

ANNEX 7
DRAFT REGULATIONS

REGULATIONS UNDER THE GEOGRAPHICAL INDICATIONS ACT, 2002

*(Issued by the Minister in accordance
with Section 20 of the Act)*

Table of Contents

PART I: PRELIMINARY

Regulation 1:	Short Title and Date of Operation
Regulation 2:	Interpretation
Regulation 3:	Fees
Regulation 4:	Forms
Regulation 5:	Language of Documents and Translations
Regulation 6:	Indication of Name, Address, Nationality and Residence
Regulation 7:	Signatures by Partnerships, Companies and Associations
Regulation 8:	Representation by Agent

PART II: REGISTRATION OF GEOGRAPHICAL INDICATIONS

Regulation 9:	Application for Registration
Regulation 10:	Withdrawal of Application
Regulation 11:	Marking Application
Regulation 12:	Objection to or Conditional Acceptance of Application; Hearing
Regulation 13:	Refusal of Application or Conditional Acceptance to Which Applicant Objects
Regulation 14:	Acceptance of Application; Publication for Opposition
Regulation 15:	Opposition
Regulation 16:	Registration; Publication of Reference Thereto; Issuance of Certificate
Regulation 17:	Cancellation or Rectification of Registration
Regulation 18:	Publication; Gazette

PART III: SPECIAL PROVISIONS CONCERNING MARKS

- Regulation 19: Refusal or Invalidation of Registration of Misleading Marks
Regulation 20: Refusal or Invalidation of Registration of a Mark Conflicting
With Geographical Indication for Wines and Spirits
Regulation 21: Publication of Invalidation of Registration of Mark

PART IV: GENERAL

- Regulation 22: Address for Service
Regulation 23: Excluded Days
Regulation 24: Consultation of Register; Request for Extracts Therefrom and for Copies of Documents
Regulation 25: Entries of Changes in the Register
Regulation 26: Corrections of Errors
Regulation 27: Extension of Time
Regulation 28: Hearing
Regulation 29: Service by Mail
Regulation 30: Direction as to Furnishing of Documents
Regulation 31: Correction of Irregularities
Regulation 32: Dispensation by the Registrar
Regulation 33: Hours of Business
Regulation 34: Evidence
Regulation 35: Statutory Declarations and Affidavits

SCHEDULE I: Fees

SCHEDULE II: Forms

PART I: PRELIMINARY

- Short Title and Date of Operation
1. These Regulations may be cited as the Geographical Indications Regulations 2002 and shall come into operation on
- Interpretation
2. In these Regulations, unless the context otherwise requires,
- (i) “Act” means the Protection of Geographical Indications Act, 2002.
 - (ii) "Agent" means a Law Practitioner resident and practicing in Tonga representing the applicant
 - (iii) “Section” refers to the specified Section of the Act;
 - (iv) “Regulations” means these Regulations;
 - (v) “Regulation” refers to the specified Regulation of these Regulations.
- Fees
3. The fees to be paid in respect of matters arising under the Act or these Regulations shall be those specified in the Schedule of Fees in Schedule I annexed to and forming part of these Regulations.
- Forms
- 4.(1) The forms referred to in these Regulations are those set out in Schedule II annexed to and forming part of these Regulations.
- (2) Copies of the printed forms shall be furnished free of charge by the Registrar.
- (3) A requirement under these Regulations to use such a form is satisfied by the use either of a replica of that form or of a form which is acceptable to the Registrar and contains the information required by the corresponding form set out in that Schedule.
- Language of Documents and Translations
5. Applications shall be in English, and any document forming part of an application or submitted to the Registrar pursuant to the Act or these Regulations and which is in a language other than English shall be accompanied by a translation into English.

Indication of Name,
Address, Nationality
and Residence

6.(1) Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s); the names of legal entities shall be indicated by their full, official designations.

(2) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units, including the house number, if any; addresses shall also indicate any telegraphic and telex addresses and facsimile and telephone numbers.

(3) Nationality shall be indicated by the name of the State of which a person is a national; legal entities shall indicate the name of the State under whose laws they are constituted and their Registered Office.

(4) Residence shall be indicated by the name of the State of which a person is a resident.

Signatures by
Partnerships,
Companies and
Associations

7.(1) 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 or by any partner qualified to sign, 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 and shall bear the seal of the body corporate; a document purporting to be signed for or on behalf of an association of persons may be signed by any person who satisfies the Registrar that he is duly authorized.

(2) The Registrar may, whenever he deems it necessary, request evidence of authorization to sign.

Representation
by Agent

8.(1) The appointment of an agent shall be by a power of attorney which shall be signed by the applicant or, if there are more than one, by each applicant.

(2) The power of attorney appointing an agent may be filed together with the application or within two months from its filing date; if the appointment is not

thus made, any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

PART II: REGISTRATION OF GEOGRAPHICAL INDICATIONS

Application for
Registration

9. The application for the registration of a geographical indication shall be made on Form No. 1 and shall be signed by the applicant.

Withdrawal
of Application

10.(1) The application may be withdrawn by written declaration submitted to the Registrar and signed by each applicant.

(2) The application fee shall not be refunded if the application is withdrawn.

Marking Application

11.(1) Upon receipt, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters TO, stroke, the letters GI, stroke, the last two digits of the year in which the initial papers were received, stroke, and a five digits number allotted in the sequential order in which applications are received; where any corrections or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt in the appropriate place of the request for registration of the geographical indication (Form No. 1).

(2) The application number allotted under paragraph (1) shall be quoted in all subsequent communications concerning the application.

Objection to
or Conditional
Acceptance of

Application;
Hearing

12.(1) If, upon examination in accordance with Section 11(1), the Registrar objects to the application for registration of a geographical indication, he shall notify the applicant in writing of his objections with all the relevant details and invite the applicant to amend the application, to submit his observations in writing or to apply for a hearing within two months from the date of the notification. If the applicant does not comply with the invitation within the set period, he shall be deemed to have withdrawn his application.

(2) If, upon examination in accordance with Section 11(1), the Registrar decides to accept the application subject to amendments, modifications,

conditions or limitations, he shall communicate the decision to the applicant in writing. If the applicant objects to the amendments, modifications, conditions or limitations, he shall, within two months from the date of the communication, request a hearing or submit his observations in writing. If the applicant does not object to such amendments, modifications, conditions, or limitations, he shall notify the Registrar in writing and amend his application accordingly. If the applicant does not respond in one way or the other within the set period, he shall be deemed to have withdrawn his application.

(3) The request for a hearing, which shall be accompanied by the prescribed fee, shall be made in writing to the Registrar who, upon receiving the same, shall give the applicant at least one month's notice in writing of the date and time when he may be heard.

Refusal of Application
or Conditional
Acceptance to
which Applicant
Objects

13. If, after a hearing or after consideration of the applicant's amendments or observations in writing, the Registrar refuses the application or accepts it subject to any amendments, modifications, conditions or limitations to which the applicant objects, he shall communicate his decision to the applicant in writing. The applicant may, within one month from the date of such communication, upon payment of the prescribed fee, request the Registrar to state in writing the grounds of his decision and the materials used by him in arriving thereat.

Acceptance of
Application;
Publication for
Opposition

14.(1) If the Registrar accepts the application unconditionally or accepts it subject to any conditions or limitations to which the applicant does not object, he shall so notify the applicant, requesting him to pay the publication fee within one month from the date of the notification.

(2) If the publication fee referred to in paragraph (1) is paid within the time limit prescribed, the Registrar shall proceed to publish the application setting out:

- (i) the geographical indication for which registration is sought;
- (ii) the name, address and nationality of the natural person or legal entity filing the application, and the capacity in which the applicant is applying for registration;

- (iii) the name and address of the [agent], if any;
- (iv) the address for service if an agent has not been appointed in accordance with Rule 8;
- (v) the demarcation of the geographical area to which the geographical indication applies;
- (vi) the goods for which the geographical indication is used;
- (vii) the quality, reputation or other characteristic of the goods for which the geographical indication is used, and any conditions under which the indication may be used;
- (viii) the filing date and number of the application.

(3) If the publication fee referred to in paragraph (1) is not paid within the time limit prescribed, the application shall be considered withdrawn.

Opposition

15.(1) The notice of opposition, under Section 11(2)(b), shall be given, within three months from the date of the publication referred to in Rule 14(2), on Form No. 2, together with payment of the prescribed fee and accompanied by supporting evidence, if any.

(2) The counter-statement referred to in Section 11(2)(c) shall be subject to payment of the prescribed fee and shall be given within two months from the date the notice of opposition is sent to the applicant and shall be in writing, stating the grounds upon which the applicant relies for his application and accompanied by supporting evidence, if any.

(3) The request for a hearing, under Section 11(2)(d), shall be made to the Registrar in writing at any time after the filing of the notice of opposition but not later than one month after the expiry of the prescribed period for filing the counter-statement. The Registrar shall give the parties at least one month's written notice of the date set for the hearing, and each party shall, within that period, pay the prescribed fee for the hearing.

(4) Where the opponent or the applicant does not reside or carry on business in Tonga, the Registrar may require him to give security for the costs of the opposition proceedings for such amount as the Registrar thinks fit.

(5) Where the Registrar decides to register the geographical indication, as provided in Section 11, he shall notify the opponent, if any, and the applicant in writing, stating the reasons for his decision and, in the case of the applicant, requesting him to pay the registration fee within one month from the date of the notification.

(6) Where the Registrar decides to refuse to register the geographical indication, as provided in Section 11, he shall notify the opponent and the applicant in writing, stating the reasons for his decision.

Registration;
Publication of
Reference Thereto;
Issuance of Certificate

16.(1) Subject to the payment of the registration fee within the period prescribed in Rule 15(5), the Registrar shall register the geographical indication in accordance with Section 11 and this Rule.

(2) The registration of the geographical indication shall include:

- (i) the geographical indication registered;
- (ii) the demarcation of the geographical area to which the geographical indication applies;
- (iii) the name and address of the natural person or legal entity in whose name the indication is registered;
- (iv) the name and address of the agent, if any;
- (v) the address for service if an agent has not been appointed in accordance with Rule 8;
- (vi) the goods for which the geographical indication is used;
- (vii) the quality, reputation or other characteristic of the goods for which the

geographical indication is used and any conditions under which the indication may be used; and

- (viii) the filing date and number of the application as well as the date of registration.

(3) The publication of the reference to the registration of a geographical indication shall contain the particulars specified in paragraph (2).

(4) The certificate of registration of the geographical indication shall be issued on Form No. 3.

Cancellation or
Rectification of
Registration

17.(1) The publication referred to in Section 11(2)(a) shall:

- (i) identify the geographical indication by setting out the particulars referred to in Rule 16(2);
- (ii) identify the person or authority which has applied for the cancellation or rectification of the registration of the geographical indication by setting out the name and address of the person or authority and of the representative or agent, if any; and
- (iii) specify the period within which the persons having the right to use the geographical indication under Section 12 may apply to join in the proceedings.

(2) The period to be specified by the Court under Section 13 shall not be less than one month from the date of the notice or publication, as the case may be.

(3) Where the Court notifies the Registrar, under Section 13, that a decision has been taken to cancel or rectify the registration of the geographical indication, the Registrar shall, as the case may be, cancel the registration or rectify it in accordance with

(4) The publication, under Section 13, of the reference to the cancellation or rectification of the registration of a geographical indication shall:

- (i) identify the geographical indication by setting out the particulars referred to in Rule 16(2);
- (ii) indicate that the registration of the geographical indication has been cancelled or rectified, as the case may be, and, if rectified, specify the manner in which the registration has been so rectified; and
- (iii) cite the court decision by which the registration of the geographical indication has been cancelled or rectified.

Publication;

18.(1) Particulars of geographical indications and other proceedings under the Act and any other information required to be published under the Act or these Regulations shall be published in the Gazette or in any other publication decided by him.

PART III: SPECIAL PROVISIONS CONCERNING MARKS

Refusal or Invalidation
of Registration of
Misleading Marks

19.(1) The request, under Section 21, to refuse or to invalidate the registration of a misleading mark shall be made on Form No. 4 and shall be subject to the payment of the prescribed fee. The procedure set out in Rule 15 shall apply *mutatis mutandis*.

(2) Where the Registrar on his own motion decides to refuse or invalidate the registration of a mark pursuant to Section 21, he shall, in writing, so notify the registered proprietor of the mark, stating the reasons for his decision and giving him at least one month to submit a counter-statement and to request a hearing. If a hearing is requested, the Registrar shall give the registered proprietor at least one month's written notice of the date set for the hearing, and the registered proprietor shall, within that period, pay the prescribed fee for the hearing. The Registrar shall notify the registered proprietor in writing of his final decision, stating the reasons therefor.

Refusal or Invalidation
of Registration of a Mark
Conflicting with a Geographical
Indication for Wines and Spirits

20.(1) The request, under Section 22, to refuse or to invalidate the registration of a mark which conflicts with a geographical indication for wines and spirits shall be made on Form No. 5 and shall be subject to the payment of the prescribed fee. The procedure set out in Rule 15 shall apply *mutatis mutandis*.

(2) Where the Registrar on his own motion decides to refuse or invalidate the registration of a mark pursuant to

Section 22, he shall, in writing, so notify the registered proprietor of the mark, stating the reasons for his decision and giving him at least one month to submit a counter-statement and to request a hearing. If a hearing is requested, the Registrar shall give the registered proprietor at least one month's written notice of the date set for the hearing, and the registered proprietor shall, within that period, pay the prescribed fee for the hearing. The Registrar shall notify the registered proprietor in writing of his final decision, stating the reasons therefor.

Publication of Invalidation
of Registration of Mark
mark pursuant

21.(1) The Registrar shall record and publish a reference to the invalidation of the registration of a to Sections 21 and 22.

of the registration of the mark pursuant to (2) The publication of the reference to the invalidation Section 21 shall include:

- (i) the representation of the mark;
- (ii) the registration number of the mark;
- (iii) the name and address of the registered proprietor;
- (iv) the date of registration;
- (v) the list of goods and services in respect of which the mark was registered, with an indication of the corresponding class or classes of the International Classification; and
- (vi) an indication of the grounds on which the registration of the mark has been invalidated.

PART IV: GENERAL

Address for Service

22.(1) There shall be furnished to the Registrar:

- (i) by every applicant for the registration of a geographical indication, an address for service in Tonga for the purpose of his application, and
- (ii) by every person (including the applicant for, or the owner of, a geographical indication, as the case may be) concerned in any proceedings to which any of these Regulations relate, an address for service in Tonga,

and the address so furnished or, where another address (being an address in Tonga) has been furnished in place thereof, that address shall be treated for the purposes of that application or those proceedings, as appropriate, as the address of that applicant or, as the case may be, of that person.

(2) Where an agent has been appointed in accordance with Rule 8, the address of the agent shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communications to the person or persons who appointed the [agent] shall be transmitted.

Excluded Days

23. When the last day for doing any act or taking any proceeding falls on a day when the Intellectual Property Office is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the Intellectual Property Office is next open for business.

Consultation of Register; Request for Extracts Therefrom and for Copies of Documents

24. Consultation of the Register shall be subject to payment of the prescribed fee. Requests for certified copies of extracts from the Register or for copies of documents shall be made to the Registrar in writing and shall be subject to payment of the prescribed fee.

Entries of Changes in the Register

25. The Registrar shall cause to be entered in the register in respect of every geographical indication in addition to the information indicated in Regulation 16(2), any change with respect to such information, in particular in the name, or address, or address for service indicated therein.

Corrections of Errors

26. Corrections of errors, referred to in Section 16(1), may be made by the Registrar either upon receipt of a request in writing and subject to such terms as he may consider appropriate, or on his own initiative. Any correction shall be communicated in writing to all interested persons, and, where considered necessary, shall be published by the Registrar.

Extension of Time

27. The request for an extension of time, referred to in Section 16(2), shall be subject to the payment of the prescribed fee.

Hearing

28.(1) Before exercising adversely to any person any discretionary power given to the Registrar by the Act or these Regulations, the Registrar shall notify such person, in writing, of the opportunity to be heard

thereon, and indicating a time limit, which shall not be less than one month, for filing a request for a hearing.

(2) The request for a hearing shall be in writing and shall be subject to payment of the prescribed fee.

(3) Upon receiving such request, the Registrar shall give the person applying, and any other interested persons, at least two weeks' notice, in writing, of the date and time of the hearing.

(4) After hearing the party or parties desiring to be heard, the Registrar shall decide the matter and shall notify all parties of his decision and, if any party so desires, shall give his reasons for the decision.

Service by Mail

29. Any notice, application or other document sent to the Registrar by mail shall be deemed to have been given, made or filed at the time when it would be delivered in the ordinary course of the mail. In proving such sending, it shall be sufficient to prove that the letter containing such notice, application or other document was properly addressed and sent by registered mail [or an acceptable equivalent].

Directions as to Furnishing of Documents

30. At any stage of any proceedings before the Registrar, he may direct that such documents, information or evidence as he may require be furnished within such period of time as he may fix.

Corrections of Irregularities

31. Any irregularity in a procedure before the Registrar may be rectified, on such terms as he may direct.

Dispensation by the Registrar

32. Where, under these Regulations, any person is to do any act or thing, or any document or evidence is required to be produced or filed, and it is shown to the satisfaction of the Registrar that from any reasonable cause that person is unable to do that act or thing, or that that document or evidence cannot be produced or filed, the Registrar may, upon the production of such evidence and subject to such terms as he thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

Hours of Business

33. The Intellectual Property Office shall be open to the public from Monday to Friday inclusive, each week, between the hours of 8.30 a.m. and 4.30 p.m., for all classes of business.

Evidence

34.(1) Where under these Regulations evidence may be filed, it shall be by statutory declaration or affidavit.

(2) The Registrar may, if he thinks fit, in any particular case, take oral evidence *in lieu* of or in addition to such evidence and shall allow any witness to be cross-examined on his affidavit or declaration.

Statutory
Declarations
and Affidavits

35.(1) Any statutory declaration or affidavit filed under the Act or these Regulations shall be made before any officer authorized by law in any part of Tonga to administer an oath for the purpose of any legal proceedings.

(2) Statutory declarations or affidavits made outside Tonga shall be made before a Consul or Notary Public.

SCHEDULE I

Fees

Matter or Proceeding	Amount of Fee	Form
1. Application for registration of geographical indication (Sections 9(1) and 10; Regulation 9)	T\$100.00	Form No. 1
2. Request for hearing (Sections 11(1) and (2)(d), 20, 21 Regulations 12(3), 15(3), 19(2), 20(2), 28(2))	T\$100.00	
3. Request to the Registrar to state in writing grounds of decision to refuse application or to accept it subject to conditions (Section 11(1); Regulation 13)	T\$60.00	
4. Publication fee (Section 11(2)(a); Regulation 14(1))	T\$50.00	
5. Notice of opposition to registration of geographical indication (Section 11(2)(b); Regulation 15(1))	T\$100.00	Form No. 2
6. Counter-statement to notice of opposition (Section 11(2)(c); Regulation 15(2))	T\$80.00	
7. Registration fee (Section 11(3); Regulation 15(5))	T\$100.00	
8. Request to refuse or to invalidate the registration of a misleading mark (Section 21; Regulation 19(1))	T\$100.00	
9. Request to refuse or to invalidate the registration of a mark which conflicts with a geographical indication for wines and spirits (Section 22; Regulation 20(1))	T\$100.00	
10. Consultation of Register (for every quarter of an hour or part thereof) (Regulation 24)	T\$1.00	

Matter or Proceeding	Amount of Fee	Form
11. Request for certified copies of extracts from Register or for copies of documents (per page) (Regulation 24)	T\$60.00	
12. Request for correction of error (Section 16(1); Regulation 26)*	T\$40.00	
13. Request for extension of time (Section 16(2); Regulation 27)	T\$40.00	

SCHEDULE II

Forms

INTELLECTUAL PROPERTY OFFICE, TONGA	
<p>Form No. 1 (Regulation 9) GEOGRAPHICAL INDICATIONS ACT</p> <p>APPLICATION FOR REGISTRATION OF GEOGRAPHICAL INDICATION</p> <p>To: The Registrar [address]</p>	<p style="text-align: center;">For Official Use</p> <p>Date of Receipt by Intellectual Property Office:</p> <p>APPLICATION No.: (Office's Stamp)</p> <p>Fees received on:</p> <p>Applicant's or [Agent's] File Reference:</p>
<p>THE APPLICANT(S) REQUEST(S) THE REGISTRATION OF A GEOGRAPHICAL INDICATION IN RESPECT OF THE FOLLOWING PARTICULARS:</p>	
<p>I. APPLICANT(S)* Additional information is contained in the supplemental box <input type="checkbox"/></p> <p>Name(s):</p> <p>Address(es):</p> <p>Nationality:</p> <p>Country of residence or principal place of business:</p> <p>Capacity in which applicant is applying for registration:</p> <p>Tel. No.: Telegraphic Address: Telex No.: Fax</p> <p>No.:</p>	

Address for Service in
Tonga*:

II. AGENT

(a) The following agent has been appointed by the applicant(s) in the
power of attorney

accompanying this Form to be filed within two months from the filing
of the application for registration (Rule 8(2))

Name:

Address:

No.: Tel. No.: Telegraphic Address: Telex No.: Fax

III. GEOGRAPHICAL INDICATION

The geographical indication for which registration is sought is the following:

IV. GEOGRAPHICAL AREA

in The following is the demarcation of the territory of the country, or region, or locality
that territory, to which the geographical indication applies, and from which the goods
for which the geographical indication is used originate:

Additional information, possibly in graphic form, maps, etc.:

accompanies this Form

is contained in the supplemental box

V. GOODS

The goods for which the geographical indication is used are the following:

VI. QUALITY, REPUTATION OR OTHER CHARACTERISTICS

The quality, reputation or other characteristics of the goods for which the geographical indication is used, and any conditions under which the indication may be used, are the following:

Additional information is contained in the supplemental box

Additional information accompanies this Form

VII. FEES

accompany this Form

VIII. SUPPLEMENTAL BOX*

<p>IX. SIGNATURE(S) (Applicant(s)**) (Date)</p>
<p>TO BE FILLED IN BY THE REGISTRAR</p> <p>Date of receipt of any corrections and later filed papers completing the application:</p>

* Use this box if any of the boxes is not large enough to contain information to be furnished. Indicate the boxes continued in this box by their Roman numerals and title (e.g., "II. APPLICANT(S) (continued)").

** Type name(s) under signature(s). The typed names and signatures of all applicants should appear (one below the other).

INTELLECTUAL PROPERTY OFFICE, TONGA

Form No. 2 (Regulation 15(1))
GEOGRAPHICAL INDICATIONS ACT

NOTICE OF OPPOSITION

To: The Registrar
[address]

For Official Use

Notice of opposition received on:

Fees received on:

Applicant's or [Agent's] File Reference:

I. IN THE MATTER OF:

Application No.for Registration of Geographical Indication

Filing Date of Application:

Published in the [Gazette] of the day of.....19....., No., page..... .

II. OPPONENT(S):*

Name(s):

Address(es):

Additional information is contained in the supplemental

Address for Service in Tonga**:

* If there is more than one person or competent authority, together, opposing the registration of the geographical indication, the data concerning each opponent must appear in this box or, if the space is not sufficient, in the supplemental box.

** Where an [agent] has been appointed, the address of the [agent] shall be treated as the address to which communication shall be transmitted (Rule 22(2)).
Form No. 2 (cont'd)

III. GROUNDS FOR OPPOSITION:

The grounds for opposition are as follows:

Additional information is contained in the supplemental
box

Supporting evidence accompanies this form

IV. AGENT

The following agent has been appointed by the applicant(s) in the power of Attorney

Accompanying this Form

Name:

Address:

Tel. No.: Telegraphic Address: Telex No.: Fax
No.:

V. FEES accompany
this Form

VI. SUPPLEMENTAL BOX*

<p>VII. SIGNATURE(S)(Opponent(s)/Agent**).....</p> <p>(Date)</p>

* Use this box if any of the boxes is not large enough to contain information to be furnished. Indicate the boxes continued in this box by their Roman numerals and title (e.g., "II. OPPONENT(S) (continued)").*

** Type name(s) under signature and delete whichever does not apply. The typed names and signatures of all opponents should appear (one below the other).

INTELLECTUAL PROPERTY OFFICE, TONGA

Form No. 3
GEOGRAPHICAL INDICATIONS ACT

CERTIFICATE OF REGISTRATION OF
GEOGRAPHICAL INDICATION

In accordance with Section 11(3) and Rule 16(4), it is hereby certified that a geographical indication having the registration No. has been registered in the name(s) of:

Name(s):

Address(es):

on: in respect of a geographical indication registered pursuant to an application
(date)

filed on:
(date)

being a geographical indication used for:
(goods)

and which applies to:
(geographical area)

A description of the quality, reputation or other characteristic of the goods for which the geographical indication is used and any conditions under which the indication may be used accompanies this certificate.

Date:

.....
Controller

III. GROUNDS FOR REQUEST:

The grounds for the request to refuse or to invalidate the registration of the above identified mark are as follows:

Additional information is contained in the supplemental
box

Supporting evidence accompanies this form

IV. AGENT

The following agent has been appointed by the applicant(s) in the power of Attorney

Accompanying this Form

Name:

Address:

No.: Tel. No.: Telegraphic Address: Telex No.: Fax

V. FEES accompany
this Form

VI. SUPPLEMENTAL BOX*

<p>VII. SIGNATURE(S)(Applicant(s)/Agent**)..... (Date)</p>

* Use this box if any of the boxes is not large enough to contain information to be furnished. Indicate the boxes continued in this box by their Roman numerals and title (e.g., "II. APPLICANT(S) (continued)").*

** Type name(s) under signature and delete whichever does not apply. The typed names and signatures of all applicants should appear (one below the other).

INTELLECTUAL PROPERTY OFFICE, TONGA

Form No. 5 (Regulation 20)
GEOGRAPHICAL INDICATIONS ACT

For Official Use

REQUEST TO REFUSE OR INVALIDATE
REGISTRATION OF A MARK CONFLICTING
WITH A GEOGRAPHICAL INDICATION FOR
WINES AND SPIRITS

Request received on:

Fees received on:

To: The Registrar
[address]

Applicant's or [Agent's] File Reference:

I. IN THE MATTER OF:

Application for Registration/Registration No.* Filing/Registration*
of Mark: Date:

Application/Registration* Published in the [Gazette]:

.....
(No.) (page) (date)

II. APPLICANTS:**

Name(s):

Address(es):

Additional information is contained in the supplemental

Address for Service in Tonga***:

* Delete whichever does not apply.

** If there is more than one person or competent authority, together, requesting the refusal or invalidation of the registration of the trade mark, the data concerning each applicant must appear in this box or, if the space is not sufficient, in the supplemental box.

III. GROUNDS FOR REQUEST:

The grounds for the request to refuse or to invalidate the registration of the above identified mark are as follows:

Additional information is contained in the supplemental
box

Supporting evidence accompanies this form

IV. AGENT

The following agent has been appointed by the applicant(s) in the power of Attorney

Accompanying this Form

Name:

Address:

No.: Tel. No.: Telegraphic Address: Telex No.: Fax

V. FEES accompany
this Form

VI. SUPPLEMENTAL BOX*

* Use this box if any of the boxes is not large enough to contain information to be furnished. Indicate the boxes continued in this box by their Roman numerals and title (e.g., "II. APPLICANT(S) (continued)").

<p>VII. SIGNATURE(S)(Applicant(s)/Agent**)..... (Date)</p>

* Use this box if any of the boxes is not large enough to contain information to be furnished. Indicate the boxes continued in this box by their Roman numerals and title (e.g., "II. APPLICANT(S) (continued)").*

** Type name(s) under signature and delete whichever does not apply. The typed names and signatures of all applicants should appear (one below the other).