does not use or propose to use the trade mark if -

(a) the Registrar or the Court is satisfied that a body corporate is about to be constituted, and that the applicant intends to assign the trade mark to the corporation with a view to the use thereof in relation to those goods (or services) by the corporation; or

(b) the application is accompanied by an application for the registration of a person as a registered user of the trade mark, and the Registrar or the Court is satisfied that the proprietor intends it to be used by that person in relation to those goods (or services) and the Registrar or the Court is also satisfied that that person will be registered as a registered user thereof immediately after the registration of the trade mark.

(2) The provisions of section 23 shall have effect, in relation to a trade mark registered under the power conferred by subsection (1), as if for the reference, in subsection (1) (a) of that section, to intention on the part of an applicant for registration that a trade mark should be used by him there were substituted a reference to intention on his part that it should be used by the corporation or registered user concerned.

(3) The Registrar or the Court may, as a condition of the exercise of the power conferred by subsection (1) in favour of an applicant who relies on intention to assign to a corporation as aforesaid require him to give security for the costs of any proceedings before the Registrar or the Court relative to any opposition or appeal, and in default of such security being duly given may treat the application as abandoned.

(4) Where a trade mark is registered in respect of any goods (or services) under the power conferred by subsection (1) in the name of an applicant who relies on intention to assign to a corporation as aforesaid, then unless within such period as may be prescribed, or within such further period not exceeding six months as the Registrar may on application being made to him in the prescribed manner allow, the corporation has been registered as the proprietor of the trade mark in respect of those goods (or services) the registration shall cease to have effect in respect thereof at the expiration of that period, and the Registrar shall amend the Register accordingly.

### **Use of one associated or substantially identical trade marks equivalent to use of another**

27. (1) Where under this Decree use of a registered trade mark is required to be proved for any purpose, the Registrar or the Court may, if and so far as the Registrar or the Court thinks right, accept use of an associated registered trade mark, or of the mark trade marks with additions or alterations not substantially affecting its identity, as an equivalent for the use required to be proved.

(2) The use of the whole of a registered trade mark shall for the purposes of the Decree be deemed to be also a use of any registered trade mark, being a part thereof, registered in the name of the same proprietor by virtue of section 18 (1).

### **Use of trade mark for export or provision of services outside Seychelles**

28. The application in Seychelles of trade mark to goods to be exported (or services to be provided

outside Seychelles) and any other act done in Seychelles in relation to goods to be so exported or services to be provided outside Seychelles which, if done in Seychelles, would constitute use of the trade mark in relation to those goods (or services) for any purpose for which such use is material under this Decree or otherwise.

## **Division 6 - Rectification and Correction of Register**

### **General power to rectify entries in Register**

29. (1) Any person aggrieved by the non-insertion in or omission from the Register of an entry, or by any entry made in the Register without sufficient cause, or by any entry wrongly remaining on the Register, or by any error or defect in any entry in the Register, may apply in the prescribed manner to the court or, at the option of the applicant and subject to the provisions of section 46, to the Registrar, and the Court or the Registrar may make such order for making, expunging or varying the entry as the Court or the Registrar, as the case may be, may think fit.

(2) The Court or the Registrar may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the Register.

(3) In case of fraud in the registration, assignment or transmission of a registered trade mark, the Registrar may himself apply to the Court under this section.

(4) Any order of the Court rectifying the Register shall be served in the prescribed manner on the Registrar, and the Registrar shall, on receipt of the notice, rectify the Register accordingly.

(5) The power to rectify the Register conferred by this section shall include power to remove a registration.

### **Power to expunge or vary registration for breach of condition**

30. On application by any person aggrieved to the Court, or at the option of the applicant and subject to the provisions of section 46, to the Registrar, or on application by the Registrar to the Court, the Court or the Registrar may make such order as the Court or the Registrar may think fit for expunging or varying the registration of a trade mark on the ground of any contravention of, or failure to observe, a condition entered on the Register in relation thereto.

### **Correction of Register**

31. (1) The Registrar may, on request made in the prescribed manner by the registered proprietor

(a) correct any error in the name, address or description of the registered proprietor of a trade mark;

(b) enter any change in the name, address or description of the person who is registered as proprietor of a trade mark;

(c) cancel the entry of a trade mark on the register;

(d) strike out any goods (or services) or classes of goods (or services) from those in respect of which a trade mark is registered; or

(e) enter a disclaimer or memorandum relating to a trade mark which does not in any



way extend the rights given by the existing registration of the trade mark.

(2) The Registrar may, on request made in the prescribed manner by a registered user of a trade mark, correct any error, or enter any change, in the name, address or description of the registered user.

(3) Any decision of the Registrar under this section shall be subject to appeal to the Court.

### **Alteration of registered trade mark**

32. (1) The registered proprietor of a trade mark may apply in the prescribed manner to the Registrar for leave to add to or alter the trade mark in any manner not substantially affecting the identity thereof, and the Registrar may refuse leave or may grant it on such terms and subject to such limitations as he may think fit.

(2) The Registrar may cause an application under this section to be advertised in the prescribed manner in any case where it appears to him that it is expedient so to do, and where he does so, if within the prescribed time from the date of the advertisement any person gives notice to the Registrar in the prescribed manner of opposition to the application, the Registrar shall, after hearing the parties if so required, decide the matter.

(3) Any decision of the Registrar under this section shall be subject to appeal to the Court.

(4) Where leave as aforesaid is granted the trade mark as altered shall be advertised in the prescribed manner, unless it has already been advertised, in the form to which it has been altered, in an advertisement under sub-section (2).

### **Adaptation of entries in Register to amended or substituted classification of goods or services**

33. (1) The President may from time to time make such regulations, prescribe such forms and generally do such things as he thinks expedient, for empowering the Registrar to amend the Register, whether by making or expunging or varying entries therein, so far as may be requisite for the purpose of adapting the designation therein of the goods (or services) or classes of goods [or services] in respect of which trade marks are registered to any amended or substituted classification that may be prescribed.

(2) The Registrar shall not, in exercise of any power conferred on him for the purpose aforesaid, make any amendment of the Register that would have the effect of adding any goods (or services) or classes of goods (or services) to those in respect of which a trade mark is registered (whether in one or more classes) immediately before the amendment is to be made, or of ante-dating the registration of a trade mark in respect of any goods (or services).

Provided that this subsection shall not have effect in relation to goods as to which the Registrar is satisfied that compliance with this subsection in relation thereto would involve undue complexity and that the addition or ante-dating, as the case may be, would not affect any substantial quantity of goods and would not substantially prejudice the rights of any person.

(3) A proposal for the amendment of the Register for the purpose aforesaid shall be notified to the registered proprietor of the trade mark affected, shall be subject to appeal by the registered proprietor to the Court, shall be advertised with any modifications, and may be opposed before the Registrar by any person aggrieved on the ground that the proposed amendment contravenes subsection (2) and the decision of the Registrar on any such opposition shall be subject to the Court.

## Division 7 - Certification Trade Marks

### Certification trade marks

34. (1) A mark adapted in relation to any goods (or services) to distinguish in the course of business goods (or services) certified by any person in respect of origin, material, mode or manufacture, quality, accuracy or other characteristic from goods (or services) not so certified shall be registrable as a certification trade mark in respect of those goods (or services) in the name, as proprietor thereof, of that person :

Provided that a mark shall not be so registrable in the name of a person who carries on a trade in goods (or services) of the kind certified.

(2) In determining whether a mark is adapted to distinguish as aforesaid, the Registrar may have regard to the extent to which -

(a) the mark is inherently adapted to distinguish as aforesaid in relation to the goods (or services) in question; and

(b) by reason of the use of the mark or of any other circumstances, the mark is in fact adapted to distinguish as aforesaid in relation to the goods (or services) in question.

(3) Subject to the provisions of subsections (4), (5) and (6) and of the First Schedule, the registration of a person as proprietor of a certification trade mark in respect of any goods (or services) shall, if valid, give to that person the exclusive right to the use of the trade mark in relation to those goods (or services, and without prejudice to the generality of the foregoing words, that right shall be deemed to be infringed by any person who, not being the proprietor of the trade mark or a person authorised by him under the regulations in that behalf using it in accordance therewith, uses a mark identical with it or so nearly resembling it as to be likely to deceive or cause confusion in the course of business, in relation to any goods (or services) in respect of which it is registered, and in such manner as to render the use of the mark likely to be taken either -

(a) as being use as a trade mark; or

(b) in a case in which the use is use upon the goods or in physical relation thereto or in an advertising circular or other advertisement issued to the public, as importing a reference to some person having the right either as proprietor or by his authorisation under relevant regulations to use the trade mark or goods (or services) certified by the proprietor.

(4) The right to the use of a certification trade mark given by registration as aforesaid shall be subject to any conditions or limitations entered on the register, and shall not be deemed to be infringed by the use of any such mark as aforesaid in any mode, in relation to goods to be sold or otherwise traded in (or services to be provided) in any place, in relation to goods to be exported (or services to be provided in any place outside Seychelles), or in any other circumstances, to which having regard to any such limitations, the registration does not extend.

(5) The right to the use of a certification trade mark given by registration as aforesaid shall not be deemed to be infringed by the use of any such mark as aforesaid by any person -

(a) in relation to goods (or services) certified by the proprietor of the trade mark if, as to those goods (or services) or a bulk of which they form part, (or those services) the proprietor or another in accordance with his authorization under the relevant

regulations had applied the trade mark and has not subsequently moved or obliterated it, or the proprietor has at any time expressly or impliedly consented to the use of the trade mark; or

(b) in relation to goods (or services) adapted to form part of, or to be accessory to, other goods (or services) in relation to which the trade mark has been used without infringement of the right given as aforesaid or might for the time being be so used, if the use of the mark is reasonably necessary in order to indicate that the goods (or services) are so adapted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the fact that the goods (or services) are certified by the proprietor :

Provided that paragraph (a) shall not have effect in the case of use consisting of the application of any such mark as aforesaid to any goods (or services), notwithstanding that they are such goods (or services) as are mentioned in that paragraph, if such application is contrary to the relevant regulations.

(6) Where a certification trade mark is one of two or more registered trade marks that are identical or nearly resemble each other, the use of any of those trade marks in exercise of the right to the use of that trade mark given by registration shall not be deemed to be an infringement of the right so given to the use of any other of those trade marks.

(7) There shall be deposited at the office of the Registrar in respect of every trade mark registered under this section regulations for governing the use thereof, which shall include provisions as to the cases in which the proprietor is to certify goods and to authorise the use of the trade mark, and contain any other provisions that the Registrar may require or permit to be inserted therein (including provisions conferring a right of appeal to the Registrar against any refusal of the proprietor to certify goods or to authorize the use of the trade mark in accordance with the regulations); and regulations so deposited shall be open to inspection in like manner as the Register.

(8) A certification trade mark shall not be assignable or transmissible otherwise than with the consent of the Court.

(9) The provisions of the Second Schedule shall have effect with respect to the registration of a mark under this section and to marks so registered.

### **PART III. - GENERAL**

#### **Division 1 - Regulations and Fees**

##### **Power of Minister to make regulations**

35. (1) The President may make such regulations, prescribe such forms and generally do such things as he thinks expedient -

- (a) for regulating the practice under the Decree including the service of documents;
- (b) for classifying goods (or services) for the purposes of registration of trade marks;
- (c) for making or requiring duplicates of trade marks and other documents;
- (d) for securing and regulating the publishing and selling or distributing, in such manner as he thinks fit, of copies of trade marks and other documents;

(e) generally, for regulating the business of the Registrar in relation to trade marks and all things by this Decree placed under the direction or control of the Registrar.

(2) Regulations may be made under this section for the purpose of giving effect to any Convention relating to trade marks ratified, or acceded to, by the Republic, or otherwise having effect in relation to Seychelles, or to any international agreement relating to trade marks to which Seychelles is a party; and for the purpose of so giving effect the regulations may in particular provide for the registration in stated circumstances of trade marks registered in another country.

(3) There shall be paid in respect of applications and registration and other matters under this Decree such fees as may be prescribed by the President.

## **Division 2 - Powers and Duties of Registrar**

### **Preliminary advice by Registrar as to distinctiveness**

36. (1) The power to give a person who proposes to apply for the registration of a trade mark advice as to whether the trade mark appears to the Registrar prima facie to be inherently adapted to distinguish, shall be a function of the Registrar under this Decree.

(2) Any such person who is desirous of obtaining such advice must make application to the Registrar therefor in the prescribed manner.

(3) If on application for the registration of a trade mark as to which the Registrar has given advice as aforesaid in the affirmative, made within three months after the advice is given, the Registrar, after further investigation or consideration, gives notice to the applicant of objection on the ground that the trade mark is not adapted to distinguish, the applicant shall be entitled, on giving notice of withdrawal of the application within the prescribed period, to have repaid to him any fee on the filing of the application.

### **Hearing before exercise of Registrar's discretion**

37. Where any discretionary or other power is given to the Registrar by this Decree or the rules, he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade mark in question without (if duly required so to do within the prescribed time) giving to the applicant or registered proprietor an opportunity of being heard.

### **Power of Registrar to award costs**

38. (1) In all proceedings before the Registrar under this Decree, the Registrar shall have power to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may, by leave of the Court or a judge thereof, be enforced in the same manner as a judgment or order of the Court to the same effect.

(2) The Court may make rules in regard to the amount of and generally as to costs.

## **Division 3 - Legal Proceedings and Appeals**

### **Registration to be prima facie evidence of validity**

39. In all legal proceedings relating to a registered trade mark (including application under section 27) the fact that a person is registered as proprietor of the trade mark shall be prima facie evidence of the validity of the original registration of the trade mark and of all subsequent assignment

and transmission thereof.

### **Certificate of validity**

40. In any legal proceeding in which the validity of the registration of a registered trade mark come into question and is decided in favour of the proprietor of the trade mark, the Court may certify to that effect, and if it so certifies then in any subsequent legal proceeding in which the validity of the registration comes into question the proprietor of the trade mark on obtaining a final order or judgement in his favour shall have his full costs, charges and expenses as between attorney and client, unless in the subsequent proceeding the Court certifies that he ought not to have them.

### **Costs of Registrar in proceedings before Court, and payments of costs by Registrar**

41. In all proceedings before the Court under this Decree the costs of the Registrar shall be in the discretion of the Court, but the Registrar shall not be ordered to pay costs of any of the parties.

### **Trade usage, etc., to be considered**

42. In any action or proceedings relating to a trade mark or business name, the Court or the Registrar, as the case may be, shall admit evidence of the usages of the trade concerned and of any relevant trade mark or trade name or get-up legitimately used by the Court.

### **Registrar's appearance in proceedings involving rectification**

43. (1) In any legal proceedings in which the relief sought includes alteration or rectification of the Register the Registrar shall have the right to appear and be heard, and shall appear if so directed by the Court.

(2) Unless otherwise directed by the Court, the Registrar in lieu of appearing and being heard may submit to the Court a statement in writing signed by him, giving particulars of the proceedings before him in relation to the matter in issue or of the grounds of any decision given by him affecting it or of the practice of the office of the Registrar in like cases or of such other matters relevant to the issues, and within his knowledge as Registrar, as he thinks fit, and the statement shall be deemed to form part of the evidence in the proceeding.

### **Court's power to review Registrar's decision**

44. The Court, in dealing with any question of the rectification of the Registrar (including all application under the provisions of section 17) shall have power to review any decision of the Registrar relating to the entry in question or the correction sought

### **Discretion of Court in appeals**

45. In any appeal from a decision of the Registrar to the Court under this Decree, the Court shall have and exercise the same discretionary powers under this Decree as are conferred upon the Registrar.

### **Procedure in cases of option to apply to Court or Registrar**

46. Where under any of the foregoing provisions of this Decree an applicant has an option to make an application either to the Court or to the Registrar -

(a) if an action concerning the trade mark in question is pending, the application must

be made to the Court;

(b) if in any other case the application is made to the Registrar, he may, at any stage of the proceedings, refer the application to the Court, or he may after hearing the parties determine the question between them, subject to appeal to the Court.

#### **Division 4 - Evidence**

##### **Mode of giving evidence**

47. (1) In any proceedings under this Act before the Registrar, the evidence shall, in the absence of directions to the contrary, be given by declaration made on oath before any person before whom an affidavit may be sworn, but, in any case in which the Registrar thinks it rights so to do, he may take evidence by declaration.

(2) Any such declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

(3) In case any part of the evidence is taken viva voce the registrar shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as a magistrate.

##### **Evidence of entries in Register**

48. (1) A printed or written copy of any entry in the Register purporting to be certified by the Registrar and sealed with his seal shall be admitted in evidence in all Courts, and in all proceedings, without further proof or production of the original.

(2) Any person requiring a copy of any entry in the Register certified and sealed by the Registrar as aforesaid shall be entitled to obtain it on payment of the prescribed fee.

##### **Evidence of things done by Registrar**

49. A certificate purporting to be under the hand of the Registrar as to any entry, matter or thing that he is authorised by this Decree or the rules to make or do shall be prima facie evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done.

#### **Division 5 - Offence**

##### **Falsification of entries in Register**

50. If any person makes or causes to be made a false entry in the Register, or a writing falsely purporting to be a copy of an entry in the Register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of an offence and liable to imprisonment for a term of not exceeding five years or to a fine not exceeding ten thousand rupees, or to both.

##### **Fine for falsely representing a trade mark as registered**

51. (1) Any person who makes a representation -

- (a) with respect to a mark not being a registered trade mark, to the effect that it is a registered trade mark; or
- (b) with respect to a part of a registered trade mark not being a part separately registered as a trade mark, to the effect that it is so registered; or
- (c) to the effect that a registered trade mark is registered in respect of any goods (or services) in respect of which it is not registered; or
- (d) to the effect that the registration of a trade mark gives an exclusive right to the use thereof in any circumstances in which, having regard to limitations entered on the register, the registration does not give that right,

shall be guilty of an offence and liable to a fine not exceeding five thousand rupees.

(2) For the purposes of this section, the use in Seychelles in relation to a trade mark of the word "registered", or of any other word referring whether expressly or implied to registration, shall be deemed to import a reference to registration in the Register, except -

- (a) where that word is used in physical association with other words delineated in characters at least as large as those in which that word is delineated and indicating that the reference is to registration as a trade mark under the law of a country outside Seychelles, being a country under the law of which the registration referred to is in fact in force;
- (b) where that word (being a word other than the word "registered") is of itself such as to indicate that the reference is to such registration as last aforesaid; or
- (c) where that word is used in relation to a mark registered as a trade mark under the law of a country outside Seychelles and in relation to goods to be exported to (or services to be provided in) that country.

#### **PART IV. - MISCELLANEOUS**

##### **Change of form of trade correction not to be deemed to cause deception**

52. The use of a registered trade mark in relation to goods (or services) which and the person using it any form of connection in the course of trade subsists shall not be deemed to be likely to cause deception or confusion on the ground only that the trade mark has been, or is, used in relation to goods (or services) between which and that person or a predecessor in title of his a different form of connection in the course of subsisted or subsists.

##### **Jointly owned trade marks**

53. (1) Where the relations between two or more persons interested in a trade mark are such that no one of them is entitled as between himself and the others of them to use it except-

- (a) on behalf of both or all of them; or
- (b) in relation to an article with which both or all of them are connected in the course of business.

those persons may be registered as joint proprietors of the trade mark, and this Decree shall

have effect in relation to any rights to the use of the trade mark vested in those persons as if those rights had been vested in a single person.

(2) Subject as aforesaid, noting in this Decree shall authorise the registration of two or more persons who use a trade mark independently, or propose so to use it, as joint proprietors thereof.

### **Trusts**

54. There shall not be entered in the Register any notice of any such notice be receivable by the Registrar.

### **Recognition of agents**

55. The President may make regulations with respect to trade mark agents, including regulations with respect to-

- (a) the registration of trade mark agents and the removal from the Register of any person so registered;
- (b) the privileges of trade mark agents;
- (c) the entitlement to practice as a trade mark agent;
- (d) trade mark agents and their functions;
- (e) the prohibition of certain acts by trade mark agents;
- (f) the prohibition of certain acts be persons who are not trade mark agents.

### **Address for service**

56. When an applicant for the registration of a trade mark or an agent does not reside or carry on business in Seychelles, he shall give the Registrar an address for service in Seychelles, and if he fails to do so the Registrar may refuse to proceed with the application until such address has been given.

### **Transitional provisions and savings**

57. The transitional provisions and savings set out in the Third Schedule shall have effect with respect to the matters therein mentioned.

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## **FIRST SCHEDULE (Section 6): Rights given by Registration**

1. (1) Subject to this Schedule, the registration of a person as proprietor of a trade mark (other than a certification trade mark) in respect of any goods (or services) shall, if valid, give to be deemed to have given to that person the exclusive right to the use of the trade mark in relation to those goods (or services), and, without prejudice to the generality of the foregoing words, the right shall be deemed to be infringed by a person who, not being proprietor of the trade mark or a registered user thereof using by way of permitted use, uses a mark identical with it or so nearly resembling it as to be likely to deceive or cause confusion, in the course of business, in relation to any goods (or services) in respect of which it is registered, and in such manner as to render the use of the mark likely to be taken either -



(a) as being use as a trade mark; or

(b) in a case in which the use is the use upon the goods (or services) or in physical relation thereto or in respect of services, or an advertising circular or other advertisement issued to the public, as importing a reference to some person having the right either as proprietor or as registered user to use the trade mark or to goods (or services) with which such a person as aforesaid is connected in the course of business.

(2) The right to the use of a trade mark given by registration as aforesaid shall be subject to any conditions or limitations entered on the Register, and shall not be deemed to be infringed by the use of any such mark as aforesaid in any mode in relation to goods to be sold or otherwise trade (or services to be provided) in any place, in relation to goods to be exported to any market, or services to be provided in any place outside Seychelles or in any circumstances, to which, having regard to any such limitations, the registration does not extend.

(3) The right to the use of a trade mark given by registration as aforesaid shall not be deemed to be infringed by the use of any mark as aforesaid by any person -

(a) in relation to goods (or services) connected in the course of (business) the proprietor or a registered user of the trade mark if, as to those goods (or services) or a bulk of which they form part (or those services), the proprietor or the registered user conforming to the permitted use has applied the trade mark and has not subsequently removed or obliterated it, or has at any time expressly or impliedly consented to the use of the trade mark; or

(b) in relation to goods (or services) adapted to form part of, or to be accessory to, other goods (or services) in relation to which the trade mark has been used without infringement of the right given as aforesaid or might for the time being be so used, if the use of the mark is reasonably necessary in order to indicate that the goods (or services) are so adapted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the fact a connexion in the course of (business) between any person and the goods (or services).

(4) The use of a registered trade mark, being one of two or more registered trade marks that are identical or nearly resemble each other, in exercise of the right to the use of that trade mark given by registration as aforesaid, shall not be deemed to be an infringement of the right so given to the use of any other of those trade marks.

2 (1) Subject to section 16 (2) and sub-paragraph (2), where, before the relevant date, a person was registered in Part B of the Register as proprietor of a trade mark in respect of any goods, the registration shall, if valid, give to that person the like right in relation to those goods as if the registration had been valid in all respect under section 16 and paragraph 1 shall have effect in respect of the trade mark.

(2) In any action infringement of the right to the use of atrde mark given by registration, before the relevant date, in Part B of the Register no injunction or other relief shall be granted to the plaintiff if the defendant establishes to the satisfaction of the court that the use of which the plaintiff complains is not likely to deceive or cause confusion or to be taken as indicating a connection in the course of trade between the goods and some person having the right either as a proprietor or as registered user to use the trade mark.

3. Nothing in this Decree shall entitle the proprietor or a registered trade mark to interfere with or restrain the use by any person of a trade mark identical with or nearly resembling it in relation to

goods (or services) in relation to which that person or a predecessor in title of his has continuously used that used that trade mark from a date anterior -

(a) to the use of the first-mentioned trade mark in relation to those goods (or services) by the proprietor or a predecessor in title of his; or

(b) to the registration of the first-mentioned trade mark in respect of those goods (or services) in the name of the proprietor or a predecessor in title of his, whichever is the earlier, or to object (on such use being proved) to that person being put on the Register for that identical or nearly resembling trade mark in respect of those goods (or services) under section 9 (2).

4. No registration of a trade mark shall interfere with -

(a) any bona fide use by a person of his own name or of the name of his place of business, or of the name, or of the name of the place of business, of any of his predecessors in business; or

(b) the use by any person of any bona fide description of the character or quality of his goods (or services), not being a description that would be likely to be taken as importing any such reference as is mentioned in paragraph 1(1) (b) or in section 34(3) (b).

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#### **SECOND SCHEDULE (Section 34): Certification Trade Marks**

1. (1) An application for the registration of a mark under section 34 must be made to the Registrar in writing in the prescribed manner by the person proposed to be registered as the proprietor thereof.

(2) The provisions of subsection (2) and of subsection (3) to (6) of section 13 shall have effect in relation to an application under section 34 as they have effect in relation to an application under section 13(1).

(3) In dealing under the said provisions with an application under section 34, the Court or the Registrar shall have regard to the like considerations, so far as relevant, as if the application were an application under section 19 and to any other considerations relevant to applications under section 34, including the desirability of securing that a certification trade mark shall comprise some indication that it is such a trade mark.

(4) An applicant for the registration of a mark under section 34 shall transmit to the Registrar draft regulations for governing the use thereof in accordance with section 34(7).

(5) The Registrar shall consider the application with regard to the following matters, that is to say -

(a) whether the applicant is competent to certify the goods (or services) in respect of which the mark is to be registered;

(b) whether the draft regulations are satisfactory; and

(c) whether in all the circumstances the registration applied for would be to the public

advantage;

and may either -

(i) refuse to accept the application; or

(ii) accept the application and approve the regulations either without modification and unconditionally or subject to any conditions or limitations, or to any amendments or modifications of the application or of the regulations, which he thinks requisite having regard to any of the matters aforesaid,

but, except the application and approve the regulations either without modification and unconditionally, the Registrar shall not decide the matter without giving to the applicant an opportunity of being heard.

2. (1) When an application has been accepted, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner, and the provisions of subsections (2) to (11) of section 14 shall have effect in relation to the registration of the mark as if the application under section 13 :

Provided that, in deciding under the said provisions, the Registrar shall have regard only to the considerations referred to in paragraph 1(3), and a decision under the said provisions in favour of the applicant shall be conditional on the determination in his favour by the Registrar under subparagraph (2) of this paragraph of any opposition relating to any of the matters referred to in paragraph 1(5).

(2) When notice of opposition is given relating to any of the matters referred to in paragraph 1(5) the Registrar shall, after hearing the parties, if so required, and considering any evidence, decide whether, and subject to what conditions or limitations, or amendments or modifications of the application or of the regulations, if any, registration is, having regard to those matters, to be permitted.

3. (1) The regulations deposited in respect of a certification trade mark may, on the application of the registered proprietor, be altered by the Registrar.

(2) The Registrar may cause an application for his consent to be advertised in any case where it appears to him that it is expedient so to do, and where the Registrar causes an application to be advertised, if within the prescribed time from the date of the advertisement any person gives notice to the Registrar of opposition to the application, the Registrar shall not decide the matter without giving the parties an opportunity of being heard.

4. (1) The Court may, on the application in the prescribed manner of any person aggrieved, or on the application of the Registrar, make such order as it thinks fit expunging or varying any entry in the Register relating to a certification trade mark, or for varying the deposited regulations, on the ground -

(a) that the proprietor is no longer competent, in the case of any of the goods (or services, in respect of which the trade mark is registered, to certify those goods (or services);

(b) that the proprietor has failed to observe a provision of the deposited regulations to be observed on his part;

(c) that it is no longer to the public advantage, that the trade mark should be registered; or

(d) that it is requisite for the public advantage, that, if the trade mark remains registered, the regulations should be varied;

and the Registrar shall have no jurisdiction to make an order under section 29 on any of these grounds.

(2) This Registrar shall have no jurisdiction to make an order under section 29 on any of these grounds.

5. Notwithstanding anything in section 38, the Registrar shall not have any jurisdiction to award costs to or against any party on an appeal to him against a refusal of the proprietor of a certification trade mark to certify goods (or services) or to authorise the use of the trade mark.

6. Any decision of the Registrar under the provisions of this Schedule shall be subject to appeal to the Court.

7. The following provisions of this Decree shall not have effect in relation to a certification trade mark, that is to say, sections 7, 13 and 14 (except as expressly applied by this Schedule), sub-sections (4) to (8) of section 19, sections 23 to 26, section 52, paragraphs 1 of the First Schedule.

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### **THIRD SCHEDULE (Section 57): Transitional Provisions and Savings**

1. The retrospective provisions contained in section 19 shall have effect without prejudice to any determination of a competent court or registrar that was made before the appointed day, or to determination of any appeal from a determination so made, or to any title acquired for valuable consideration before the appointed day.

2. Where a person is registered as a registered user of a trade mark on an application made within one year from the appointed day, section 25(2) shall have effect in relations to any previous use (whether before or after the appointed day) of the trade mark by that person, being use in relation to the goods in respect of which he is registered and, where he is registered subject to conditions or restrictions, being use such as to comply substantially therewith, as if such previous use had been permitted use.

3. Section 28 shall be deemed to have had effect in relation to an act done before the appointed day as it has effect in relation to an act done after the appointed day.

4. (1) Nothing in this Decree shall be taken to invalidate the original registration of a trade mark which immediately before the appointed day was validly on the Register maintained under the \*repealed Act.

(2) No trade mark which is upon the Register maintained under the repealed Act on the appointed day and which, having regard to any differences as between the provisions of this Decree and the provisions of the repealed Act whether as respects limitations which may be imposed an registration or as respects any other matter, was then a registrable trade mark under the repealed Act shall be removed from the Register on the ground that it was not registrable under the law in force at the date of its registration.

(3) Nothing in this Decree shall subject any person to any liability in respect of any act or thing done before the appointed day to which he would not have been subject under the repealed Act.

(4) Nothing in this Decree shall affect any order, rule, regulation or requirement made, table of fees or certificate issued, notice, decision, determination, direction or approval given, application made, or thing done under the repealed Act; and every such order, rule, regulation, requirement, table of fees, certificate, notice, decision, determination, direction, approval, application or thing shall, if in force at the appointed day, continue in force and shall, so far as it could have been made, issued, given or done under this Decree, have effect as if made, issued, given or done under the corresponding provision of this Decree,

(5) Any document referring to any provision of the repealed Act shall be construed as referring to the corresponding provision of this Decree.

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## LAWS OF SEYCHELLES

### TRADE MARKS DECREE

#### CHAPTER 239

#### SUBSIDIARY LEGISLATION: SECTION 35: THE TRADE MARKS REGULATIONS

*[4th January, 1978]*

#### **Citation**

1. These Regulations, may be cited as the Trade Marks Regulations.

#### **Interpretation**

2. In these Regulations, unless inconsistent with the context -

"agent" means an agent duly authorized to the satisfaction of the Registrar;

"Office" means the Trade Marks Office;

"specification" means the designation of goods in respect of which a trade mark, or a registered user of a trade mark, is registered or proposed to be registered.

#### **Fees**

3. The fees which shall be payable in respect of any application, registration and other matters under the Decree and these Regulations shall be the fees prescribed in the First Schedule.

#### **Forms**

4. The forms herein referred to are those contained in the Second Schedule and such forms shall be used in all cases to which they are applicable, and may be modified as directed by the Registrar to meet other cases.

## **Classification of Goods**

5. For the purposes of -

(a) trade marks registrations.

(b) trade marks registered on or after the date of commencement of the Decree or registrations of registered users thereunder, goods and services are classified in the manner appearing in the Third Schedule.

## **Size etc., of documents**

6. Subject to any other directions that may be given by the Registrar, all documents authorized or required by the Decree or these Regulations, to be filed at the Office shall, unless the Registrar otherwise directs, be written, typewritten, lithographed or printed in the English language upon strong paper, in dark, indelible ink, on one side only, of a size approximately 13 inches by 8 inches, and shall have on the left-hand part thereof a margin of not less than 1½ inches.

## **Signature of documents by partnerships, companies and associations**

7. A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any qualified partner stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorized to sign the document. A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorized to sign the document. A document purporting to be signed for or on behalf of an association of persons may be signed by any person who appears to the Registrar to be duly qualified.

## **Service of documents**

8. All documents authorized or required by the Decree or these Regulations to be filed at the Office or with any other person may be sent through the post by a prepaid letter; any document so sent shall be deemed to have been filed at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

## **Address**

9. (1) Where any person is by the Decree or these Regulations bound to furnish the Registrar with an address, the address given shall in all cases be as full as possible for the purpose of enabling any person easily to find the place of trade or business of the person whose address is given.

(2) The Registrar may require the address to include the name of the street and the number of the street or name of the premises and Post Office Box Number if any.

## **Address for service**

10. (1) The Registrar may require an applicant, opponent or agent, or a registered proprietor or registered user of a trade mark, who does not reside or carry on business within Seychelles, to give an address for service within Seychelles 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 of a trade mark, or any person about to be registered as such, may, if he so desires, give an address for service for entry in the register, and such address may be entered by the Registrar.

(3) In any case in which no address for service is entered in the register, the Registrar may treat the trade or business address of the registered proprietor or registered user as therein entered as his address for service for all purposes connected with the registration.

(4) Any written communication 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 in the register, to confirm the address for service, and if within three months of making such request the Registrar receives no confirmation of that address, he may strike it off the register.

### **Agency**

11. (1) Except as otherwise required by these Regulations, any application, request or notice which is required or permitted by the Decree or these Regulations, to be made or given to the Registrar, and all other communications between an applicant or a person making such a request or giving such a notice and the Registrar, and between the registered proprietor or a registered user of a trade mark and the Registrar or any other person, may be signed made or given by or through an agent.

(2) 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 Decree and these Regulations by signing and sending to the Registrar an authority to that effect in the form T.M. No. 1, or in such other written form as the Registrar may deem sufficient. In case of such appointment, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so appointing him, all communications directed to be made to such person in respect of the proceeding or matter may be addressed to such agent, and all attendances upon the Registrar relating thereto may be made by or through such agent. In any particular case the Registrar may require the personal signature or presence of an applicant, opponent, proprietor, registered user or other person.

(3) The Registrar shall not be bound to recognise as such agent any person -

(a) who has been proved to him to have been guilty of conduct discreditable to a trade mark agent; or

(b) who has been convicted of a criminal offence and sentenced to imprisonment without the option of a fine; or

(c) who has been suspended from practice as a legal practitioner or whose name has been struck off the roll of legal practitioners whether in Seychelles or elsewhere.

### **Registrable trade marks**

12. (1) The Registrar may refuse to accept any application for the registration of a mark upon which any of the following appear -

(a) the words "Patent", "Patented", "Registered", "Registered Design", "Copyright", "To counterfeit this is a forgery", or words to like effect;

(b) 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 or a red, ground or silver on a red ground, or such representations in a similar colour or colours.

(2) Where there appears in a trade mark the registration of which is applied for a representation of a cross in any colour, not being one of those mentioned in subregulation (1) (b) 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

### **Arms of city etc.,**

13. Where a representation of the armorial bearings, insignia, orders of chivalry, decorations or flags or any state, city, borough, town, place, society, body corporate, institution or person appears on a mark, the Registrar, before proceeding to register the mark, shall, if he so requires, be furnished with a consent to the registration and use of such emblems from such official or other person as appears to the Registrar to be entitled to give consent, and in default of such consent he may refuse to register the mark.

### **Consent of person to use of name or representation**

14. Where the name or representation of any person appears on a trade mark, the Registrar shall, if he so requires, before proceeding register the mark be furnished with consent from him or, in the case of a person recently dead, from his legal representative, and in default of such consent he may refuse to register the mark.

### **Name or description of goods on a trade mark**

15. (1) Where the name or description of any goods or service appears on a trade mark, the Registrar may refuse to register such mark in respect of any goods or service other than the goods so named or described.

(2) Where the name or description of any goods or services appears on a trade mark, which name or description in use varies, the Registrar may permit the registration of the mark for those and other goods or services, and in that case the applicant shall state 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 by Registrar as to distinctiveness**

16. (1) Any person who proposes to apply for the registration of a trade mark in respect of any goods or services may apply to the Registrar on form T.M. No. 29 or form T.M. No. 28 in a case where he is also making an application under regulation 104, for advice as to whether the trade mark, of which duplicate representations shall accompany the form, appears to the Registrar prima facie to be inherently adapted to distinguish within the meaning of section 7 of the Decree, in relation to those goods, and shall apply separately in relation to goods or services comprised within different classes of goods in the Third Schedule.

(2) A notice of withdrawal of an application for the registration of a trade mark given under section 36 (3) of the Decree 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.

### **Form of application. Specification**

17. (1) An application to the Registrar for the registration of a trade mark shall be signed by the applicant or his agent. For a Specification trade mark other than a certification or defensive trade mark the application shall be made on form T.M. No. 2. For a certification or a defensive trade mark the application shall be made on form T.M. No. 5 or form T.M. No. 31 respectively. Each application shall be for registration in respect of goods or services in one class of the Third Schedule only.

(2) In the case of an application for registration in respect of all the goods or services included in a class, or 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.

### **Address for application**

18. An application for the registration of a trade mark shall be addressed and filed with the Registrar at the Office.

### **Representation of mark**

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

(2) Where the representation exceeds such space in size the representation shall be mounted upon such materials as the Registrar may consider suitable. Part of the mounting shall be affixed in the space aforesaid and the rest may be folded.

(3) In the case of word marks represented in plain letters, the word shall be printed or stencilled in letters of not less than 3/8 inch in size.

### **Additional forms and representations**

20. There shall be filed with every application for registration of a trade mark (other than a certification trade mark) four additional representations of the mark on form T.M. No. 3. The representation of the mark on the application and its duplicate (if any) and the additional representations shall correspond exactly. The additional representations shall in all cases be noted with all such particulars as may from time to time be required by the Registrar. Such particulars shall, if required, be signed by the applicant or his agent.

### **Separate applications**

21. Applications for the registration of the same mark in different classes shall be treated as separate and distinct applications, and in all cases where a trade mark is registered under the same official number for goods or services in more than one class, the registration in respect of the goods or services included in each separate class shall be deemed to be a separate registration for all the purposes of the Decree.

### **Representations to be satisfactory**

22. 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.

### **Series of trade marks**

23. Where application is made for the registration of a series of trade marks under Section 18 (2) of the Decree, a representation of each trade mark of the series shall be included, all as aforesaid, in the application form, in the duplicate thereof (if any) and four representations of each trade mark of the series shall be pinned on the accompanying form T.M. No. 3.

### **Transliteration and translation**

24. (1) Where a trade mark contains a word or words in characters other than Roman, there shall, unless the Registrar otherwise directs, be endorsed on the application form and on the accompanying form T.M. No. 3, a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such endorsement shall state the language to which the word belongs and shall be signed by the applicant or his agent.

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

### **Search**

25. Upon receipt of an application for the registration of a trade mark in respect of any goods or services the Registrar shall cause a search to be made amongst the registered marks pending applications, for the purpose of ascertaining whether there are on record in respect of the same goods or services or description of goods or services 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, 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.

### **Acceptance absolute or conditional; objection**

26. After such search, and consideration of the application, and of any evidence of use or of distinctiveness or of any other matter which the applicant may furnish or may be required to furnish, the Registrar may accept the application absolutely, or he may object to it, or he may express his willingness to accept it subject to such conditions as he may think right to impose.

### **Registrar's objections. Hearing**

27. If the Registrar object to the application, he shall inform the applicant of his objections in writing, and unless within two months the applicant applies for a hearing or makes a considered reply in writing to those objections he shall be deemed to have withdrawn his application.

### **Registrar's conditions etc., Hearing**

28. If the Registrar is willing to accept the application subject to any conditions, he shall communicate such willingness to the applicant in writing, and, if the applicant objects to such conditions, he shall within two months from the date of the communication apply for a hearing or communicate his considered objections in writing, and if he does not do so he shall be deemed to have withdrawn his application. If the applicant does not object to such conditions, amendments, he shall forthwith notify the Registrar in writing and alter his application accordingly.

## **Decision of Registrar**

29. (1) The decision of the Registrar, at a hearing in accordance with regulation 27 or 28 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 two months by applying upon form T.M. No. 4 require the Registrar to state in writing the grounds of, and the materials used by him in arriving at, his decision.

(2) In a case 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. The date when such statement is sent to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

## **Disclaimer**

30. The Registrar may call on an applicant to insert in 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 under Section 24**

31. An application for the registration of a defensive trade mark under section 24 of the Decree shall be filed with the Registrar on form T.M. No. 31, and shall be accompanied by a statement of case setting forth the full particulars of the facts on which the applicant relies in support of his application, verified by an affidavit or solemn declaration made by the applicant or some other person approved for the purpose by the Registrar. The applicant may file with this declaration, or subsequently such other evidence as he may desire to furnish, and the Registrar shall consider the whole of the evidence before deciding on the application. In all other respects and where they are appropriate and it is not otherwise stated, these Regulations shall apply to such applications as they apply to applications for the registration of ordinary trade marks.

## **Application for certification trade mark**

32. An application for the registration of a certification trade mark shall be made to the Registrar on form T.M. No. 5 and shall be accompanied by four additional representations of the trade mark on form T.M. No. 3.

## **Authorization to proceed**

33. (1) These Regulations shall apply to such applications as they apply to applications for the registration of ordinary trade marks, except that for references therein to acceptance of an application there shall be substituted references to authorization to proceed with the application, and that the applicant shall not be deemed to have abandoned his application if in the circumstances of regulation 27 or 28 he does not apply for a hearing or reply in writing.

(2) The address of an applicant to register a certification trade mark shall be deemed to be a trade or a business address for all purposes for which such an address is required by these Regulations.

## **Case ; draft Regulations**

34. The applicant shall file with the Registrar with his application or when required by the

Registrar a case setting out the grounds on which he relies in support of his application together with draft regulations for governing the use of the mark and form T.M. No. 32, all being in duplicate. The Registrar may communicate to the applicant any observations he may have to make on the sufficiency of the case or the suitability of the draft regulations and the applicant may modify either of those documents.

### **Directions by the Registrar**

35. If the Registrar decides to authorize the application to proceed he may at any time call for such evidence, if any, as he thinks fit, and shall if required hear the applicant before giving directions as provided in paragraph 1 (5) of the Second Schedule to the Decree. When such directions have been given and the application has been accepted, the regulations for governing the use of the mark approved by the Registrar, as well as the form of application, shall be open to public inspection.

### **Advertisement of application**

36. (1) An application for the registration of a trade mark required or permitted to be advertised by section 14 (1) of the Decree, shall be advertised in the Gazette. In the case of an application with which the Registrar proceeds only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant, the words "By Consent" shall appear in the advertisement.

(2) If no representation of the trade mark be included in the advertisement of the application the applicant shall refer in such advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.

### **Wood block or electro-type printing**

37. For the purpose of such advertisement the applicant may, at the appropriate time, supply a printing block (or more than one, if necessary) of the trade mark satisfactory to the Registrar, of such dimensions as may from time to time be approved or directed by the Registrar, or shall supply such information or other means of advertising the trade mark as may be required by the Registrar; and the Registrar, if dissatisfied with the printing block supplied by the applicant or his agent, may require a fresh block before approving of the advertisement.

### **Advertisement of series.**

38. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in section 18 (3) of the Decree, the applicant may be required to supply a printing block (or more than one, if necessary) satisfactory to the Registrar of any or each of the trade marks constituting the series; or the Registrar may, if he thinks fit, direct that there shall be inserted with the advertisement of the application a statement of the manner in which the several trade marks differ from one another.

### **Advertisement under sections 16 and 33(2) and (4)**

39. Advertisements under Section 14 and section 32 (2) and (4) of the Decree shall mutatis mutandis be made in the same manner as advertisements relating to an application for registration.

### **Opposition**

40. Any person may within two months from the date of any advertisement in the Gazette of an application for registration of a trade mark give notice on form T.M. No. 6 to the Registrar of

opposition to the registration.

### **Notice of opposition**

41. The notice shall include a statement of the grounds upon which the opponent objects to the registration. If registration is opposed on the ground that the mark resembles marks already on the register, the numbers of such trade marks and the date of the Gazette in which they have been advertised shall be set out. The notice shall be accompanied by a duplicate which the Registrar will forthwith send to the applicant.

### **Counter statement**

42. Within two months from the receipt of such duplicate the applicant shall file with the Registrar a counter-statement on form T.M. No. 7 setting out the grounds on which he relies as supporting his application. The applicant shall also set out what facts, if any, alleged in the notice of opposition he admits. The counter-statement shall be in duplicate.

### **Evidence in support of opposition**

43. Upon receipt of the counter-statement and duplicate the Registrar shall forthwith send the duplicate to the opponent and within two months from the receipt of the duplicate the opponent shall file with the Registrar such evidence by way of affidavit or solemn declaration as he may desire to adduce in support of his opposition and shall deliver to the applicant a copy of such evidence.

### **Evidence in support of application**

44. (1) If an opponent files no evidence he shall, unless the Registrar otherwise directs, be deemed to have abandoned his opposition but, if he does file evidence, then, within two months from the receipt of the copies of such evidence, the applicant shall file with the Registrar such evidence by way of affidavit or solemn declaration as he desires to adduce in support of his application and shall deliver to the opponent a copy thereof.

(2) An applicant, shall unless the Registrar otherwise directs, be deemed to have withdrawn his application if, within the period of two months referred to in subregulation (1), he -

(a) fails to file with the Registrar such evidence as he desires to adduce in support of his application; or

(b) fails to notify the Registrar in the event of his not desiring to adduce evidence in support of his application.

### **Evidence in Reply by opponent**

45. Within two months from the receipt by the opponent of the copy of the applicant's affidavit or solemn declaration the opponent may file with the Registrar evidence by affidavit or solemn declaration in reply, and shall deliver to the applicant a copy of such evidence. This evidence shall be confined to matters strictly in reply.

### **Further evidence**

46. No further evidence shall be filed on either side but, in any proceedings before the Registrar, he may at any time if he thinks fit give leave either the applicant or the opponent to file any evidence upon such terms as to costs or otherwise as he may think fit.

## **Exhibits**

47. Where there are exhibits to affidavits or solemn declarations filed in an opposition, a copy or impression of each exhibit shall be sent to the other party on his request and at his expense, or if such copies or impressions cannot conveniently be furnished, the originals shall be filed with the Registrar in order that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

## **Hearing**

48. Upon completion of the evidence the Registrar shall give notice to the parties of a date when he will hear the arguments in the case. Such appointment shall be for a date at least fourteen days after the date of the notice, unless the parties consent to a shorter notice. Within seven days from the receipt of the notice any party who intends to appear shall so notify the Registrar on form T.M. No. 8. A party who receives notices as aforesaid and who does not, within seven days from the receipt thereof, so notify the Registrar on form T.M. No. 8 may be treated as not desiring to be heard and the Registrar may act accordingly.

## **Extension of time**

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

## **Security for costs**

50. Where a party giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such a notice neither resides nor carries on business in Seychelles, the Registrar may require him to give security in such form as the Registrar may deem sufficient for the costs of the proceedings before the Registrar, for such amount as to the Registrar may seem 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 case**

51. In the event of an opposition being uncontested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent 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 lodged.

## **Opposition to application**

52. Within two months from the date of any advertisement in the Gazette of an application for the registration of a certification trade mark, any person may give notice to the Registrar on form T.M. No. 35 of opposition and regulations 41 to 51 inclusive shall apply mutatis mutandis to the proceedings thereon, with substitution of form T.M.No. 36 for form T.M.No. 7, and of form T.M.No. 37 for form T.M.No. 8. In any case of doubt any party may apply to the Registrar for directions.

## **Non-completion within twelve months**

53. Where registration of a trade 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 on form T.M.No. 9 give notice in writing to the applicant at his trade or business address of the non-completion, but if the

applicant has authorized an agent for the purpose of the application he shall instead send the notice to the agent and shall send a duplicate thereof to the applicant. 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 shall be deemed to be abandoned.

### **Entry in register**

54. (1) As soon as may be after the expiration of two months from the date of the advertisement in the Gazette of any application for the registration of a trade mark, the Registrar shall, subject to section 15 (1) of the Decree, and upon payment of the prescribed fee on form T.M.No. 10, enter the trade mark in the register. In those cases, where the applicant has supplied a printing block in accordance with regulation 37, he shall file with his fee a representation of the trade mark agreeing in all respects with the representation then appearing on the form of application, to be affixed by the Registrar to the certificate of registration as required by regulation 57. The entry of a trade mark in the register shall give the date of the registration, the goods or services in respect of which it is registered, and all particulars named in section 4 of the Decree, including both the trade or business address and the address for service (if any), particulars of the trade, business, profession, occupation or other description of the proprietor, particulars of any undertakings by the proprietor, entered on the form of application, particulars affecting the scope of the registration or the rights conferred by the registration and such other particulars as are prescribed.

(2) In the case of an application as aforesaid which the registrar accepts only after the applicant has lodged the written consent to the proposed registration of the registered proprietor of another trade mark or another applicant for registration, the afore- said entry in the register shall state that it is "By Consent" and shall give the number of the previous registration or the application for registration.

### **Associated marks**

55. (1) Where a mark is registered as associated with any other mark or marks the Registrar shall note in the register in connexion with the first-mentioned mark the numbers of the marks with which it is associated and shall also note in the register in connexion with each of the associated marks the number of the first-mentioned mark as being a mark associated therewith.

(2) An application by a registered proprietor under Section 20 (6) of the Decree to the Registrar to dissolve the association between two or more associated trade marks shall be made on form T.M. No. 19 and shall include a statement of the grounds of the application.

### **Death of applicant before registration**

56. In case of the death of any applicant for the registration of a trade mark after the date of his application, and before the trade mark applied for has been entered in 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 in the register in place of the name of such deceased applicant, the name, address and description of the person owning the trade mark, on such ownership being proved to the satisfaction of the Registrar.

### **Certificate of registration**

57. Upon the registration of a trade mark the Registrar shall issue to the applicant a certificate in form T.M. No. 11, and shall affix thereto a copy of the mark, which may be a representation thereof supplied by the applicant under regulation 54.

### **Renewal of registration**

58. At any time not more than six months before the expiration of the last registration of a trade mark any person may leave at the Office a fee for the renewal of the registration of the mark with form T.M. No. 12, and, if he is not the registered proprietor, shall sign a statement on the form that he is directed by the registered proprietor to pay the fee (if such be the case) and shall give his address. Before taking any further step the Registrar may either -

(a) require the person leaving the fee to furnish within fourteen days an authority to pay the fee signed by the registered proprietor, and if he does not furnish such authority may return the fee and treat it as not received ; or

(b) communicate with the registered proprietor stating that the fee has been received and that the registration will in due course be renewed.

### **Notice before removal of trade mark from register**

59. At a date not less than three months and not more than six months before the expiration of the last registration of a mark, if no fee with form T.M. No. 12 has been received, the Registrar shall notify the registered proprietor in writing of the approaching expiration.

### **Second notice**

60. At a time not less than fourteen days and not more than one month before the expiration of the last registration of a mark the Registrar may, if no fee as aforesaid has been received, send a notice in writing to the registered proprietor at his trade or business address as well as at his address for service, if any.

### **Advertisement of non-payment**

61. If at the date of the expiration of the last registration of a mark the renewal fee has not been paid, the Registrar shall advertise the fact forthwith in the Gazette. If the Registrar receives the renewal fee with form T.M. No. 12, together with an additional fee accompanying form T.M. No.13, at any time during the period between such date of expiration and one month after such advertisement, he may renew the registration without removing the mark from the register.

### **Removal trade mark from register**

62. Where, at the expiration of one month from the advertisement mentioned in regulation 61, the fees therein mentioned have not been paid, the Registrar may remove the mark from the register as of the date of the expiration of the last registration, but may, upon payment of the renewal fee with form T.M. No. 12 together with a restoration fee accompanying form T.M. No. 14, restore the mark to the register if satisfied that it is just so to do and upon such conditions as he may think fit to impose.

### **Record of removal of mark**

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

### **Notice and advertisement of renewal and restoration**

64. Upon the renewal or restoration and renewal of a registration notice to that effect shall be sent to the registered proprietor and the renewal or restoration and renewal shall be advertised in the



Gazette.

### **Joint application for entry of assignment of transmission**

65. Where a person becomes entitled by assignment or transmission to a registered trade mark he may, conjointly with the registered proprietor, make application to the Registrar on form T.M. No. 16 to register his title.

### **Application for entry of assignment or transmission by subsequent proprietor**

66. Where a person becomes entitled to a registered trade mark in the manner referred to in regulation 65, and no conjoint application as therein mentioned is made, he shall make application to the Registrar on form T.M. No. 17 to register his title.

### **Particulars to be stated in application**

67. An application under regulation 65 or 66 shall contain the name, trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims and such instrument, shall be produced for inspection by the Registrar. The full names of all the partners in a partnership 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 to public inspection.

### **Case accompanying application**

68. Where in the case of an application on form T.M. No. 16 or No. 17 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 trade mark is based, and showing that the trade mark has been assigned or transmitted to him. If the Registrar so requires, the case shall be verified by affidavit or solemn declaration.

### **Proof of title**

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

### **Application for entry of assignment without goodwill**

70. (1) An application under regulation 65 or 66 relating to an assignment on or after the commencement of the Decree of a trade mark in respect of any goods or services shall state -

(a) whether the trade mark was, at the time of the assignment, used in a business in any of those goods or services; and

(b) whether the assignment was made otherwise than in connexion with the goodwill of that business,

and, if both those circumstances subsisted, then the applicant shall file with the Registrar a copy of the Registrar's directions to advertise the assignment, obtained upon application under section 19 (7) of the Act and regulation 74, and such proof, including copies of advertisements or otherwise, as the Registrar may require that his

directions have been fulfilled; and 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 26 (3) of the Act, the period within which a corporation may be registered as the subsequent proprietor of a registered trade mark, upon application made under regulation 65 or 66 shall be six months from the date of advertisement in the Gazette of the registration of the trade mark or such further period not exceeding six months as the Registrar may allow, on application being made to him on form T.M. No. 15 by the applicant for registration of title or the registered proprietor, as the case may be, at any time before or during the period for which the extension can be allowed.

### **Entry in register**

71. 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 trade mark in respect of the relevant goods or services, and shall enter in the register his name, trade or business address and description and particulars of the assignment or transmission.

### **Separate Registration**

72. Where pursuant to an application under regulation 65 or 66, and as the 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 under the same official number as subsequent proprietors of a trade mark, each of the resulting separate registrations in the names of those different persons shall be deemed to be a separate registration for all the purposes of the Decree.

### **Registrar's certificate or approval as to certain assignments and transmissions**

73. Any person who desires to obtain the Registrar's certificate or under Section 19 (5) of the Decree, or his notification of approval under section 19 (6) of the Decree, shall file with the Registrar, with his application on form T.M. No. 38 or 39, as the case may be, a statement of case in duplicate setting out the circumstances, and a copy of any instrument or proposed instrument effecting the assignment or transmission. The Registrar may call for any evidence or further information that he may consider necessary; and the statement of case shall be amended if required to include all the relevant circumstances and shall if required be verified by affidavit or solemn declaration. The Registrar, after hearing if so required the applicant and any other person whom the Registrar may consider to be interested in the transfer, shall consider the matter and issue a certificate thereon or a notification in writing of approval or disapproval thereof, as the case may be. Where a statement of case is amended, two fair copies thereof in its final form shall be left with the Registrar. The Registrar shall seal a copy of the statement of case in its final form to the certificate or notification.

### **Registrar's directions for advertisement of assignment without goodwill or trade mark in use**

74. (1) An application to the Registrar under section 19 (7) of the Act shall be made by the assignee on form T.M. No. 40 and shall state the date on which the assignment was made. The application shall give particulars of the registration in the case of a registered trade mark and in the case of an unregistered trade mark, shall show the mark and give particulars of the registered trade mark that has been assigned therewith in accordance with section 19 (3) of the Decree. The Registrar may call for any evidence or further information, and if he is satisfied with regard to the various matters he shall issue directions in writing with respect to the advertisement of the assignment.

(2) The Registrar may refuse to consider such an application in a case to which section 19 (6) of the Decree applies unless his approval has been obtained under the said subsection and a reference identifying the Registrar's notification of approval is included in the application.

(3) A request to the Registrar for an extension of the period within which the application may be made, which shall be on form T.M. No. 41 may be made at any time before or during the period for which extension can be allowed. The extension of the period which extension can be allowed. The extension of the period which the Registrar may allow shall not exceed three months.

### **Alteration of address in register**

75. A registered proprietor or registered user of a trade mark whose trade or business address or address for service is changed so that the entry in the register is rendered incorrect shall forthwith request the Registrar on form T.M. No. 18 to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

### **Application to rectify, or remove a trade mark from the register**

76. An application to the Registrar under any of the sections of the Decree for the making, expunging or varying of any entry in the register shall be made on form T.M. No.26, and shall be accompanied by a statement setting out fully the nature of the applicants' interest, the facts upon which he bases his case and the relief which he seeks. Where the application is made by a person who is not the registered proprietor of the trade mark in question it shall be accompanied by a copy of the application and a copy of the statement, and these copies shall be transmitted forthwith by the Registrar to the registered proprietor.

### **Further procedure**

77. Upon such application being made, and copy thereof transmitted to the registered proprietor, if necessary, regulations 42 to 51 inclusive shall apply mutatis mutandis to the further proceedings thereon; but the Registrar, shall not rectify the register or remove the mark from the register merely because the registered proprietor has not filed a counter statement. In any case of doubt any party may apply to the Registrar for directions.

### **Intervention by third parties**

78. Any person other than the registered proprietor alleging interest in a registered trade mark in respect of which an application is made on form T.M. No. 26 may apply to the Registrar on form T.M. No. 27 for leave to intervene, stating thereon the nature of his interest, and the Registrar may refuse or grant such leave, after hearing (if so required) the parties concerned, upon such conditions and terms as he may deem fit. Before dealing in any way with the application for leave to intervene the Registrar may require the applicant to give an undertaking to pay such costs as in the circumstances he may award to any party.

### **Application under section 31(1)**

79. An application to the Registrar under section 31 (1) of the Decree for the alteration of the register by correction, change, cancellation or striking out goods or services, or for the entry of a disclaimer or memorandum, may be made by the registered proprietor of the trade mark or by such person as may satisfy the Registrar that he is entitled to act in the name of the registered proprietor.

### **Evidence**

80. In the case of an application as in regulation 79, the Registrar may require such evidence by affidavit, solemn declaration or otherwise as he may think fit as to the circumstances in which the application is made.

### **Advertisement of certain applications**

81. Where application is made to enter a disclaimer or memorandum relating to a trade mark, the Registrar, before deciding upon such application, shall direct the applicant to advertise the application in the Gazette in order to enable any person desiring so to do to state, within two months of the advertisement, any reasons in writing against the making of the entry of the disclaimer or memorandum.

### **Certificates of validity to be noted**

82. Where the Court has certified with regard to the validity of a registered trade mark, the registered proprietor thereof may request the Registrar on form T.M. No. 44 to add to the entry in the register a note that the certificate of validity has been granted in the course of the proceedings, which shall be named in the form. A certified copy of the certificate shall be sent with the request and the Registrar shall so note the register and direct the proprietor to publish the note in the Gazette.

### **Alteration of registered mark**

83. Where a person desires to apply under section 32 of the Decree that his registered trade mark may be added to or altered, he shall make his application on form T.M. No. 25 and shall furnish the Registrar with four copies of the mark as it will appear when so added to or altered.

### **Advertisement before decision**

84. The Registrar shall consider the application and shall, if it appears to him expedient direct the registered proprietor to advertise the application in the Gazette before deciding it. Within two months from the date of such advertisement any person may give notice of opposition to the application on form T.M. No. 42 accompanied by a duplicate of the notice, and may also file therewith a further statement of his objections in duplicate. The Registrar shall send the duplicate notice, and the duplicate of any further statement of objections to the applicant and regulations 42 to 51 inclusive shall apply mutatis mutandis to the further proceedings thereon. In any case of doubt any party may apply to the Registrar for directions.

### **Advertisement after decision**

85. If the Registrar decides to allow the application he shall add to or alter the mark in the register and, if the mark so added to or altered has not been advertised under regulation 84, he shall direct the registered proprietor to advertise it in the Gazette.

### **Supply of printing block**

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

### **Orders for rectification of certification trade mark entries and regulations**

87. An application on any of the grounds mentioned in the Second Schedule to the decree, made by an aggrieved person to the Registrar for an order expunging or varying an entry in the register or relating to a certification trade mark, or varying the relevant deposited regulations, shall be made on form T.M. No. 34 and shall include full particulars of the grounds on which the application is made.

### **Alteration of certification trade mark regulations**

88. An application by the registered proprietor of a certification trade mark for an alteration of the deposited regulations and the consent of the Registrar thereto shall be made on form T.M. No. 33. Where the Registrar causes such an application to be advertised the time within which any person may give notice to the Registrar of opposition to the application shall be two months from the date of the advertisement.

### **Application for entry of registered user**

89. An application to the Registrar for the registration under section 25 of the Decree of a person as a registered user of a registered trade mark shall be made by that person and the registered proprietor on form T.M No.45.

### **Entry and notification**

90. The date of entry of a registered user in the register shall be the date upon which the application for registration as a registered user was made. In addition to the trade or business address of the registered user it may include an address for service. A notification in writing of the registration of a registered user shall be sent to the registered proprietor of the trade mark, to the registered user and to every other registered user whose name is entered in relation to the same registration of a trade mark, and shall be inserted by the registered proprietor in the Gazette.

### **Registered proprietor's application to vary entry**

91. An application by the registered proprietor of a trade mark for the variation of the registration of a registered user of that trade mark shall be made on form T.M. No. 46, and shall be accompanied by a statement of the grounds on which it is made, where the registered user in question consents by the written consent of that registered user.

### **Application by registered proprietor or user to cancel entry**

92. An application by the registered proprietor or any registered user of a trade mark for the cancellation of the registration of a registered user of that trade mark shall be made on form T.M. No. 47 and shall be accompanied by a statement of the grounds on which it is made.

### **Application to cancel entry of registered user**

93. An application by any person for the cancellation of the registration of a registered user shall be made on form T.M. No. 48 and shall be accompanied by a statement of the grounds on which it is made.

### **Notification of hearing**

94. The Registrar shall notify in writing applications under regulations 91, 92, 93 to the registered proprietor and each registered user (not being the applicant) under the registration of the trade mark. Any person so notified who intends to intervene in the proceedings shall within two months of the receipt of such notification give notice to the Registrar on form T.M. No. 49 to that effect and shall file therewith a statement of the grounds of his intervention. The Registrar shall thereupon send copies of such notice and statement to the other parties, so that the intervention may be known to the applicant, the registered proprietor, the register user whose registration is in suit, and any other registered user who intervenes. Any such party may, within such time or times as the Registrar may appoint, file evidence in support of his case, and the Registrar after giving the parties an opportunity

of being heard may accept or refuse the application or accept it subject to such conditions, amendments, modifications or limitations as he may think right to impose.

### **Registered user's application under section 31(2)**

95. (1) An application under section 31 (2) of the Decree shall be made on form T.M. No. 18 or No. 21 or No. 22, as may be appropriate, by a registered user of a trade mark, or by such person may satisfy the Registrar that he is entitled to act in the name of a registered user; and the Registrar may require such evidence by affidavit or solemn declaration or otherwise as he may think fit as to the circumstances in which the application is made.

(2) In case of the registration of a registered user of a period, in accordance with Section 25 (6) (d) of the Decree the Registrar shall cancel the entry of the registered user at the end of the period. Where some or all of the goods or services are struck out from those in respect of which a trade mark is registered, the Registrar shall at the same time strike them out from those specifications of registered users of the trade mark in which they are comprised. The registrar shall notify every cancellation or striking out under this sub-regulation to the registered users whose permitted use is affected thereby and the registered proprietor of the trade mark.

### **Extension of time**

96. If any particular case the Registrar is satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any proceedings under these regulations, not being a time expressly provided in the Decree or prescribed by regulation 70 or 74, he may extend the time upon such notice to other parties, and proceedings thereon, and upon such terms as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceeding.

### **Excluded days**

97. Whenever the last day fixed by these Regulations for doing any act or thing at the Office shall fall on a day when the Office is not open which day shall be an excluded day for the purpose of these Regulations, it shall be lawful to do the act or thing on the first day following such excluded day which is not an excluded day.

### **Application for hearing**

98. An application for a hearing shall be made within one month for the date of notification by the Registrar of any objection to application or the date of any other indication that he proposes to exercise a discretionary power.

### **Notice of hearing**

99. (1) Upon receiving such application the Registrar shall give the person applying fourteen day's notice of a time when he may be heard.

(2) Within seven days from the date when such notice would be delivered in the ordinary course of a post the person applying shall notify the Registrar whether or not he intends to be heard on the matter.

### **Notification of decision**

100. The decision of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified to the person affected.

### **Amendment of documents**

101. Any document or drawing or other representation of a trade mark may be amended, and any irregularity in procedure which in the opinion of the Registrar may be excused without detriment to the interests of any person may be corrected, if the Registrar thinks fit, and on such terms as he may direct.

### **Certificates by Registrar**

102. The Registrar may give a certificate, other than a certificate under Section 15 (2) of the Decree, as to any entry, matter or thing which he is authorized or required by the Decree or these regulations to make or do, upon receipt of a request therefor on form T.M. No. 30 from any person who, if the Registrar thinks fit to so require, can show an interest in the entry, matter or thing to his satisfaction. The Registrar shall not be obliged to include in the certificate a copy of any mark unless he is furnished by the applicant with a copy thereof suitable for the purpose.

### **Manner in which and person before whom affidavit or solemn declaration is to be taken**

103. The affidavits and solemn declarations required by the Decree and regulations, or used in any proceedings thereunder, shall be accepted if made and subscribed before any judge, magistrate, notary public under his signature and seal of office, or by the Registrar of a Court of Justice.

### **Searches**

104. Any person may request the Registrar on form T.M. No. 28 to cause a search to be made in respect of specified goods or services classified in any one class of the Third Schedule to ascertain whether any mark is on record at the date of the search which resembles a trade mark of which duplicate representations accompany the form. The Registrar shall cause such search to be made and the person making the request to be informed of the result thereof.

### **Copy of application to Court to be served on Registrar**

105. A copy of every application made to the Court under the Decree shall be served on the Registrar.

### **Order of Court**

106. Where an order has been made by the Court in any case under the Decree, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the Office a certified copy of such order, together with form T.M. No. 43 if required. The register may, if necessary, thereupon be rectified or altered by the Registrar.

### **Publication of Order of Court**

107. Whenever an order is made by the Court under the Decree the Registrar may, if he thinks fit that the order should be made public, require the applicant or the appellant, as the case may be, to publish it in the Gazette.

<b>Matter of Proceeding</b>	<b>Amount Rs.</b>	<b>Corresponding Form</b>
1. On application not otherwise charged to register a trade mark for a specification of goods included in one class.	300	T.M. No.2
1. (a) On application to register a series of trade marks under Section 18 (2) of the Decree for a specification of goods included in one class.	300	T.M. No.2
1.(b) On application to register a defensive trade mark for a specification of goods included in one class.	400	T.M. No. 31
1.(c) On application to register a certification trade mark under Section 34 of the Decree for a specification of goods included in one class.	400	T.M. No. 5
1.(d) On application made at the same time under Section 34 of the Decree to register one certification trade mark for specifications of goods not all included in one class.	400	T.M. No. 5
In respect of every class. Total fee in no case to exceed Rs.2100 for any number of classes.	100	T.M. No. 5
2. On a request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used	250	T.M. No. 4
3. On notice of opposition before the Registrar under Section 14 of the Decree for each application opposed, by opponent	300	T.M. No.6
3. (a) On lodging a counter-statement in answer to a notice of opposition under section 14 of the Decree for each application opposed, by the applicant; or in answer to an application under any of the section 23, 24, 29, and 30 of the Decree, by the proprietor in respect of each trade mark; or in answer to a notice of opposition under section 32 or 33 of the Decree, for each application or conversion opposed, by the proprietor	250	T.M. No.7
3. (b) On the hearing of each opposition under section 14 of the Decree, by applicant and by opponent respectively; or on the hearing of an application under any of the sections 23, 24, 29 and 30 of the Decree, by applicant and by proprietor respectively; or on the hearing of an opposition under section 32 or 33 of the Decree, by proprietor and by opponent respectively	300	T.M. No.8
3. (c) On notice of opposition before the Registrar under the Decree, for each application opposed by the opponent (Certification Trade Mark)	300	T.M. No. 35



3. (d) On lodging a counter-statement in answer to a notice of opposition before the Registrar for each application opposed, by the applicant (Certification Trade Mark)	250	T.M. No. 36
3. (e) On the hearing of each opposition before the Registrar by applicant and by opponent respectively (Certification Trade Mark)	300	T.M. No. 37
4. For one registration of a trade mark not otherwise charged for a specification of goods included in one class	75	T.M. No. 10
4. (a) For one registration of a series of trade marks under section 18 of the Decree for a specification of goods included in one class; For the first mark	75	T.M. No. 10
4. (b) For registration under section 34 of the Decree of a certification trade mark for a specification of goods included in one class	75	T.M. No. 10
4. (c) For registration upon applications made at the same time of one certification trade mark under section 34 of the Decree, for specifications of goods not all included in one class; In respect of every class Total fee in one case to exceed Rs. 3,000 for any number of classes	75	T.M. No. 10
4. (d) For one registration of a defensive trade mark for a specification of goods included in one class	300	T.M. No. 10
5. upon each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark	20	T.M. No. 10
5. (a) On an application to dissolve the association between registered marks	150	T.M. No. 19
6. On application to register a registered user of a registered trade mark in respect of goods within the specification thereof	300	T.M. No. 45
6. (a) On application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case: For the first mark And for every other mark of the proprietor included in the application and statement of case		

	300 30	T.M. No. 45
6. (b) On application by the proprietor of a single trade mark, under section 25 of the Decree, to vary the entry of a registered user thereof:	150	T.M. No. 46
6. (c) On application by the proprietor of more than one trade mark, under section 25 of the Decree, to vary the entries of a registered user thereof: For the first mark And for every other mark of the proprietor for which the same user is registered, included in the application	150 20	T.M. No. 46
6. (d) On application by the proprietor or registered user of a single trade mark, under section 25 of the Decree, for cancellation of the entry of a registered user thereof	150	T.M. No. 47
6. (e) On application by the proprietor or registered user of more than one trade mark, under section 25 of the Decree, for cancellation of the entries of a registered user thereof: For the first mark And for every other mark of the proprietor for which the same user is registered, included in the application	150 20	T.M. No. 47
6. (f) On application, under section 25 of the Decree, to cancel the entry of a registered user of a single trade mark	150	T.M. No. 48
6. (g) On application, under section 25 of the Decree, to cancel the entries of a registered user of more than one trade mark: For the first mark And for every other mark of the same proprietor for which the same user is registered, included in the application	150 20	T.M. No. 48

<p>6. (h) On notice, under Section 25 of the Decree and regulation 94, of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks</p>	75	T.M. No. 49
<p>7. On request to enter in the register and advertise a certification of validity, under section 40 of the Decree and regulation 82.</p> <p>For the first registration certified</p> <p>And for every other registration certified in the same certificate</p>	<p>150</p> <p>30</p>	T.M. No. 44
<p>7. (a) On application under section 26 of the Decree, and regulation 70, for extension of time for registering a corporation as subsequent proprietor of trade marks on one assignment:</p> <p>Not exceeding two months</p> <p>Not exceeding four months</p> <p>Not exceeding six months</p>	<p>75</p> <p>100</p> <p>150</p>	<p>T.M. NO. 15</p> <p>T.M. NO. 15</p> <p>T.M. NO. 15</p>
<p>8. On application for certificate of the Registrar, under Section 19 (5) of the Decree and regulation 73:</p> <p>For the first mark proposed to be assigned</p> <p>And for every other mark of the same proprietor included in that assignment</p>	<p>100</p> <p>20</p>	T.M. No. 38
<p>8. (a) On application for approval of the Registrar, under Section 19 (6) of the Decree and regulation 73:</p> <p>For the first mark</p> <p>And for every other mark of the same proprietor included in the same transfer</p>	100	T.M. No. 39

	20	
<p>8. (b) On application for directions by the Registrar for advertisement of assignment of trade mark in use, without goodwill :</p> <p>For one mark assigned</p> <p>And for every other mark assigned with the same devolution of title</p>	75	T.M. No. 40
	20	
<p>8. (c) On application for extension of time for applying for directions for advertisement of assignment of trade marks in use, without goodwill, in respect of one devolution of title :</p> <p>Not exceeding one month</p> <p>Not exceeding two months</p> <p>Not exceeding three months</p>	75	T.M. No. 41
	100	T.M. No. 41
	150	T.M. No. 41
<p>9. On application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark :</p> <p>If made within six months from the date of acquisition of proprietorship</p> <p>If made after expiration of six months but within twelve months from the date of acquisition of proprietorship</p> <p>If made after expiration of twelve months from the date of acquisition of proprietorship</p>	100	T.M. No. 16 or No.17 or No. 17
	150	T.M. No. 16 or No.17
	200	T.M. No. 16 or No.17
<p>9. (a) On application to register a subsequent proprietor of more than one trade mark standing in the same name, the devolution of title the same in each case :</p> <p>If made within six months from the date of acquisition of proprietorship</p> <p>For the first mark</p>		

<p>And for every mark</p> <p>If made after expiration of six months but within twelve months from the date of acquisition of proprietorship</p> <p>For the first mark</p> <p>And for every mark</p> <p>If made after expiration of twelve months from the date of acquisition of proprietorship</p> <p>For the first mark</p> <p>And for every mark</p>	<p>100</p> <p>20</p> <p>150</p> <p>20</p> <p>200</p> <p>20</p>	<p>T.M. No. 16 or No.17</p> <p>T.M. No. 16 or No.17</p> <p>T.M. No. 16 or No.17</p>
<p>10. On application to change the name or description of a proprietor or a registered user of a single trade mark where there has been no change in the proprietorship or in the identity of the user</p>	<p>75</p>	<p>T.M. No. 21</p>
<p>10. (a) On application to change the name or description of a proprietor or a registered user of more than one trade mark standing in the same name, where there has been no change in the proprietorship or in the identity of the user, the change being the same in each case :</p> <p>For the first mark</p> <p>And for every other mark</p>	<p>75</p> <p>30</p>	<p>T.M. No. 21</p> <p>-----</p>
<p>11. For renewal of registration of a trade mark at expiration of last registration</p>	<p>150</p>	<p>T.M. No. 12</p>
<p>11. (a) For renewal of registration of a series of trade marks under Section 18 of the Decree at expiration of last</p>		

<p>registration :</p> <p>For the first mark of the series</p> <p>And every other mark of the series</p>	<p>150</p> <p>30</p>	<p>T.M. No. 12</p>
<p>11. (b) For renewal of registrations of the same certification trade mark with the same date for goods in more than one class :</p> <p>In respect of every class</p> <p>Total fee in no case to exceed Rs. 3,000 for any number of classes</p>	<p>150</p>	<p>T.M. No. 12</p>
<p>11. (c) Additional fee under regulation 61</p>	<p>75</p>	<p>T.M. No. 13</p>
<p>11. (d) Restoration fee under regulation 62</p>	<p>150</p>	<p>T.M. No. 14</p>
<p>12. On an application to the Registrar for leave to add to or alter a single registered mark</p>	<p>100</p>	<p>T.M. No. 25</p>
<p>12. (a) On application to the Registrar for leave to add to or alter more than one registered trade mark of the same proprietor, being identical marks, the addition or alteration to be made, in each case, being the same :</p> <p>For the first mark</p>	<p>100</p>	<p>T.M. No. 25</p>
<p>12. (b) On notice of opposition to application leave to add to or alter registered trademarks, for each application opposed</p>	<p>300</p>	<p>T.M. No. 42</p>
<p>13. For altering one or more entries of the trade or business address or address for service of registered proprietor or a registered user of trade mark where the address in each case is the same and is altered in the same way :</p> <p>For the first entry</p> <p>And for every other entry</p>	<p>75</p>	<p>T.M. No. 18</p>

	30	-----
14. For every entry in the register of a rectification thereof or an alteration therein not otherwise charged	30	T.M. No. 43
15. For cancelling the entry or part of the entry of a trade mark upon the register on the application of the registered proprietor of the trade mark	20	T.M. No. 22 or 23
16. On application, under any of the sections of the Decree, for rectification of the register or removal of trade mark from the register	150	T.M. No. 26
16. (a) On application, for leave to intervene in proceedings under any of the sections of the Decree, for rectification of the register or removal of trade mark from the register	150	T.M. No. 27
17. On application for correction of one clerical error or effecting one amendment in one document before registration of any matter	30	T.M. No. 20
17. (a) On application for correction of clerical errors after registration of any matter, in respect of each trade mark	30	T.M. No. 20
17. (b) On application for amendment of trade mark before advertisement, in respect of each application	30	T.M. No. 20
18. On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register	50	T.M. No. 24
19. On application to the Registrar under regulation 87 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of a certification trade mark or certification trade marks of the same registered proprietor where the regulations are substantially the same	150	T.M. No. 34
19. (a) On request to the Registrar by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof : For the regulations of one such registration For the same or substantially the same regulations of each other registration proposed to be altered in the same way and included in the same request	75  20	T.M. No. 33
20. For a search under regulation 104 in respect of one class : Without application for the Registrar's advice under		

regulation 16		
With application to the Registrar's advice under regulation 16	75	T.M. No. 28
	100	T.M. No. 28
21. On request for the Registrar's preliminary advice under regulation 16, for each trade mark submitted in respect of one class	100	T.M. No. 29
22. For certificate of the Registrar (other than certificate under section 15 of the Decree) relating to the registration of a trade mark	50	T.M. No. 30
23. For certificate of the Registrar (other than certification under section 15 of the Decree relating to the registration of a series of trade marks under section 18 of the Decree	50	T.M. No. 30
24. For permission to search in files and documents: For each file searched	20	
24. (a) For permission to search indices including terminal index	20	
25. For typewritten copy of any document, for every 100 words	20	
26. For photographic copy of documents or drawings, per sheet	20	
27. For certifying office copies, MSS, or photographic or printed matter	20	
28. On every authorization of an agent For the purpose of these fees (except as specifically provided above) every mark of a series under section 18 of the Decree, or any preceding similar enactment, shall be deemed to be a mark separately registered.	30	T.M. NO. 1

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**SECOND SCHEDULE: FORMS**

**Form T.M. No. 1**

**Regulation 11.**

**TRADE MARKS DECREE:**

Fee 30/-

FORM OF AUTHORIZATION OF AGENT

I/We (1) .....

.....

have appointed (2) .....

of .....

to act as my/our agent for (3) .....

..... No. ....

and request that all notices, requisitions and communication relating thereto may be sent to such agent at the above address.

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

I/We hereby declare that I am/We are a (4) .....

Dated this ..... day of ....., 19.....;

(5) .....

Address (6) .....

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

I/We also authorize the said (2) .....

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

Dated this ..... day of ....., 19 .....

(5) .....

Address (6) .....

The Registrar

Trade Marks Office,

(1) The full names of all the partners in a firm must be inserted and the kind and country of incorporation of bodies corporate stated

(2) Here insert name and address of agent

(3) Here state particular matter or proceeding for which the agent is appointed, giving the Reference number, if known

(4) Here state the nationality

(5) To be signed by person appointing the agent

(6) Here insert the full trade or business

**Form T.M. No. 2**

**Regulation 7**

**TRADE MARKS DECREE**

Fee : 1 or 1 (b).

**APPLICATION FOR REGISTRATION OF TRADE MARK IN THE REGISTER**

One representation to be fixed within  
this space and four others to be printed  
on to and sent with Form T.M. No. 3

Application is hereby made for registration in the register of the accompanying  
trade mark in Class .....

in respect of (1) .....

In the name of (2) .....

trade or business address is (3).....

trading as (4) .....

by whom it is (5) proposed to be used and who claim(s)

to be the proprietors thereof.

(6) .....

.....

Dated this ..... day of ....., 19 .....

My/Our address for service in Seychelles

.....  
.....

The Registrar,  
The Trade Marks Office

- (1) Here specify the goods or services. address of the person appointing the agent Only goods and services included in one and the same class should be specified. A separate required for each class.
- (2) Here insert legibly the full name, description and nationality of the individual firm or body corporate making the application. The names of in 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.
- (3) Here insert the full trade or business address of the applicant
- (4) Here insert the trading style (if any)
- (5) If the mark is already in use, strike out the word "proposed to be" and insert "being".

---

**Form T.M. No. 3**

**Regulations 20, 23, 24 and 32**

**TRADE MARKS DECREE**

ADDITIONAL REPRESENTATION OF TRADE MARK TO ACCOMPANY APPLICATION FOR REGISTRATION

Four representations of the trade mark must be pinned within this space. They must correspond exactly in all respects with the representations affixed to the application form

---

**Form T.M. No. 4**

**Regulation 29**

**TRADE MARKS DECREE**

Fee 250/-

REQUEST FOR STATEMENT OF GROUNDS OF DECISION

IN THE MATTER OF .....

the Registrar is hereby requested to state in writing the grounds of his decision, date the ..... day of

....., 19..... after hearing on the ..... day of ....., 19 .... and the materials used by him in arriving at the decision.

Dated this ..... day of ....., 19.....

My/Our address for service in Seychelles

.....  
.....  
.....

If the Registrar has made any requirement to which the applicant does not object, the applicant shall comply therewith before the Registrar issues the grounds of his decision.

The Registrar,

The Trade Marks Office,

\_\_\_\_\_

**Form T.M. No. 5**

**Regulation 17 and 32**

**TRADE MARKS DECREE**

Fee : 1(d).

APPLICATION FOR REGISTRATION OF TRADE MARK IN THE REGISTER

One representation to be fixed within this space and four others to be printed on to and sent with Form T.M. No. 3
--

Application is hereby made for registration in the register of the accompanying

Certification trade mark in Class .....

in respect of (1) .....

of (2).....

whose address is (3).....

.....

.....

Dated this ..... day of ....., 19 .....

My/Our address for service in Seychelles

.....

.....

The Registrar,

The Trade Marks Office

(1) Here specify the goods or services. address of the person appointing the agent Only goods and services included in one and the same class should be specified. A separate required for each class.

(2) State the full name, description and nationality of the applicant. If the applicant is a body corporate the kind and country of incorporation should be stated.

(3) Here insert the full address of the applicant

---

**Form T.M. No. 6**

**Regulation 40**

**TRADE MARKS DECREE**

Fee : Rs. 300

**NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION OF A TRADE MARK**

(To be lodged in duplicate)

IN THE MATTER of an application No. ....

by ..... of .....

.....

I/We (1) .....

hereby give notice of my/our intention to oppose the registration of

the trade mark advertised under the above number for Class

.....in the Gazette of the .....

day of ..... 19 ....., No. ....

page .....

The grounds of opposition are as follows :

.....

.....

(2) .....

Dated this ..... day of ....., 19 .....

.....

My/Our address for service in Seychelles :

.....

.....

.....

The Registrar,

The Trade Marks Office.

(1) State the full name and address.

(2) If registration is opposed on the ground that the mark resembles marks already on the register numbers of those marks and of the Gazettes in which they have been advertised

---

**Form T.M. No. 7**

**Regulation 42, 77 or 84**

**TRADE MARKS DECREE**

Fee : Rs. 250

**FORM OF COUNTER-STATEMENT**

(To be lodged in duplicate)

IN THE MATTER OF an opposition No. ...., to

Application No. ....

I/We, .....

applicant(s) for registration of the above trade mark, hereby give notice that

the following are the grounds on which I/we rely as supporting my/our application :-

.....  
.....  
.....

I/We admit the following allegations in the notice of opposition :-

.....  
.....  
.....

Dated this ..... day of ..... 19 .....

Signature

My/Our address for service in Seychelles :

.....  
.....  
.....

The Registrar,

The Trade Marks Office,

---

**Form T.M. No. 8**  
**Regulations 48, 77 or 84**  
**TRADE MARKS DECREE**

Fee : Rs. 300

NOTICE TO THE REGISTRAR OF ATTENDANCE AT HEARING

I/We (1) .....

of .....

hereby give notice that the hearing of the arrangement in the case of :

(2) (a) Opposition No. .... application for registration of trade mark No.  
.....

(b) Application that the entry in the register in respect of trade marks No. .... may be removed; may be amended by one of the alteration of or addition to the trade mark;

(d) may be amended by a conversion of the specification of goods;

(e) may be amended otherwise than by any change in the mark or of the specification on conversion.

which, by the Registrar's Notice to me/us dated the .....

day of ....., 19....., is fixed of ..... a.m. or p.m. at the

Trade Marks Office on the day of ..... 19 ....., will be

attended by me/us or by some person on my/our behalf.

Dated this ..... day of ....., 19 .....

.....

.....

.....

The Registrar

The Trade Marks Office,

(1) State the full name and address.

(2) Strike out words here that are not applicable, so as to state one of the cases(a) to (e) only.

---

**Form T.M. No. 9**

**Regulation 53**

**TRADE MARKS DECREE**

**NOTICE OF NON-COMPLETION OF REGISTRATION**

NO. ....

The Registrar, as required by Section 15 of the Trade Marks Decree and regulation 53 of the Trade Marks Regulations, has to point out that the registration of the trade mark, in respect of which your application numbered as above was made on the ..... day of ....., 19 ..... has not been completed by reason of your default. Unless it is completed within fourteen days from this date the application will be treated as abandoned.



Dated this ..... day of ....., 19.....

To .....

.....

.....

.....

The Trade Marks Office.

---

**Form T.M. No. 10**

**Regulation 54**

**TRADE MARKS DECREE**

Fee : 4,4(a), 4(b), 4(c), or 4(d) and 5,

FEE FOR REGISTRATION OF A TRADE MARK

(If the Applicant has furnished a printing block for advertisement, this form must be accompanied by one unmounted representation of the mark, exactly as shown on the form of application)

The prescribed fee for the registration of the trade mark No. .... in

class ..... is hereby transmitted.

Dated this ..... day of ....., 19 .....

.....

The Registrar,

The Trade Marks Office,

---

**Form T.M. No. 11**

**TRADE MARKS DECREE**

**CERTIFICATE OF REGISTRATION**

The Trade Mark shown above has been registered in the Register in the name of

.....  
.....  
.....  
.....

in Class ..... under No. .... as of the .....  
....., 19 ....., in respect of the .....

.....  
.....

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

.....

Registrar

The Trade Marks Office,

Victoria

Registration is for 7 years from the date first abovementioned, and may then be renewed, and also at the expiration of each period of 14 years thereafter.

**NOTE - Upon any change of ownership of this trade mark, or change in address, application should AT ONCE be made to the Registrar to register the change.**

---

**Form T.M. No. 12**

**Regulations 58**

**TRADE MARKS DECREE**

Fee : 11, 11(a) or 11(b)

**\* RENEWAL OF REGISTRATION OF TRADE MARK**

(1) State the I/We (1) .....

of .....

hereby leave the prescribed fee of ..... for renewal of registration of the trade mark No. .... in class ..... which I am/we are directed by the proprietor of the trade mark, the fee to pay.

Dated this ..... day of ....., 19.....

.....

.....

The statement on the back of this form must be filled in and signed.

The Registrar,

The Trade Marks Office,

*\* This form will be returned if it is filled more than six months before the expiration of the last registration.*

(To appear on the back of the form)

The Registrar is requested to send notice of renewal of the registration to the registered proprietor at the following address :

.....

.....

Dated this ..... day of ....., 19 .....

*(1) State the name and address of the person leaving the fee*

*If the fees is left by the proprietor himself, this passage should be struck out*

*(2) If the fees is not left by the proprietor himself, insert his name and address here.*

---

**Form T.M. No. 13**

**Regulation 61**

**TRADE MARKS DECREE**

Fee : Rs. 75

ADDITIONAL FEE OF RS. 25 TO ACCOMPANY RENEWAL FEE (FORM T.M. NO. 12)  
WITHIN ONE MONTH AFTER ADVERTISEMENT OF NON-PAYMENT OF RENEWAL FEE

(To accompany form T.M. No. 12)

In pursuance of the notice issued by the Registrar, I/We hereby transmit the additional fee of Rs. 25 (along with form T.M. No. 12) for the renewal of the registration of trade mark No. .... in Class .....

Dated this ..... day of ....., 19 .....

.....

.....

.....

NOTE - This form must be signed by the person(s) signing the form T.M. No. 12 which accompanies it.

The Registrar,

The Trade Marks Office,

---

**Form T.M. No.14**

**Regulation 62**

**TRADE MARKS DECREE**

Fee : Rs 150

RESTORATION OF TRADE MARK REMOVED FROM REGISTER FOR NON-PAYMENT OF FEE

(To accompany form T.M. No. 12)

In pursuance of the notices issued by the Registrar, I, WE hereby transmit the additional fee of Rs 75 (along with form T.M. No. 12) for the restoration to the register of the trade mark No. .... in class .....

Dated this ..... day of ....., 19.....

.....

.....

NOTE -This form must be signed by the person(s) signing the form T.M. No. 12 which accompanied it.

The Registrar

The Trade Marks Office.

**Form T.M. No. 15**

**Regulation 70.**

**TRADE MARKS DECREE**

Fee 7(a)

APPLICATION FOR EXTENSION OF TIME, FOR THE REGISTRATION OF THE NAME OF A CORPORATION AS SUBSEQUENT PROPRIETOR OF A TRADE MARK IN THE REGISTER.

Application is hereby made by (1) .....

.....of

.....for an extension of time by (2) ..... months of the of the period of six months allowed by section 26 of the Trades Marks Decree regulation 70 for registering its name, by force of one assignment, as proprietor of the following trade mark(s) registered upon application(s) conforming to Section 26 of the Decree.

(3) Registration Number                      Class

.....

.....

.....

Dated this ..... day of ....., 19.....

The Registrar,

The Trade Marks Office.

- (1) State the name and address of the person leaving the fee
- (2) insert her "two" or "four" or "six"
- (3) Additional numbers may be given in a signed schedule on the back of the form

---

**Form T.M. No. 16**

**Regulation 65**

**TRADE MARKS DECREE**

Fee : 9 or 9(a)

JOINT REQUEST TO THE REGISTRAR BY REGISTERED PROPRIETOR AND TRANSFEREE TO REGISTER THE TRANSFEREE AS SUBSEQUENT AS SUBSEQUENT PROPRIETOR OF TRADE MARKS UPON THE SAME DEVOLUTION OF TITLE.

We (1) .....

.....

(2) .....,

.....

hereby request, under regulation 65, that the name of .....

carrying on business as (4) .....

at (5) .....

may be entered in the register of trade marks as proprietor of the trade mark(s) No. .... \*in class  
.....as from the (6) .....

(7).....

.....

(8) The trade mark at the time of the assignment was (8) (not) used in a business in the goods or services in question, and the assignment (8) took/did not take place on or after the commencement of the Decree, otherwise than in connexion with the goodwill of a business in the goods or services, (8) 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 publication containing them.

Dated this ..... day of ....., 19.....

(9).....

(10).....

Our address for service in Seychelles:-

.....  
.....

The Registrar,

The Trade Marks Office,

- (1) State the name and address of registered proprietor or of other assignor or trasmittere
- (2) State full name, trade address and nationality of transferee
- (3) Name of transferee
- (4) Description of transferee
- \*Additional numbers may be given in a signed schedule on the back of the form
- (5) Trade or business address of transferee
- (6) Date of acquisition of proprietorship.
- (7) Full particulars of the instrument or assignment or transmission if any, or statement of case
- (8) Strike out any words not applicable
- (9) Signature of assignor or transmitter.
- (10) Signature or transferee

---

**Form T.M. No. 17**

**Regulation 66.**

**TRADE MARKS DECREE**

Fee : 9 or 9(a)

**REQUEST TO THE REGISTRAR TO REGISTER A SUBSEQUENT PROPRIETOR OF A TRADE MARK OR TRADE MARKS UPON THE SAME DEVOLUTION OF TITLE**

I/We (1) .....

.....

hereby request that my/our names.....entered in the register of trade marks as proprietor(s) of trade address, trade marks(s) No. .... \* in class ..... as from the (2) .....

I am/We are entitled to the trade mark(s) by virtue of (3) .....

.....

.....

.....

(4) The trade mark at the time of the assignment was (4) not/used in a business in the goods or services in question, and the assignment (4) took/ did not take place on or after the commencement of the Decree otherwise than in connexion with the goodwill of a business in the goods, (4) and there is sent herewith a copy of the Registrar's direction to advertise the assignment.

Dated this ..... day of ....., 19.....

My/Our address for service in Seychelles :-

.....

.....

NOTE - The instrument under which the transferee claims should preferably accompany this form.

The Registrar

The Trade Marks Office.

(1) Here state the full name, trade or business address, nationality and description

\*Additional numbers may be given in a signed schedule on the back of the form

(2) Date of acquisition of proprietorship

(3) Here insert particulars of the instruments of the assignment or transmission, if any or statement of case

(4) Strike out any words not applicable

---

**Form T.M. No. 18**

**Regulations 75, 79 and 95**

**TRADE MARKS DECREE**

Fee : 13

REQUEST FOR ALTERATION OF TRADE OR BUSINESS ADDRESS OR ADDRESS FOR SERVICE IN REGISTRAR OF TRADE MARKS.

IN THE MATTER OF the trade mark(s) No. .... \*

registered in Class .....

I/We .....

of .....

being the registered proprietor(s)/user(s) of the trade mark(s) numbered as above, request that my/our trade address in the register of trade mark be altered to .....



.....  
Dated this ..... day of ..... 19 .....

The Registrar,  
The Trade Marks Office,  
Victoria

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

---

**Form T.M. No. 19**  
**Regulation 55**  
**TRADE MARKS DECREE**

Fee Rs. 150.

APPLICATION TO THE REGISTRAR TO DISSOLVE THE ASSOCIATION BETWEEN A REGISTERED TRADE MARK AND (AN) OTHER REGISTERED TRADE MARK(S).

(To be accompanied by a Statement of Case)

IN THE MATTER of a trade mark No. .... registered in Class .....

I/We.....

being the registered proprietor(s) of the above-numbered trade mark, hereby apply that the association of this trade mark with the following trade mark(s) registered in my/our name :-

No. .... registered in Class .....

No. .... registered in Class .....

may be dissolved and the register amended accordingly.

The grounds for this application are set forth in the accompanying statement of case.

Dated this ..... day of ....., 19 .....

The Registrar,

The Trade Marks Office,

---

**Form T.M. No. 20**

**Regulations 79 and 95**

**TRADE MARKS DECREE**

Fees; Rs. 30

REQUEST FOR CORRECTION OF CLERICAL ERROR; OR FOR PERMISSION TO AMEND APPLICATION.

IN THE MATTER OF (1) .....

I/We, being the .....

hereby request that .....

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Dated this ..... day of ....., 19 .....

.....

The Registrar,

The Trade Marks Office,

(1) Here insert words and reference number identifying the entry or application.

---

**Form T.M. No. 21**

**Regulations 79 and 95**

**TRADE MARKS DECREE**

**REQUEST TO ENTER CHANGE OF NAME OR DESCRIPTION OF REGISTERED PROPRIETOR (OR REGISTERED USER) OF TRADE MARK UPON THE REGISTER.**

I/We (1) .....  
.....  
.....  
.....

hereby request that my/our name(s) and description(s) may be entered in the register of trade marks as (2) proprietor(s) Registered user(s) of the trade mark(s) No. ....\* registered in Class .....

I am/We are entitled to (2) the said trade mark/use the said trade mark as registered user(s).

There has been no change in the (2) actual proprietorship/identity of the registered user(s) of the said trade mark, but (3).

.....  
.....  
.....

The entry at present standing in the register gives my/our name(s) and description(s) as follows .....

Dated this ..... day of ....., 19 .....

The Registrar,  
The Trade Marks Office,

(1) Here state present name, address and description of registered proprietor or registered user.  
(2) Strike out the words that are not applicable.  
\*Additional numbers may be given on a signed schedule on the back of the form.  
(3) Here state the circumstances under which the change of name took place.

---

**Form T.M. No. 22**

**Regulations 79 and 80**

**TRADE MARKS DECREE**

Fee ; RS. 5

APPLICATION BY REGISTERED PROPRIETOR OF TRADE MARK FOR THE  
CANCELLATION OF ENTRY THEREOF IN REGISTER.

IN THE MATTER OF trade mark No. ....

Class .....

Name of registered proprietor .....

.....

Trade or business address .....

Description .....

Application is hereby made by .....

of (1) ..... (or by .....

a member of the firm of ..... insert the

of (1) .....

on behalf of my said firm) .....

.....

that the entry in the register of trade marks of the trade mark and

No. .... in Class ..... may be cancelled

Dated this ..... day of ....., 19 .....

.....

The Registrar,

The Trade Marks Office,

(1) Here insert the trade or business address and description of the applicant(s) or his/their firm.

\_\_\_\_\_

**Form T.M. No. 23**

**Regulations 79 and 80**

**TRADE MARKS DECREE**

Fee : Rs. 5

APPLICATION BY REGISTERED PROPRIETOR OF TRADE MARK TO THE REGISTRAR TO STRIKE OUT GOODS FROM THOSE FOR WHICH THE TRADE MARK IS REGISTERED.

IN THE MATTER OF trade mark No. .... registered

in Class .....

Name of Registered proprietor .....

.....

Trade or business address .....

Description .....

Application is hereby made by .....

of (1) ..... (or by .....

a member of the firm of .....

of (1) .....

on behalf of my said firm) .....

.....

for the striking out of (2) .....

from the goods for which the trade mark No. ....

is registered in Class .....

Dated this ..... day of ....., 19 .....

.....

The Registrar,

The Trade Marks Office.

(1) Here insert the trade or business address and description of the applicant(s) or his/their firm.

(2) Here designate the goods to struck out.

\_\_\_\_\_

**Form T.M. No. 24**

**Regulations 79, 80 and 81**

**TRADE MARKS DECREE**

Fee : Rs. 15.

REQUEST BY REGISTERED PROPRIETOR OF A TRADE MARK THAT A DISCLAIMER OR MEMORANDUM RELATING THERETO MAY BE REGISTERED.

Request is hereby made by (1) .....

of .....

for the addition to the entry in the register in connexion with the name, trade mark No. .... in Class .....of the following ..... namely:

.....

.....

.....

Dated this ..... day of ....., 19 .....

.....

The Registrar,

The Trade Marks Office,

(1) Here insert the name; trade or business address and description of the registered proprietor.

---

**Form T.M. No. 25**

**Regulations 83 to 86**

**TRADE MARKS DECREE**

Fee : 12 of 12(a)

APPLICATION BY REGISTERED PROPRIETOR FOR AN ADDITION TO OR ALTERATION OF A REGISTERED TRADE MARK.

IN THE MATTER OF the trade mark No. .... in

Class .....

Application is hereby made by (1) ..... of

.....

being the registered proprietor(s) of the registered trade mark numbered as above, that the Registrar shall add to it or alter it the following particulars, that is to say - (2) .....

.....

.....

Four copies of the mark as it will appear when so altered are filed therewith.

Dated this ..... day of ....., 19 .....

The Registrar,

The Trade Marks Office.

(1) Here insert the name; trade or business address and description.  
(2) Here fill in full particulars.

---

**Form T.M. No. 26**  
**Regulations 76**  
**TRADE MARKS DECREE**

Fee : Rs. 75

APPLICATION TO THE REGISTRAR FOR THE RECTIFICATION OF THE REGISTER OR THE REMOVAL OF A TRADE MARK FROM THE REGISTER.

(To be lodged in duplicate and accompanied by a statement of case in duplicate).

IN THE MATTER OF the trade mark No. .... registered in the name of .....in Class  
.....

I/We (1) .....  
.....

hereby apply that the entry in the register in respect of the name and above-mentioned trade mark may be removed (2) rectified in the following manner .....

.....

The grounds or my/our application are as follows:-

.....  
.....  
.....

No action concerning the trade mark in question is pending in the Court.

Dated this ..... day of ....., 19 .....

.....

My/Our address for service in Seychelles :-

.....  
.....  
.....

The Registrar,

The Trade Marks Office.

- (1) Here state full name and address.
- (2) Strike out the word(s) that is/are not applicable.

---

**Form T.M. No. 27**

**Regulation 78.**

**TRADE MARKS DECREE**

Fee : Rs. 75.

APPLICATION TO THE REGISTRAR FOR LEAVE TO INTERVENE IN PROCEEDINGS  
RELATING TO THE RECTIFICATION OF THE REGISTER OR THE REMOVAL OF A TRADE  
MARK FROM THE REGISTER.

IN THE MATTER OF trade mark No. .... registered in the name of

.....

in Class .....

I/We .....

.....

hereby apply for leave to intervene in the proceedings relating to the rectification or removal of the  
entry in the register in respect of the above-mentioned trade mark.

My/Our interest in the trade mark is .....



.....  
.....  
.....  
.....

Dated this ..... day of ....., 19 .....

.....

My/Our address for service in Seychelles :-

.....  
.....  
.....

The Registrar,

The Trade Marks Office.

---

**Form T.M. No 28**  
**Regulations 16 and 104**  
**TRADE MARKS DECREE**

Fee : Rs 20

**1.- REQUEST FOR SEARCH**

The Registrar is hereby requested under regulation 104 to search in Class \* ..... in respect of (1)  
.....

to ascertain whether any trade marks are on record which resemble the trade mark sent herewith in duplicate (each representation being mounted on a half-sheet of foolscap).

Dated this ..... day of ....., 19 ..... is not known.....

(3) .....

**2.- 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**

I/We (4) .....

.....

.....  
hereby request the Registrar to advise me/us whether the trade mark referred to above appears to him *prima facie* to be inherently adapted to distinguish or inherently capable of distinguishing my/our goods above-mentioned so as to comply with the requirements for registrability in the register.

Dated this..... day of ....., 19 .....

My/Our address for service in Seychelles :-

.....

.....

.....

NOTE - Request 1 MUST be completed.

The Registrar,

The Trade Marks Office.

*\*The Registrar's direction should be obtained if the class is not known.*

*(1) Here specify the goods (in the class stated) in respect of which the search is to be made.*

*(3) Address.*

*(4) Here state name and address in full.*

---

**Form T.M. No. 29**

**Regulation 16**

**TRADE MARKS DECREE**

Fee : Rs. 10

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.

I/We (1) .....

.....

.....

hereby request to advise me/us whether the trade mark on the accompanying foolscap sheet\* appears to him *prima facie* to be inherently adapted to distinguish or inherently capable of distinguishing my/our goods so as to comply with the requirements for registrability in the register.

The goods in respect of which I/We propose to apply for registration of the said trade mark are (2)

.....

..... in Class (3) .....

Dated this ..... day of ....., 19 .....

My/Our address for service in Seychelles -

.....

.....

.....

NOTE - If and when application is made to register the trade mark objections may arise if identical or resembling trade 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 T.M. No. 28.

The Registrar,

The Trade Marks Office.

(1) Here state name and address in full.

\*To be sent in duplicate.

(2) Here specify the goods. Only goods included in one and the same class should be specify. A separate form of request is required for each class.

(3) Here insert the number of the class (if known). In case of doubt, the Registrar's direction may be obtained.

---

**Form T.M. No. 30**

**Regulation 102**

**TRADE MARKS DECREE**

Fee : 22 or 23

REQUEST FOR GENERAL CERTIFICATE OF THE REGISTRAR (INCLUDING CERTIFICATE OF REGISTRATION OF A TRADE MARK).

IN THE NAME OF\* the trade mark No. .... registered

in class .....\*

I/We .....

of .....

request the Registrar to furnish me/us with (2) certificate that (1)

.....

(2) a certificate of registration of the trade mark (2) for use in

obtaining registration abroad.

Dated this ..... day of ....., 19 .....

The Registrar,

The Trade Marks Office.

\*These words may be varied to suit other cases.

(1) Here set out the particulars which the Registrar is requested to certify.

(2) Strike out words that are not applicable.

---

**Form T.M. No. 31**

**Regulations 17 and 31**

**TRADE MARKS DECREE**

Fee: Rs. 200

APPLICATION FOR REGISTRATION OF AN INVENTED WORD (OR WORDS) AS  
DEFENSIVE TRADE MARK.

---

One representation to be fixed within this space, and six others to be pinned on to and sent with form  
T.M. No. 3.

---

Application is hereby made for registration of the above mark as a defensive trade mark in Class  
.....

in respect of (1) .....

.....

.....

.....

in the name of (2) .....

.....

.....

of (3) .....

.....

trading as (4) .....

who is/are the proprietor(s) of the same trade mark registered in Class (5) ....., 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

(6).

Dated this ..... day of ....., 19 .....

.....

My/Our address for service in Seychelles :

.....

.....

.....

firm must be given in full. If the applicant is a body corporate, the kind and country of incorporation  
should be stated.

The Registrar,

The Trade Marks Office.

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

(2) 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.
- (3) Here insert the full trade or business address of the applicant.
- (4) Here insert the trading style (if any).
- (5) Here insert particulars of the applicant's registration of the trade mark.
- (6) To be furnished in duplicate.

---

**Form T.M. No. 32**

**Regulation 34.**

**TRADE MARKS DECREE**

REGULATIONS FOR GOVERNING THE USE OF CERTIFICATION TRADE MARK NO.  
 ..... IN CLASS ..... IN RESPECT OF

(1) .....

(For Official Use)

Advertised in Gazette No. ....

at page ..... on the ..... day of .....

(Date of application and registration ..... 19 .....).

(1) Here specify the goods of the registration.

---

**Form T.M. No. 33**

**Regulation 88.**

**TRADE MARKS DECREE**

Fee : 19(a)

REQUEST FOR THE CONSENT OF THE REGISTRAR TO ALTERATION OF THE DEPOSITED  
 REGULATIONS FOR USE OF A CERTIFICATION TRADE MARK.

Application is hereby made by (1) .....

.....

.....

who is/are the proprietor(s) of the certification trade mark(s) No. (2) ..... \* registered in Class  
 .....in respect of (3) .....\*

that the deposited regulations for governing the use of the mark may be altered in the manner shown in red in the accompanying copies (4) of the regulations as proposed to be altered, and for consent of the Registrar to such alteration.

Dated this ..... day of ....., 19 ..... than one

.....

The Registrar,

The Trade Marks Office.

\* Additional numbers and specifications may be given in a signed Schedule on the back of the form.

(1) Here state name address of the proprietor(s) as registered.

If the same regulations apply to more than one registrations, the numbers of all the registrations, the numbers of all the registrations should be stated.

(3) Here state the specifications of the respective registrations.

(4) Three copies should be furnished.

---

**Form T.M. No. 34**

**Regulation 87**

**TRADE MARKS DECREE**

Fee : Rs. 75.

APPLICATION TO THE REGISTRAR FOR AN ORDER OR VARYING AND ENTRY IN THE REGISTER RELATING TO A CERTIFICATION TRADE MARK OR VARYING THE DEPOSITED REGULATIONS.

(To be lodged in duplicate together with a statement of case in duplicate)

IN THE MATTER OF certification trade mark No. ....

registered in the name of .....

in Class .....

I/We (1) .....

.....

being (an) aggrieved person(s), hereby apply for an order of the Registrar that :

1. (2) The entry in the register in respect of the above-mentioned trade mark may be expunged/varied in the following manner

.....  
.....

2. (2) The deposited regulations governing the use of the above-mentioned trade mark may be varied in the following manner

.....  
.....

The grounds of my/our application are as follows :-

.....  
.....

Dated this ..... day of ....., 19.....

My/Our address for service in Seychelles :-

.....  
.....

The Registrar,

The Trade Marks Office.

(1) Here state full name and address.

(2) Strike out either paragraph that is not applicable.

---

**Form T.M. No. 35**

**Regulation 52.**

**TRADE MARKS DECREE**

Fee : Rs. 150

NOTICE TO THE REGISTRAR OF OPPOSITION TO AN APPLICATION FOR REGISTRATION OF A CERTIFICATION TRADE MARK.

(To be lodged in duplicate)

IN THE MATTER OF an application No. ....



by .....

of .....

I/We (1) .....

.....

hereby give notice of my/our intention to oppose the registration of the certification trade mark advertised under the above number for Class ..... in the Gazette of the .....day of ....., 19 ....., No. ....page .....

The grounds of opposition are as follows :-

.....

.....

.....

.....

Dated this ..... day of ....., 19 ....

.....

My/Our address for service in Seychelles :-

.....

.....

.....

The Registrar,

The Trade Marks Office.

(1) Here state full name and address.

\_\_\_\_\_

**Form T.M. No. 36**

**Regulation 52.**

**TRADE MARKS DECREE**

Fee : Rs. 75

FORM OF COUNTER-STATEMENT IN REPLY TO THE NOTICE TO THE REGISTRAR, OF OPPOSITION TO AN APPLICATION FOR REGISTRATION OF A CERTIFICATION TRADE MARK.

(To be lodged in duplicate)

IN THE MATTER OF an opposition No. .... to  
application for registration of a certification trade mark No. ....

I/We .....

the applicant(s) for registration of the above-mentioned certification trade mark, hereby give notice that the following are the grounds on which I/we rely as supporting my/our application :

.....  
.....  
.....  
.....

I/We admit the following allegations in the notice of opposition : .....

.....  
.....

Dated this ..... day of ....., 19 .....

.....

My/Our address for service in Seychelles :

.....  
.....  
.....

The Registrar

The Trade Marks Office.

---

**Form T.M. No. 37**

**Regulation 52**

**TRADE MARKS DECREE**

Fee : Rs. 100

Hearing by the Registrar of an opposition to an Application for Registration of a Certification Trade Mark.

NOTICE OF ATTENDANCE AT HEARING

I/We (1) .....

of .....

.....

hereby give notice that the hearing by the Registrar of the arguments in the case of opposition No. .... to application No. .... for registration of a certification trade mark,

which, by the Registrar's notice to me/us dated the .....day of ..... 19 ..... is fixed for ..... a.m. or p.m. at the Trade Marks Office on the ..... day of....., 19 ....., will be attended by me/us or by some person on my/our behalf.

My/Our address for service in Seychelles :-

.....

.....

.....

The Registrar,

The Trade Marks Office.

(1) Here state name and address.

Form T.M. No. 38

Regulation 73.

TRADE MARKS DECREE

Fee : 8

APPLICATION FOR CERTIFICATE OF THE REGISTRAR WITH REFERENCE TO A PROPOSED AGREEMENT OF A REGISTERED TRADE MARK.

(To be accompanied by a statement of case in duplicate and a copy of the proposed assignment).

IN THE MATTER OF trade mark(s) No. (s) .....

registered in the name of .....

in Class(es) .....

Application is hereby made by (1) .....

.....

.....

.....

address being the registered proprietor(s) of the above-numbered registered of the trade mark(s), for the Registrar's certificate with reference to a proposed assignment of the registered trade mark(s) No.(s)

..... to (2) .....

.....

of .....

.....

in circumstances that are stated fully in the accompanying statement of case.

Dated this ..... day of ....., 19 .....

(3) .....

The Registrar,

The Trade Marks Office.

- (1) Here insert the name and trade or business address of the registered proprietor.
- (2) Here insert the name and trade or business of the proposed assignee.
- (3) Signature.

\_\_\_\_\_

**Form T.M. No. 39**

**Regulation 73.**

**TRADE MARKS DECREE**

Fee : 8(a)

APPLICATION FOR THE APPROVAL BY THE REGISTRAR OF A PROPOSED ASSIGNMENT, OR OF A TRANSMISSION (ON OR AFTER THE COMMENCEMENT OF THE DECREE) OF A TRADE MARK RESULTING IN EXCLUSIVE RIGHTS IN DIFFERENT PARTS OF SEYCHELLES.

To be accompanied by a statement of case in duplicate and a copy of the instrument proposed for the assignment or effecting the transmission).

IN THE MATTER OF (a) trade mark(s) \*registered No.(s)

..... in Class(es) ..... \*, the property

of .....

1. Application is hereby made by (1) .....

.....

of .....

the proprietor of the trade mark(s) shown in the accompanying statement of case (2) registered in his name) and (2) (used by him) in respect of the following goods .....

for the approval by the Registrar of a proposed assignment of the trade mark(s) to (3)

.....of .....

.....

in respect of the following goods .....

to be sold or otherwise traded in in (4) .....

+(and to (3) .....

of .....

in respect of the following goods .....

to be sold or otherwise traded in in (4) .....

in circumstances that are stated fully in the accompanying statement of case.)

II. (5) .....

of .....

who claims that the trade mark(s) shown in the accompanying statement of case was/were, in respect of the following goods, namely .....

.....

and on the (6) ..... day of ....., 19 ..... transmitted to (7) him to (8)

..... of ..... (who was his predecessor in title) by or from (9) .....

.....of .....

by whom the trade mark was used in respect of the following goods, namely

.....

all in circumstances that are stated fully in the accompanying statement of case, for the approval by the Registrar of the aforesaid transmission.

Dated this ..... day of ....., 19 .....

.....

Assignee's address for service in Seychelles is :-

.....

.....

.....

The Registrar,

The Trade Marks Office.

*\*To be struck out in the case of unregistered trade marks.*

*Strike out either paragraph I or Paragraph II.*

*(1) Insert here the name and trade or business of the proprietor.*

*(2) Strike out either if not applicable.*

*(3) Insert here the names and trade or of the business address of the proposed assignee(s).*

*(4) Insert the name of the place or places in Seychelles.*

*+Strike out the bracketed passage if not required.*

*(5) Insert here the name trade or business of the person who claims a transmission to him.*

*(6) Insert here the date of the transmission which must not precede the commencement of the Act.*

*(7) Strike out the words that are not applicable.*

*(8) Insert here the name and trade or business address of the predecessor in title, if any.*

*(9) Insert here the name and trade or business address of the person who transmitted.*

---

**Form T.M. No. 40**

**Regulation 74.**

**TRADE MARKS DECREE**

Fee : 8(b)

APPLICATION TO THE REGISTRAR FOR DIRECTIONS FOR THE ADVERTISEMENT OF AN ASSIGNMENT OF TRADE MARKS OTHERWISE THAN IN CONNEXION WITH WITH THE GOODWILL OF THE BUSINESS.

(To be lodged in duplicate)

Application is hereby made by (1) .....

.....

of .....

for the Registrar's directions with respect to the advertisement of an assignment to him/them of the following trade marks otherwise than in connexion with the goodwill of the business in which they were used at the time of assignment, namely

.....

I. registered Trade Marks:

Registered Number Class Goods in respect of which the mark has been used and is assigned all of which are or were registered in the name of (2) .....

.....

of .....

who is the assignor :

\*II. Unregistered trade mark (3), all being marks used in his business at the time of the assignment in respect of the goods stated below, by (2) .....

of .....

who is the assignor :

\*Representation of mark

Goods in respect of which the mark has been used and is assigned.

The date of assignment was the .....day of ..... 19.....

The instrument effecting the assignment is sent herewith, together with a copy thereof.

It is suggested that advertisement shall be directed as follows, namely in .....

\*Additional marks and numbers may be a signed schedule on the back of the form.

Dated this ..... day of ....., 19 ....

(4) .....

The Registrar,

The Trade Marks Office.

(1) Here insert the name and trade or business address of the assignee (applicant)

(2) Here insert the name and trade or business address of the proprietor (assignor).

(3) Only those unregistered trade marks passing by the one assignment and used in the same business and for the same goods as those for which one or more of the registered marks are registered may be stated here.

---

**Form T.M. No. 41**

**Regulation 74**

**TRADE MARKS DECREE**

Fee: 8(c)

APPLICATION FOR EXTENSION OF TIME IN WHICH TO APPLY FOR THE REGISTRAR'S DIRECTIONS FOR THE ADVERTISEMENT OF AN ASSIGNMENT OF TRADE MARKS OTHERWISE THAN IN CONNEXION WITH THE GOODWILL OF THE BUSINESS.

Application is hereby made by (1).....

of .....

.....

for extension of time (2) ..... month(s) in which to

apply for the Registrar's directions for the advertisement of an assignment to him/them of the following trade marks otherwise the than in connexion with the goodwill of the business in which they were used at the time of assignment, namely :-

I Registered Trade Marks :

\*Registration Number Class Goods in respect of which the mark has been used and is assigned all of which are or were registered in the name of (3) .....

of .....

who is the assignor;

II. Unregistered trade marks, all being marks used in his business at the time of assignment and in respect of the goods stated below, by (3) .....

of .....

who is the assignor :

\*Representation of Goods in respect of which the mark has been used and is assigned.

The date of assignment was the ..... day of ....., 19 .....

\* Additional marks and numbers may be given in a signed schedule on the back of the form.

Date this ..... day of ....., 19....

(4) .....

(4) Signature.

My/Our address for service in Seychelles is :

.....

.....

.....

The Registrar,

The Trade Marks Office.

(1) Here insert the name and trade or business address of the assignee (applicant).

(2) Here insert "one", "two" or "three".



(3) Here insert the name and trade or business address of the proprietor (assignor).

---

**Form T.M. No. 42**

**Regulation 84.**

**TRADE MARKS DECREE**

Fee : Rs. 150.

**NOTICE OF OPPOSITION TO APPLICATION FOR ADDITION TO OR ALTERATION OF A REGISTERED TRADE MARK.**

(To be lodged in duplicate)

IN THE MATTER OF the trade mark No. ....

registered in the name of .....

in Class .....

I/We .....

.....

hereby give notice of my/our intention to oppose the addition to alteration of the trade mark numbered and registered as above, so that it shall be in the form shown in the application advertised in the Gazette of the ..... day of ....., 19 .... No. .... page .....

The grounds of opposition are as follows :-

.....

.....

Dated this ..... day of ....., 19 .....

My/Our address for service in Seychelles is :-

.....

.....

.....

The Registrar,

The Trade Marks Office.

---

**Form T.M. No. 43**

**Regulation 82**

**TRADE MARKS DECREE**

Fee : Rs. 15

Notice of Order of Court for alteration or rectification of Register of Trade Marks

IN THE MATTER OF the trade mark No. ....registered in Class ..... in the name of .....

Notice is hereby given to the Registrar that, by an order of the Court made on the ..... day of ....., 19 ..... it was directed that

.....  
.....  
.....

A certified copy of the order of the Court is enclosed herewith.

Dated this ..... day of ..... 19 .....

(1) .....

The Registrar,

The Trade Marks Office.

(1) To be signed by the person interested or his agent.

---

**Form T.M. No. 44**

**Regulation 82**

**TRADE MARKS DECREE**

Fee : 7

REQUEST TO THE REGISTRAR FOR ENTRY ON THE REGISTER ADVERTISEMENT OF A NOTE OF A CERTIFICATE OF VALIDITY BY THE COURT.

IN THE MATTER OF trade mark(s) No. (s) .....

registered in Class ..... in the name of .....

.....

I/We (1) .....

.....

hereby request the Registrar to add to the numbered entry/entries of a trade mark in the Register, and to advertise in the Gazette a note that in (2) .....

the Court certified that the validity of the said registration(s) came into question and was decided in favour of the proprietor of the trade mark in the terms of the accompanying certificate of validity.

Dated this ..... day of ....., 19 .....

The Registrar,

The Trade Marks Office.

(1) Here state the name and address of the registered proprietor.

(2) Here state the nature of the proceedings, with the names of the parties to them, in which the certificate was given.

**Form T.M. No. 45**

**Regulation 89**

**TRADE MARKS DECREE**

Fee : 6 or 6(a)

**APPLICATION FOR REGISTRATION OF REGISTERED USER**

(To be accompanied by a statement of case giving particulars verified by an affidavit or solemn declaration made by the proprietor, or by some person authorized to act on his behalf and approved by the Registrar.)

Additional Application is hereby made by (1) .....

.....

.....

.....

who is/are the registered proprietor(s) of trade mark(s) No.(s) \*.

..... registered in Class ..... in

respect of (2) .....

.....

.....  
that (3) .....

.....  
.....  
.....  
.....  
.....  
.....

of (4) .....

.....  
.....

trading as (5) .....

.....

who hereby joins in the application, may be registered as a registered user of the abovenumbered registered trade mark(s) in respect of (6) .....

.....  
.....

subject to the following conditions or restrictions:-

(7) .....

.....  
.....

(8) The proposed permitted use is to end on the .....day of ....., 19 ...../The proposed permitted without limit of period.

Dated this ..... day of ....., 19...

My/Our address for service in Seychelles is:-

.....  
.....  
.....

The Registrar,

The Trade Marks Office,

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

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

(2) Here insert the specification in the register.

(3) 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.

(4) Here insert the full trade business address of the proposed registered user.

(5) Here insert trading style or (if any).

(6) Here insert designation of goods (which must be comprised within the specification).

(7) Write None if there are no conditions or restrictions.

(8) Strike out the words that are not applicable

---

**Form T.M. No. 46**

**Regulation 91.**

**TRADE MARKS DECREE**

Application by the Registered proprietor of a Trade for Variation of the registration of a Registered User thereof with regard to the goods or the condition's or or restrictions.

(To be accompanied by a statement of the grounds for the application and the written consent (if given) of the registered user).

Application is hereby made by (1) .....

.....

.....

the proprietor of trade mark(s) No.(s)\* .....

registered in Class ..... in respect of (2) .....

.....

.....

that the registration of (3).....

.....

as a registered user of the above numbered trade mark(s) in

respect of (4) .....

.....

.....

may be varied in the following manner : (5) .....

.....

.....

Dated this ..... day of ....., 19..... respect of

.....

The Registrar,

The Trade Marks Office.

- (1) Here insert the full name, description and trade of the registered proprietor.
- \*Additional numbers may be given in a signed schedule on the back of the form.
- (2) Here insert the specification in the register.
- (3) Here insert full name, description and trade or business address of the registered user.
- (4) Here insert the goods in respect of which the user is registered.
- (5) Here state in terms the manner in which it is requested that the entry should be varied.

**Form T.M. No. 47**

**Regulation 92**

**TRADE MARKS DECREE**

Fee : 6(d) or 6(e).

Application by the Registered Proprietor of a Trade Mark or by any of the Registered Users of the Trade Mark for the cancellation of entry of a Registered user thereof.

(To be accompanied by a statement of the grounds for the application)

Application is hereby made by (1) .....

.....

.....

being (2) the registered proprietor/registered user of trade mark(s) No.(s)\*  
..... registered in class ..... in respect of (3) .....

.....

.....

for cancellation of the entry under the above-mentioned registration(s) of (4)

.....

.....

As a registered user of the trade mark(s) in respect of (5)

.....

.....

.....

The grounds for this application are set forth in the accompanying statement.

Dated this ..... day of ....., 19 .....

.....

.....

.....

The Registrar,

The Trade Marks Office.

(1) Here insert the full name, description and trade or business address of the applicant(s).

(2) Strike out words that are not applicable.

\*Additional numbers may given in a signed schedule on the back of the form.

(3) Here insert the specification in the register.

(4) Here insert the full name, description and trade or business address of the registered user whose entry is sought to be cancelled.

(5) Here insert goods in respect of which that registered user is entered.

**Form T.M. No. 48**

**Regulation 93**

**TRADE MARKS DECREE**

Fee : 6(f) or 6(g)

Application for cancellation of entry of a Registered User of a Trade Mark.

(To be accompanied by a statement of the grounds for the application).

IN THE MATTER OF trade mark(s) No.(s)\* .....

registered in Class ..... in the name of (1) .....

.....  
.....

Application is hereby made by (2) .....

.....  
.....

for cancellation of the entry under the above-mentioned  
registration(s) of (3) .....

.....  
.....

as the registered user thereof in respect of (4) .....

.....  
.....

Dated this ..... day of ....., 19.....

.....  
.....  
.....

My/Our address for service in Seychelles is -

.....  
.....  
.....

The Registrar,

The Trade Marks Office.



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

(1) Here insert the name, trade or business address and description of the registered proprietor as entered in the register.

(2) Here insert the name and address of the applicant for cancellation.

(3) Here insert the name, trade or business address and description of the registered user as entered in the register.

(4) Here insert the goods in respect of which registered user is entered.

---

**Form T.M. No. 49**

**Regulation 94**

**TRADE MARKS DECREE**

Fee : Rs. 25

Notice to the Registrar of intention to intervene in proceedings for the variation or cancellation of an entry of a Registered User of a Trade Mark.

(To be accompanied by a statement of the grounds for intervention)

IN THE MATTER OF a trade mark No. .... registered in class ..... in the name of (1)  
.....

and

IN THE MATTER OF a registration of (2) .....

thereunder as a registered user of the mark.

---

In reply to the Registrar's notification, dated the ..... day of ....., 19 ..... notice is hereby given of my intention to intervene in the proceedings in the matter.

Dated this ..... day of ....., 19 .....

.....

My address for service in Seychelles is :-

.....

.....

.....

The Registrar,

The Trade Marks Office.

(1) Insert here the name of the registered proprietor.

(2) Insert here the name and trade or business address of the registered user.

---

## CLASSIFICATION OF GOODS: NAMES OF THE CLASSES

### PART I - GOODS

1. Chemical products used in industry, science, photography, agriculture, horticulture, forestry ; artificial and synthetic resins; plastics in the form of powders, liquids or pastes, for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.
2. Paints, varnishes, lacqueurs; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; natural resins; metals in foil and powder form painters and decorators.
3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices.
4. Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuel (including motor spirit) and illuminants; candles, tapers, night-lights and wicks.
5. Pharmaceutical, veterinary and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax, disinfectants; preparations for killing weeds and destroying vermin.
6. Unwrought and partly common wrought metals and their alloys; anchors, anvils, bells, rolled and cast building materials, rails and other metallic materials for railway tracks, chains (except driving chains for vehicles); cables and wires (non-electric); locksmiths' work; metallic pipes and tubes; safes and cash boxes, steel balls, horseshoes; nails and screws; other goods in non-precious metal not included in other classes; ores.
7. Machines and machine tools, motors (except for land vehicles); machine couplings and belting (except for land vehicles); large size agricultural implements, incubators.
8. Hand tools and instruments; cutlery, forks and spoons; side arms.
9. Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; coin or counter-free apparatus, talking machines, cash registers, calculating machines, fire-extinguishing apparatus.
10. Surgical, medical, dental and veterinary instruments and apparatus (including artificial limbs, eyes and teeth).
11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
12. Vehicles; apparatus for locomotion by land, air, or water.

13. Firearms; ammunition and projectiles, explosive substances, fireworks.
14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons), jewelry, precious stones; horological and other chronometric instruments.
15. Musical instrument (other than talking machines and wireless apparatus).
16. Paper, cardboard, paper and cardboard articles, not included in other classes; printed matter, newspapers and periodicals, books; bookbinding material, photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and clichés (stereotype).
17. Gutta percha, indiarubber, balata and substitutes, articles made from these substances and not included in other classes; plastics in the form of sheets, blocks and rods, being for use in manufactures; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (non-metallic).
18. Leather and imitations of leather, and articles made from these materials, and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
19. Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; road-making materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.
20. Furniture, mirrors, picture frames, articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics.
21. Small domestic utensils and containers (not of precious metal, nor coated therewith); combs and sponges; brushes (other than paint brushes); brush-making materials, instruments and material for cleaning purposes; steelwool; unworked or semi-worked glass (excluding glass used in building); glassware, porcelain and earthenware not included in other classes.
22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, capoc, feathers, sea-weed, etc.); raw fibrous textile materials.
23. Yarns, threads.
24. Tissues (piece goods); bed and table covers, textile articles not included in other classes.
25. Clothing, including boots, shoes and slippers.
26. Lace and embroidery, ribbons and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.
27. Carpets, rugs, mats and matting; linoleums and other materials for covering existing floors, wall hangings (non-textile).
28. Games and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees.

29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables, jellies, jams, eggs; milk and other dairy products; edible oils and fats; preserves, pickles.
30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes, flour and preparations made from cereals, bread, biscuits, cakes, pastry and confectionery, ices; honey, treacle; yeast; baking-powder, salt, mustard, pepper, vinegar, sauces; spices; ice.
31. Agricultural, horticultural and forestry products and grains not included in other classes; living animals, fresh fruits and vegetables; seeds; live plants and flowers, foodstuffs for animals, malt.
32. Beer, ale and porter; mineral and aerated waters and other non-alcoholic drinks; syrups and other preparations for making beverages.
33. Wines, spirits and liqueurs.
34. Tobacco, raw or manufactured; smokers' articles, matches.

## PART II - SERVICES

CLASS	SERVICE
35	Accounting, Advertising, Advertising Agencies, Auctioneering, Auditing, Bill-posting, Book-keeping, Burglar alarm, Business appraisals, Business inquiries, Business investigations, Business management and organization consulting, Business management assistance, Business management consulting, Business organization consulting, Business research, Commercial information agencies, Commercial or industrial management assistance, Cost price analysis, Demonstration of goods, Direct mail advertising, Efficiency experts,

Evaluation of standing timber,  
Employment agencies,  
Fiduciary,  
Financial appraisals,  
Fire alarm,  
Fiscal assessments,  
Import-export agencies,  
Leasing of billboards,  
Legal services,  
Marketing studies,  
Marketing research  
Office machine and equipment rental,  
Offset printing,  
Outdoor advertising,  
Patent agencies,  
Personnel management,  
Photocopying,  
Public relations,  
Publication of publicity taxis,  
Publicity,  
Publicity agencies,  
Publicity columns preparation,  
Publicity leaflets issuing,  
Public material rental,  
Radio advertising,  
Radio commercials,  
Shop window dressing,  
Shorthand,  
Statements of accounts,  
Statiscal information,  
Television advertising,  
Television commercials,  
Transcription,  
Trusteeship,  
Typing,  
Valuation of standing timber,  
Mutual funds,

	<p>Organization of collections,  Pawnbrokerage,  Real estate agencies,  Real estate appraisal  Real estate brokers,  Real estate management,  Safe deposit services,  Renting of apartments,  Renting of flats  Saving banks,  Sale on credit,  Securities brokerage  Surety services,  Stocks and bonds brokerage.</p>
37	<p>Air conditioning apparatus,  installation and repair,  Airplane maintenance and repair,  installation and repair,  Anti-rust treatment for vehicles,  Asphalting,  Boiler cleaning and repair,  Boiler-making,  Building insulating,  Building sealing,  Burglar alarm installations and repair,  Burglar or fire alarm installation and repair,  Burner maintenance and repair,  Burnishing by abrasion,  Cabinet making,  Car maintenance,  Car wash,  Cleaning of buildings,  Cleaning of clothing,  Clock and watch repair,  Clothing repair,  Construction*</p>

Construction engineering,  
Copper smithing,  
Demolition of buildings,  
Disinfecting,  
Electric appliance installation and repair,  
Elevator installation and repair,  
Factory construction,  
Film projector repair and maintenance,  
Fire alarm installation and repair,  
Freezing equipment installation and repair,  
Fulling of cloth,  
Furnace installation and repair,  
Furniture maintenance,  
Furniture restoration,  
Harbour construction,  
Heating equipment installation and repair,  
Irrigation devices installation and repair,  
Kitchen equipment installation,  
Laundering,  
Leather care, cleaning and repair,  
Lift installation and repair,  
Linen ironing,  
Machinery installation, maintenance and repair  
Photographic apparatus repair,  
Pier breakwater building,  
Pipeline construction and maintenance,  
Plastering,  
Plumbing,  
Pressing of clothing.  
Pump repair  
Rat exterminating,  
Renovation,  
Rental of bulldozers,  
Rental of construction equipment,  
Rental of excavators,  
Retreading of tyres,  
Reveting,

	<p>Rustproofing,  Safe maintenance and repair,  Sanding,  Scaffolding,  Shipbuilding,  Shoe repair,  Strong-room maintenance and repair,  Telephone installations and repair,  Tinsmithing,  Under-water construction,  Upholstering,  Upholstery repair,  Vanishing,  Vehicle cleaning,  Vehicle greasing,  Vehicle lubrication,  Vehicle polishing,  Vehicle repair,  Vehicle service stations,  Vehicle wash,  Vermin exterminating,  Vulcanization,  Warehouse construction and repair,  Washing,  Washing of linen,  Weed killing,  Window cleaning,</p>
38	<p>Communication by telegrams,  Communication by telephone,  Message delivery,  Message sending,  News agencies,  Radio broadcasting,  Sending of telegrams,  Telegraph services,  Telephone services,</p>



	<p>Television broadcasting,  Telex services,  Transmission of telegrams,  Wire service.</p>
39	<p>Air transport,  Ambulance transport,  Armoured-car transport,  Arranging of cruises,  Arranging of tours,  Barge transport,  Boat rental,  Boat transport,  Booking of seats (travel),  Bus transport,  Car parking,  Car rental,  Car transport,  Carting,  Coach rental  Crating of goods,  Delivery of goods,  Diving,  Electricity distribution,  Escorting of travellers,  Ferry-boat transport,  Freight forwarding,  Freighting,  Frozen-food locker rental,  Garage rental,  Guarded transport of valuables,  Guarding,  Hauling,  Horse rental,  Lighterage  Marine transport,  Moving,  Operating canal locks,</p>

	<p>Parcel delivery,  Parking place rental,  Piloting,  Passenger transport,  Pleasure boat transport,  Porterage,  Refloating of ships,  Refrigerator rental,  Removals,  Rental of warehouses,  Salvage of ships,  Shipbrokerage,  Sightseeing (tourism)  Storage,  Storage of goods,  Taxi transport,  Truck rental,  Tourist offices (except for hotel reservation),  Towing,  Transport  Transport by pipelines,  Transport of travellers,  Transporting furniture,  Travel agencies,  Unloading cargo,  Vehicle rental,  Vehicle towing,  Warehousing,  Water distribution,  Water supplying.</p>
40	<p>Air purification,  Applying finishes to textiles,  Blacksmithing,  Bookbinding,  Chromium plating,  Cinematographic adaptation,</p>

Cloth cutting,  
Cloth dyeing  
Cloth edging,  
Cloth fireproofing,  
Cloth pre-shrinking,  
Cloth treating,  
Cloth waterproofing,  
Crease-resistant treatment for clothing,  
Dressmaking,  
Dyeing services,  
Electro-plating,  
Embroidery,  
Engraving,  
Fabric bleaching,  
Fabric fireproofing,  
Fabric waterproofing  
Firing pottery,  
Flour milling,  
Food smoking,  
Fruit Crushing,  
Galvanization,  
Gilding,  
Glass-blowing,  
Grinding,  
Laminating,  
Leather staining,  
Leather working,  
Magnetization,  
Metal plating,  
Metal tempering,  
Metal treating,  
Millworking,  
Nickel plating,  
Paper finishing,  
Paper treating,  
Pattern printing,  
Permanent presreatment of fabrics,

	<p>Photographic film development,  Planing (saw mill),  Pottery firing,  Sawing (saw mill),  Shoe staining,  Silver-plating,  Skin dressing,  Soldering,  Stripping finishes,  Tailoring,  Tanning,  Taxidermy,  Textile fireproofing,  Textile mothproofing,  Textile treating,  Tin-plating,  Water treating,  Wood-working.</p>
41	<p>Academies (education)  Amusement parks  Amusements,  Animal training,  Circuses,  (education or entertainment),  Correspondence courses,  Delivery of newspaper,  Educational services,  Entertainer services  Entertainment,  Film production  Gymnastic instruction,  Instruction services,  Lending libraries,  Motion picture rental,  Movie projectors and accessories,  Movie studios,</p>

	<p>Music-halls,  Newspaper delivery,  Newspaper subscriptions,  Orchestra services,  Organisation of competitions,  (education or entertainment)  Physical education  Production of radio and television programmes,  Production of shows,  Providing recreation facilities,  Publication of books,  Publication of texts,  Radio entertainment,  Rental of motion pictures,  Rental of movies projectors and accessories,  Rental of show scenery,  Rental of sound recording,  Rental of stage scenery,  Teaching,  Television entertainment,  Theatre productions,  Theatrical booking agencies,  Tuition.</p>
42	<p>Agencies for introductions,  Analyses for oil-exploitation,  animal breeding,  Architectural consultation,  Architecture,  Bacterial research,  Bacteriological research,  Bacteriology,  Beauty salons,  Boarding house bookings,  Boarding houses,  Boarding schools,  Cafes,  Cafeterias,</p>

Canteens,  
Catering,  
Chaperoning,  
Chemical analysis,  
Chemical research,  
Chemistry services,  
Chiropractics,  
Computer programming,  
Computer rental,  
Construction drafting,  
non-business,  
Convalescent homes,  
Copyright management,  
Cosmetic research,  
Cremation,  
Day-nurseries,  
Dentistry,  
Detective agencies,  
Dress rental,  
Drilling of wells,  
Editing,  
Electric equipment rental,  
Engineering,  
Engineering drawing,  
Farming equipment rental,  
Fashion information,  
Freight (shipping of goods),  
Funerals,  
Gardening,  
Genealogical prospecting,  
Geological prospecting  
Geological research,  
Geological surveys,  
Guardianship,  
Hairdressing salons,  
Healthcare,  
Horticulture,

Hospitals,  
Hotel management,  
Hotel reservations,  
Hotels,  
Housekeeping services,  
Industrial decorating,  
Knitting machine rental  
Land surveying,  
Landscaping gardening.  
Legal research,  
Lithographic printing,  
Loft clearance,  
Marriage bureaus,  
Massage,  
Material testing,  
Mechanical research  
Medical assistance,  
Medical clinics,  
Meteorological information,  
Night guards,  
Nurseries,  
Nursing homes,  
Oil prospecting.  
Oil-field exploitation (Analyses for),  
Oil-field surveys,  
Oil-well testing,  
Operating of lorries,  
Opticians services,  
Packaging design,  
Patent exploitation,  
Personal body guarding,  
Personal letter writing,  
Photographic reporting,  
Photography,  
Physics,  
Physiotherapy,  
Preparation of reports,

Printing,  
Professional consultation,  
non-business,  
Project studies, non-business,  
Providing campground facilities,  
Providing facilities for exhibitions,  
Providing hotel accomodation,  
Psychological testing,  
Public baths,  
Restaurants  
Retirement homes,  
Room rental or leasing,  
Sanatoriums,  
Self-service restaurants,  
Snack-bars,  
Surveying,  
Talking clock,  
Technical research,  
Textile testing,  
Tourist homes,  
Translation,  
Undertaking,  
Vending machine rental,  
Veterinary assistance,  
Vocational guidance,  
Weather forecasting,  
Wreath making.

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