



REF.: SCT/27

Wang Binying
Deputy Director General
WIPO, Geneva
Switzerland

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Dear Ms. Binying

I have the pleasure to refer to the twenty-seventh session of the *Standing Committee Law of Trademarks, Industrial Designs and Geographical Indications (SCT)*, held in Geneva from September 18 to 21, 2012. At that session, the SCT asked the Secretariat to prepare a Study on the Protection of Country Names. Kindly see the below comments.

Domestic law in Belize

Belize acceded to the Paris Convention on March 17, 2000 and the Convention entered into force on June 17, 2000. Article 6ter of the Paris Convention is incorporated into Belizean law through Section 62 of the Trademark Act Cap. 257 of the Laws of Belize, R.E. 2000-2003 (hereinafter referred to as "the Act"). **Specific provisions for the protection of country names and the homonymous sound of the country name are however not included in Belizean legislation.**

Section 35 (3) (b) of the Act states:

A trade mark shall not be registered if it is:-

(b) of such a nature as to deceive the public (for instance as to the nature, quality or geographical origin of the goods or service).

It is therefore arguable that Section 35 (3) (b) provides limited protection as there is no specific burden on the applicant to prove an association with the foreign country when using their name.

Applicable Procedure Pre-Registration

Considering the limited scope of protection offered by section 35 (3) (c) of the Act, BELIPO currently objects to registration of marks which include country names that are likely to deceive the public as to the geographical origin of the goods or services by requesting a disclaimer of the country name. In some instances, BELIPO may also refuse to register such trade marks whose main insignia is that of a country name which is well-known for the goods and/or services applied for by the applicant.

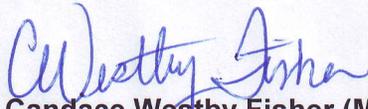
While these are measures undertaken by the office to protect country names, there is no law which requires BELIPO to take such measures and as such, the scope of protection of country names remains limited within the jurisdiction.

Applicable Procedure Post-Registration

Section 47 (1) allows for the invalidation of a trade mark which was registered in breach of section 35, including subsection (3) (b) referred to above and section 47 (3) states that an application for a declaration of invalidity may be made by any person. This remedy is therefore available post-registration of a trade mark which is of such a nature as to deceive the public as to the geographical origin of the mark.

There are currently no relevant cases, administrative and/or judicial practice, or guidelines/directives on the protection of country names in the field of registration of trademarks.

Regards,



Candace Westby Fisher (Mrs.)
Deputy Registrar
Of Intellectual Property