
Trinidad and Tobago: New Trademark Laws

By [Robin L. Warren](#)

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A modern trademark regime has come into force in Trinidad and Tobago with the implementation of The Trademarks Act of 2015. The new Act repeals the prior Trademark Act, which had been in effect for over six decades since 1955. The new Act was originally approved five years ago, although the legislation for the Trademark Regulations which actually implement the new trademark system under the Act was only approved this year.

The following are some noteworthy changes under the new Act and Regulations:

- Higher official fees for many actions;
- Implementation of the 11th edition of the Nice Classification (Trinidad and Tobago previously used the 7th edition);
- Greater protection is afforded to well-known trademarks, with or without a trademark registration, during examination and invalidity and infringement actions, including additional injunctive-relief options;
- Technology upgrades at the Trademark Office, including electronic filing of applications and implementation of a unified register in contrast to the prior two-part system which distinguished marks based on their level of distinctiveness and categorized them under Parts A and B of the Register;
- An expanded definition of trademarks to include non-traditional marks such as sound marks, color marks, and three-dimensional marks;

- Measures to register trademarks with Customs for border enforcement; and
- Regulations for Trinidad and Tobago's expected future entry into the Madrid System.

Registrations that are already in the renewal grace period or had lapsed under the repealed act will still be governed by the former Act, as will pending applications unless the applicants opt into examination under the new Act. Applicants can so opt by December 28, 2020.