



# HSM IP Patent Client Guide

## ANTIGUA & BARBUDA

### Registration

A patent can be registered in Antigua & Barbuda pursuant to *The Patents Act 2003* which provides for local patent applications.

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. applicant's name, address and nationality
6. Power of Attorney (notarised)
7. certified copy of priority document (if priority is claimed)
8. PCT application if required

At present the Registrar's Office is accepting but not processing applications for registration. Paris Convention priority can be claimed. On receipt of the application the Registrar's Office will issue a stamped copy of the application as evidence of filing.

### Patent Cooperation Treaty

Antigua & Barbuda are to be signatory to the Patent Cooperation Treaty (PCT) and accordingly national phase filing of a PCT patent will be possible. This is encouraged if you are seeking coverage in another domicile. A PCT application can simplify the process of seeking a patent in countries that are party to the Patent Cooperation Treaty.

### Searches

Whilst there is no requirement to conduct a search in Antigua & Barbuda prior to the filing of an application for registration a search is recommended to ascertain that there will be no discrepancies concerning the innovativeness of the patent. At present, however, searches cannot be undertaken.

### Annual Fees

Once the Registrar's Office is enabled to register a patent in Antigua & Barbuda there will be an annual fee payable in advance to the Antiguan Government each year.

Failure to pay an annual fee will result in the rights protected by the registration being placed in abeyance. This will effectively prevent any enforcement action being taken.

### Expiry

When granted a patent registration will be valid for 20 years. Once the registration has expired it cannot be renewed.

### Abandonment

Please inform us as soon as possible if you wish to abandon your patent application or allow it to lapse so that we can update our records and advise the Registrar's Office 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 Antigua & Barbuda.

To record the assignment of a patent registration the documentation required is the Deed of Assignment (notarised), a Declaration verifying the assignment (notarised) and a Power of Attorney (notarised).

At present, however, the Registrar's Office is unable to process an application to record an 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 Antigua & Barbuda.

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

At present, however, the Registrar's Office is unable to process an application to record a Change of Particulars.

## **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.

## Contact Us

E-mail: [ip@hsmoffice.com](mailto:ip@hsmoffice.com)  
Web: [www.hsmoffice.com](http://www.hsmoffice.com)  
Mail: PO Box 31726, Grand Cayman KY1-1207, Cayman Islands.  
Courier: HSM, 68 Fort Street, George Town, Grand Cayman, Cayman Islands.  
Tel: +1 (345) 949-4766

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

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