

THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

Country	Antigua and Barbuda
Definition of Trademark	
1. According to the applicable legislation or to the practices of the Office, marks are defined as	
a) Visually perceptible signs	Yes
b) Signs capable of being represented graphically	Yes
c) Any sign capable of distinguishing the goods and services of one undertaking from those of another	Yes
2. Signs excluded from registration	
Are any signs excluded from registration as a mark?	Yes
Please, specify:	1) marks that are incapable of distinguishing goods or services of one enterprise. 2) if it is contrary to public or morality 3) if it likely to mislead public or trade circles. 4) if the mark contains elements that require authorization from competent authority. 5) if it is identical with or confusingly similar to, or constitute a translation of, a mark or trade name which is well-known in Antigua and Barbuda for goods or services which are not identical or similar to those in respect of which registration is applied for, provided, in the latter case, that use of the mark in relation to those goods or services would indicate a connection between those goods or services and the owner of the well-known mark and that the interests of the owner of the well-known mark are likely to be damaged by such use. 6) If there is an earlier existing application filed or already on the Register.
Acceptable Types of Marks and Means of Representation	
Types of marks	
3. Is the applicant required to specify in the application the type of mark for which registration is requested?	Yes
4. Is a description of the mark [one option only]	b) Optional?
5. When an indication of the type of mark is neither specified nor included in the description, would the Office accept and process the application?	Yes
One option only:	c) Other
Please, specify:	Where an application filed as a collective or series of mark, the applicant is required to indicate what type of marks they are filing. Section 8 of the Trademark Act and Trademark Regulations.
6. Please, indicate below the types of marks accepted by the Office and, where applicable, the way in which they must be represented:	
a) Word marks	Yes
i. Does the Office require the use of a standard character for the representation of word marks?	No
ii. Where applicable, does the Office require that words be translated into the language used by the Office	Yes
iii. Where applicable, does the Office require that words be transliterated following the phonetics of the language used by the Office	Yes
Please specify the font to be used to represent a standard character mark:	
b) Figurative marks (device marks)	Yes
Please, specify how they must be represented:	A durable graphical representation of the device

	should be included in the application. Section 10 of the Trademark Act 2003.
c) Hologram marks	No
Please, specify how they must be represented:	
d) Three-dimensional marks (shape marks)	Yes
Please, specify how they must be represented	A durable graphic reproduction of the drawing or photography of the mark should be provided. Section 10 of the Trademark Act 2003.
i. Product packaging	Yes
Please, specify how it must be represented:	A durable graphic reproduction of the packaging should be represented. Section 10 of the Trademark Act 2003.
ii. Product shape	Yes
Please, specify how it must be represented:	A durable graphical reproduction of the shape of the trademark should be represented. Section 10 of the Trademark Act 2003.
e) Color marks	Yes
Please, specify how they must be represented	An indication of the colors claimed and filing the reproduction of the mark in color in accordance with Pantone system.
i. A single color	Yes
Please, specify how it must be represented:	Indicate the color claim and filing the reproduction of the mark in color in accordance with Pantone system.
ii. A combination of colors	Yes
Please, specify how it must be represented:	Reproduce the mark in color and indicate those colors in accordance with Pantone system.
f) Sound marks	No
Please, specify how they must be represented	
i. A musical sound	
Please, specify how it must be represented:	
ii. Any sound	
Please, specify how it must be represented:	
g) Motion marks	No
Please, specify how they must be represented:	
h) Multimedia marks (motion and sound)	No
Please, specify how they must be represented:	
i) Other(s) (e.g., gesture marks, olfactory marks, pattern marks, position marks, taste marks, texture marks, trade-dress)	Yes
Please, indicate what other types of marks are accepted:	Trade-dress Marks is presented by filing a durable reproduction of the mark. Section 10 of the Trademark Act 2003.
Please, specify how each of the other types of marks indicated above must be represented:	The mark is represented with a durable graphical reproduction. Section 10 of the Trademark Act.
Format and Means to File an Application with the Office	
7. Which of the following are acceptable formats to file an application with the Office?	
a) A paper form	Yes
b) The image of a paper form (e.g., PDF, JPG)	No
c) Structured data (e.g., e-filing, XML files)	No
8. How does the applicant submit the application?	
a) On a physical support (e.g., paper, CD-ROM or USB device)	Yes
b) By fax	No
c) Electronically, other than fax (e.g., by e-mail, by e-filing)	No
9. Is the applicant either required or allowed to submit an electronic representation of the mark along with the application?	No
Format(s) in which the Office accepts the electronic representation of the mark	
10. Depending on the type of mark, may the electronic representation consist of one or more digital still images?	No

Please select below the format accepted by the Office	
a) GIF	
b) JPEG	
c) PNG	
d) TIFF	
e) Other(s)	
Please, specify in which other format(s):	
When the representation consists of more than one digital still image:	
a) all images must be included in one file	
b) each image may be in a separate file	
11. Depending on the type of mark, may the electronic representation consist of a digital recording of sound only (i.e., without moving images)?	No
Please, select below the format accepted by the Office	
a) MID	
b) MP3	
c) WAV	
d) Other(s)	
Please, specify in which other format(s):	
12. Depending on the type of mark, may the representation consist of a digital recording of moving images without sound?	No
Please, select below the format(s) accepted by the Office	
a) AVI	
b) GIF	
c) MOV	
d) MP4	
e) MPEG	
f) WMV	
g) Other(s)	
Please, specify in which other format(s):	
13. Depending on the type of mark, may the representation consist of a digital recording of moving images and sound?	No
Please, select below the format(s) used by the Office	
a) AVI	
b) MP4	
c) MPEG	
d) WMV	
e) Other(s)	
Please, specify in which other format(s):	
Formats and standards used by the Office to store, manage and publish electronic representation of marks	
SCRx3421	
14. Does the Office store and manage an electronic representation of the mark (whether provided by the applicant or produced by the Office) in a database?	Yes
15. Is the electronic representation of the mark available to the public?	No
How can the public access the electronic representation of the mark?	
a) At the Office only (e.g., a dedicated computer terminal)	
b) Online (e.g., online database)	
16. In which format does the Office store, manage and publish the electronic representation of the mark when this consists of:	
a) one or more digital still images	JPEG.
b) a digital recording of sound only	N/A
c) a digital recording of moving images without sound	N/A
d) a digital recording of moving images and sound	N/A