



HSM IP Patent Client Guide

ST. KITTS & NEVIS

Registration

A patent can be registered in St. Kitts & Nevis pursuant to the *Patents Act, 2000 (Cap. 18.25) (2002 Revised Edition)* and the *Patents Regulations* which provide 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. Statement and Declaration (notarised)
6. Power of Attorney (one witness) (notarised)
7. certified copy of priority document (if priority is claimed)
8. PCT application of required

At present the St. Kitts & Nevis Intellectual Property Office is accepting but not processing applications for registration. Paris Convention priority can be claimed. On receipt of the application the Office will issue a stamped copy of the application as evidence of filing.

Patent Cooperation Treaty

St. Kitts & Nevis 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 St. Kitts & Nevis 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 Office is enabled to register a patent in St. Kitts & Nevis there will be an annual fee payable in advance to the St. Kitts 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 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 St. Kitts & Nevis.

To record the assignment of a patent registration the only documentation required is the Deed of Assignment (notarised) and a Power of Attorney (one witness) (notarised).

At present, however, the 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 St. Kitts & Nevis.

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

At present, however, the 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 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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