



# HSM IP Patent Client Guide

## ANGUILLA

### Registration

A patent can be registered in Anguilla pursuant to the *Patents Act, 2002* which provide for both national patent applications and applications to extend rights under a UK registration within three years from the date of registration in the UK.

For a national application the following information and documentation is required:

1. a request for the grant of the patent
2. a description of the invention
3. one or more claims and any drawings referred to in the description or any claim
4. an abstract
5. Declaration of inventor
6. Power of Attorney (notarised)
7. certified copy of priority document (if priority is claimed)
8. PCT application if required

For a UK-based application the following information and documentation is required:

1. a request for the grant of the patent
2. certified copy of the UK extract
3. Power of Attorney (notarised)

It usually takes about 8-12 months for the Registry to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete the Registry will issue a Certificate of Registration.

### Patent Cooperation Treaty

Anguilla is not a signatory to the Patent Cooperation Treaty (PCT). National phase filing of a PCT patent is not possible.

### Searches

It is necessary to conduct a search in Anguilla to ascertain the innovativeness of the patent. The result can usually be provided in one week.

### Annuity Payments

Once a national patent has been registered in Anguilla there is an annuity payable to the Anguillian Government each year. The fee is due on the anniversary of the filing date. Annuities for a PCT issued patent are due on the same date. When the annuity has been paid the Registry will issue an official receipt.

For a UK-based patent annuities are payable from the anniversary of the filing date in the UK. A certified copy of the UK extract must be submitted to the Registry each year with the fee.

A grace period of six months is allowed for the payment of the annuity. If the annuity is not paid within that time the patent will lapse.

### Expiry

A national patent registration is valid for 20 years. Once the registration has expired it cannot be renewed. A UK-based patent registration is valid for the same period as specified on the underlying UK registration on which it is based.

## **Abandonment**

Please inform us as soon as possible if you wish to abandon your patent or allow it to lapse so that we can update our records and advise the Registry accordingly. This will avoid us sending out unnecessary Reminder Notices.

## **Assignment**

Please inform us as soon as possible if the patent has been assigned so that we can file an application to record the assignment in Anguilla (and the UK if necessary).

To record the assignment of a national patent registration the documentation required is a request for the assignment, a certified copy of the Deed of Assignment and a Power of Attorney (notarised).

To record the assignment of a UK-based patent registration the documentation required is a request for the assignment, a certified copy of the UK extract showing the assignment and a Power of Attorney (notarised).

It usually takes 6-8 months for the Registry to process an application to record an assignment. Once the recording is complete the Registry will issue a Certificate of Assignment.

## **Change of Particulars**

Please inform us as soon as possible if there is any change to the registration so that we can file an application to record the change in Anguilla (and the UK if necessary).

To record a change of name and/or address for a national patent registration the documentation required is a request for the change, the document evidencing the change or an Affidavit certifying the change (notarised), a Declaration of change (notarised) and a Power of Attorney (notarised).

To record a change of name and/or address for a UK-based patent registration the documentation required is a request for the change, a certified copy of the UK extract showing the change and a Power of Attorney (notarised).

It usually takes 6-8 months for the Registry to process an application to record a Change of Particulars. Once the recording is complete the Registry will issue a Certificate of Change.

## **Our Firm**

HSM IP Ltd. provides worldwide intellectual property services.

Based in the Cayman Islands our experienced team of attorneys and paralegals deliver first class service to a broad client base which includes major Fortune Global 500 brand owners, international law firms and other specialist IP practices.

Our interactive database enables us to proactively manage each client's portfolio efficiently and cost-effectively in an environmentally friendly and substantially paperless workplace. It also enables us to fulfil our clients specific reporting and invoicing requirements, including multi-currency invoicing and e-billing.

We offer a competitive schedule of fixed fees, inclusive of both disbursements and official fees, which enables us to provide clients with an accurate estimate of their project costs before embarking on a filing programme for their portfolio.

The growth of our firm has enabled us to establish a specialist Caribbean department whose members regularly contribute to leading IP publications.

Supported by HSM Chambers, an offshore law firm with experienced attorneys admitted in multiple jurisdictions, we have substantial experience in taking action to address the infringement of trade marks and patents and in the conduct of passing-off actions. We are also able to offer investigative services to identify the source of, and distributors of, infringing goods, working closely with police and customs officials as necessary.

Memberships: INTA, AIPLA, ITMA and IPCA.

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*HSM IP Ltd. is a Law Firm recognised under the Legal Practitioners (Incorporated Practice) Regulations, 2006 (as amended).*

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