

ADMINISTRATIVE INSTRUCTIONS

No. 4 of 2006

ADMINISTRATIVE INSTRUCTIONS made by the Registrar of Intellectual Property in exercise of the powers conferred upon him by section 69 of the Patents Act, Chapter 253 of the Substantive Laws of Belize, Revised Edition 2000.

1. These Administrative Instructions may be cited as the **TRADE MARKS (COSTS, EXPENSES AND ALLOWANCE) ADMINISTRATIVE INSTRUCTIONS, 2006.**

2.(1) For the purposes of section 8 of the Act (which deals with costs), a party to proceedings before the Registrar may apply to the Registrar in the form prescribed in Form 27 of Schedule I for an award of costs in relation to the proceedings.

(2) An application must be made –

(a) during the proceedings; or

(b) within 3 months from:

- (i) the date on which the Registrar makes a decision in the proceedings that ends those proceedings; or
- (ii) the date of the Registrar's notice to the party that the proceedings have been discontinued or dismissed;

as the case requires.

(3) Before awarding costs in respect of the proceedings, the Registrar must give each party to the proceedings a reasonable opportunity to be heard in relation to the award of costs.

3. (1) For the purposes of section 8 of the Act (which deals with costs), costs may only be awarded in respect of a matter set out in Schedule II.

(2) The amount of costs must be taxed, allowed and certified by the Registrar, in accordance with –

- (a) in the case of an item in Part 1 of Schedule II, the amount specified in that item;
or
- (b) in the case of a matter set out in a paragraph in Part 2 of Schedule II that
paragraph.

MADE by the Registrar of Intellectual Property this 7th day of April, 2006.

(ALHAJI TEJAN-COLE)
Deputy Registrar of Intellectual Property

SCHEDULE I

TRADEMARKS ACT (CAP. 257)

FORM NO. 27

APPLICATION FOR AN AWARD OF COSTS

1. Applicant _____
(Name)

(Address)

2. Application being made for costs in relation to the following proceedings:

3. Registration number(s) of trade marks to which proceedings relate:

(Registration number(s))

4. Signature:

Dated: _____ / _____ / _____

Day Month Year

Signature: _____

Agent (if applicable)

SCHEDULE II

TRADE MARKS ACT (CAP. 257)

(Rule 60)

COSTS, EXPENSES AND ALLOWANCE

PART 1

COSTS Column 1 Item	Column 2 Matter	Column 3 Amount
1	Notice of opposition	\$175
2	Evidence in support	\$200
3	Receiving and perusing notice of opposition	\$100
4	Receiving and perusing evidence in support	\$100
5	Filing answer to opposition	\$125
6	Evidence in answer	\$200
7	Receiving and perusing evidence in answer	\$100
8	Evidence in reply	\$100
9	Receiving and perusing evidence in reply	\$100
10	Preparation of cases for hearing	\$350
11	Attendance at hearing by attorney-at-law	\$200 per hour

PART 2

EXPENSES AND ALLOWANCES

Division 1

Expenses

1. A person who has paid a fee prescribed by the relevant law in relation to proceedings before the Registrar may be paid the amount of the fee.

2. A person attending proceedings before the Registrar must be paid –
(a) a reasonable amount for allowances for transport between the usual place of residence of the person and the place that he or she attends for that purpose; and
(b) if the person is required to be absent overnight from his or her usual place of residence - a reasonable amount for allowances up to a daily maximum of \$200 for meals and accommodation.

Division 2

Allowances

3. A person who, because of his or her professional, scientific or other special skill or knowledge, is summoned to appear as a witness before the Registrar must be paid –
- (a) if the person is remunerated in his or her occupation by wages, salary or fees – an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance for that purpose; and
 - (b) in any other case – an amount of not less than \$100, or more than \$500, for each day on which he or she so attends.
4. A person summoned to appear as a witness, other than a witness referred to in paragraph 3, before the Registrar must be paid –
- (a) if the person is remunerated in his or her occupation by wages, salary or fees – an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance for that purpose; and
 - (b) in any other case – an amount of not less than \$60, or more than \$100, for each day on which he or she so attends.

Source: World Intellectual Property Organization
<http://www.wipo.int/portal/en/index.html>