

## Belize the latest Caribbean nation to join the Madrid Protocol

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### BELIZE

Legal updates: case law analysis and intelligence

- The Madrid Protocol entered into force in Belize on 24 February 2023
- The Trademarks (Amendment) Act 2022 made small changes to the legislative framework in preparation to joining the Madrid System
- Belize opted for the 18-month time limit for provisional refusals of applications

Belize has officially joined the ranks of Caribbean jurisdictions to sign on to the [Madrid System](#) in recent years, becoming the 113th member of the Madrid System. Belize acceded on 24 November 2022, and the Madrid Protocol officially entered into force on 24 February 2023. Regulations implementing the Madrid Protocol were released only shortly before the February implementation date. This left local practitioners speculating to some degree about how exactly the implementation would work in the weeks prior.

### Madrid System in Belize

Belize's current Trademarks Act and Trademarks Rules date back to 2000 and 2001, respectively. In 2022 Belize passed the Trademarks (Amendment) Act 2022, making some small changes to its legislative framework in preparation to joining the Madrid System. Some of the important changes include the addition of definitions that explicitly recognise and give effect to the Madrid Protocol, and the empowerment of the Belize Intellectual Property Office (BELIPO) to create regulations to implement the Madrid Protocol in Belize. Pursuant to this new amended act, the Trademarks (Madrid Protocol) Regulations 2023 entered into force on 24 February of this year.

Belize elected the 18-month time limit for provisional refusals of applications. However, and unlike the other Commonwealth Caribbean members of the Madrid System, it did not declare that refusals based on oppositions could be notified after the expiration of this period. The opposition period in Belize for domestic filings is dictated in the publication notice, but is approximately three months. The opposition period for international filings is explicitly three months. Practically speaking,

Belize's failure to make an election under Article 5(2)(c) to allow refusals based on oppositions outside the 18-month period may not pose an issue based on BELIPO's current speed of processing applications. Generally, an application in Belize is examined within sufficient time to allow for the three-month opposition period, as well as time to properly notice any oppositions to the International Bureau.

Holders of international registrations designating Belize must respond to provisional refusals within three months of the date on which the International Bureau sends the notification to the holder. For those international registration owners who wish to reply, but are not located in Belize, the law requires the appointment of a local agent.

There is some early data on the use of the Madrid system by international filers and by locals using Belize as their home registration. At the time of writing, Belize has not yet had any designations as the country of origin. It has been designated a total of 138 times, but this number will likely increase quickly.

## Madrid System in other Caribbean jurisdictions

Belize is now the fourth English-speaking jurisdiction in the region to join the Madrid System, following fellow Commonwealth Caribbean nations Jamaica (2022), Trinidad and Tobago (2021) and Antigua and Barbuda (2000). Other Caribbean members of Madrid are Cuba, Curaçao, Sint Maarten and the Caribbean Netherlands (also known as the BES Islands). The French Caribbean participates in Madrid via its status within France and (with the exception of Saint Barthélemy) the European Union. Even with the uptick in Madrid participation in the region, 20 Caribbean jurisdictions with independent trademark systems remain outside the Madrid System.

Jamaica has yet to serve as the office of origin for an application for an international registration, but has been designated just over 1,100 times since it joined in 2022. Trinidad has served as the office of origin five times and been a designated member for almost 2,000 filings. Antigua and Barbuda has been designated almost 15,500 times since it joined Madrid in 2000. However, it has served as the office of origin for only five applications (from only two applicants), likely owing in large part to the small size of the country and limited local exporters.

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