



HSM IP Trade Mark Client Guide

MONTSERRAT

Registration

A trade mark can be registered in Montserrat in two ways pursuant to the *Trade Marks Act (Cap 15.23)* which provides for both local trade mark applications dating from receipt of the application and applications to extend rights under a UK registration with effect from the date of registration in the UK.

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

1. name of the trade mark
2. 10 prints 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. application for an Address for Service (notarised)
6. Authorisation of Agent (notarised)

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

1. name of the trade mark
2. 10 prints 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 UK Certificate of Registration
6. Authorisation of Agent (notarised)

It usually takes six months or less for the Registry of Trade Marks in the Colony of Montserrat to process a local application for registration. A UK-based application usually takes about two months to be processed. Paris Convention priority cannot be claimed. Once the registration is complete the Registry will issue a Certificate of Registration.

Classes

The International Classification system is used. Multi-class applications are allowed. A UK-based application, however, is restricted to the number of classes specified on the UK Certificate. Service Marks are permitted.

Searches

In order to conduct a search the only documentation required is the name of the trade mark and one copy of the mark (unless mark is word only). The result can usually be provided within a week.

Renewal

A local 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. If the local registration is to be renewed the only documentation required is an application for an Address for Service (notarised) and an Authorisation of Agent (notarised).

A UK-based trade mark registration is valid for the same period that is shown on the UK Certificate and can be renewed once the underlying UK registration has been renewed. Two months before the renewal date we will send you an Expiry Notice asking whether you wish us to renew the registration (and the UK registration if necessary) or allow the mark to lapse. If the UK-based registration is to be renewed the only documentation required is a certified copy of UK Certificate of Registration showing the renewal and an Authorisation of Agent (notarised).

The application for renewal should be filed prior to the expiration date of the registration. A grace period of three 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 mark can be restored to the Register upon payment of the prescribed fee.

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

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

To record the assignment of a local trade mark registration the documentation required is the Deed of Assignment, a Declaration verifying the assignment (notarised), an application for an Address for Service (notarised) and an Authorisation of Agent (notarised).

To record the assignment of a UK-based trade mark registration the only documentation required is a certified copy of the UK Certificate of Registration showing the assignment and an Authorisation of Agent (notarised).

It usually takes three months or less for the Registry to process an application to record an assignment. Once the recording is complete the Registry will issue a Certificate of Recordal 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 Montserrat.

To record a change of name and/or address for a local trade mark registration the documentation required is the document evidencing the change (notarised), an application for an Address for Service (notarised) and an Authorisation of Agent (notarised).

To record a change of name and/or address for a UK-based trade mark registration the only documentation required is a certified copy of the UK Certificate of Registration showing the change and an Authorisation of Agent (notarised).

It usually takes three months or less 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 Recordal 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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