



HSM IP Trade Mark Client Guide

CARIBBEAN NETHERLANDS

Registration

Following the dissolution of the Netherlands Antilles on 10 October 2010 the islands of Bonaire, St. Eustatius and Saba (known collectively as the Caribbean Netherlands) became special municipalities of the Netherlands.

A trade mark can be registered in the Caribbean Netherlands pursuant to the *Trademark Act (BES)* (effective 10 October 2010) which provides for local trade mark applications.

The following information and documentation is required:

1. name of the trade mark
2. one copy of the mark (unless mark is word only)
3. class(es) and specification of goods and/or services
4. applicant's name and address
5. certified copy of priority document (if priority is claimed)

It usually takes about four months for the Benelux Office for Intellectual Property (BOIP) to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete the BIOP will issue a Certificate of Registration of a Trademark or Service Mark.

Classes

The International Classification system is used. Multi-class applications are allowed.

Searches

In order to conduct a search the only documentation required is the name of the trade mark or the proprietor's name. Only word mark and proprietorship searches are available. The result can usually be provided in four weeks.

Renewal

A trade mark registration is valid for 10 years after which it can be renewed for like periods. Two months before the renewal date we will send you an Expiry Notice asking whether you wish us to renew the registration or allow the mark to lapse. No documentation is required in order to file an application for renewal.

The application for renewal should be filed within six months prior to the expiration date of the registration. A grace period of six months, however, is allowed from the expiration date for the filing of the application for renewal upon payment of a late fee. After that time a new application for registration is required.

It usually takes four months or less for the BIOP to process an application for renewal. Once the renewal is complete the BIOP will issue a Certificate of Renewal.

If you do not wish to renew the mark please inform us so that we can advise the BIOP accordingly.

Abandonment

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

Assignment

Please inform us as soon as possible if the trade mark has been assigned so that we can file an application to record the assignment in the Caribbean Netherlands.

To record the assignment of a trade mark registration the only documentation required is the Deed of Assignment (notarised).

It usually takes about four months for the BIOP to process an application to record an assignment. Once the recording is complete the BIOP 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 the Caribbean Netherlands.

To record a change of name and/or address for a trade mark registration the only documentation required is a certified copy of the document evidencing the change.

It usually takes about four months for the BIOP to process an application to record a Change of Particulars. Once the recording is complete the BIOP will issue a Certificate of Change of Name and/or Address.

Our Firm

HSM IP Ltd. provides worldwide intellectual property services. Based in the Cayman Islands and independently owned and operated, 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 broad perspective, practical approach and international experience allow us to offer clients a unique insight into IP issues internationally.

The success and growth of our firm is due to our keen understanding of our clients' needs for a comprehensive "one-stop shop" which encompasses a wide range of services from the initial consultation process to searches, registrations, annuity payments and monitoring and renewals. Our interactive database helps us to proactively manage each client's portfolio efficiently and cost-effectively in an environmentally friendly and substantially paperless workplace. It also allows 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 means we can provide clients with an accurate estimate of their project costs before embarking on a global filing programme for their portfolio.

As a leader in the field, HSM IP understands the value of long-term business relationships. We have a wealth of knowledge and specialise in the Caribbean, Central and Latin America and other off shore jurisdictions. Our staff regularly contribute to leading IP publications and we also publish a range of country-specific IP Client Guides which are available on our website.

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, ASIPI, ITMA, MARQUES 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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