



HSM IP Patent Client Guide

SEYCHELLES

Registration

A patent can be registered in the Seychelles pursuant to the *Patents Act 1991 (Cap. 156) (Revised Edition)* which provides for both local patent applications and applications to extend rights under a UK or European Community (EP) registration within three years from the date of registration in the UK or Community.

For a local 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. Power of Attorney (notarised)
6. certified copy of priority document (if priority is claimed)
7. PCT application if required

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

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

It usually takes about 18-24 months for the Registrar of Patents in the Seychelles Intellectual Property Office to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete the Registrar will issue a Certificate of Registration.

Patent Cooperation Treaty

The Seychelles are signatory to the Patent Cooperation Treaty (PCT) and accordingly national phase filing of a PCT patent is 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 the Seychelles 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. The result can usually be provided within five working days.

Annual Fees

Once a patent has been registered in the Seychelles there is an annual fee payable to the Seychelles Government which becomes due on the fifth anniversary of the filing date and annually thereafter. Annual fees for a PCT issued patent are due on the same date.

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

A local patent registration is valid for 14 years and may be extended for an additional 7 or 14 years. A UK or Community based patent registration is valid for 20 years from the filing date of the underlying 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 Registrar accordingly. This will avoid us sending out unnecessary Reminder Notices.

Restoration

It is possible to make an application to the Registrar to restore an abandoned patent within three years of the date from which the patent ceased to have effect upon payment of any unpaid annuity fees and penalties.

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 the Seychelles (and the UK or Community of necessary).

To record the assignment of a local patent registration the only documentation required is either the original Deed of Assignment or a certified copy (notarised) and a Power of Attorney (notarised).

To record the assignment of a UK or Community based patent registration the only documentation required is a certified copy of the UK or Community extract showing the assignment and a Power of Attorney (notarised).

It usually takes six months or less for the Registrar to process an application to record an assignment. Once the recording is complete the Registrar 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 Seychelles (and the UK or Community of necessary).

To record a change of name and/or address for a local patent registration the only documentation required is either the original document evidencing the change or a certified copy (notarised) and a Power of Attorney (notarised).

To record a change of name and/or address for a UK or Community based patent registration the only 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 six months or less for the Registrar to process an application to record a Change of Particulars. Once the recording is complete the Registrar 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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