



HSM IP Patent Client Guide

BAHAMAS

Registration

A patent can be registered in the Bahamas pursuant to the *Industrial Property Act, (cap. 324) (as amended)* which provides for local patent applications.

The following information and documentation is required:

1. a request for the grant of the patent (Form No. 2)
2. a description of the invention
3. one or more claims and any drawings referred to in the description or any claim
4. Declaration of inventor (notarised)
5. Authorisation of Agent (Form No. 1)
6. certified copy of priority document (if priority is claimed)
7. certified English translation of all of the above documents

It usually takes about six years for the Registrar General's Department in the Ministry of Foreign Affairs to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete the Registrar General will issue a Certificate of Registration.

Patent Cooperation Treaty

The Bahamas are not a signatory to the Patent Cooperation Treaty (PCT). National phase filing of a PCT patent is not possible.

Searches

Whilst there is no requirement to conduct a search in the Bahamas 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 three weeks.

Annuity Payments

Once a patent has been registered in the Bahamas there is an annuity payable to the Bahamian Government each year. The first fee is due on the anniversary of the fourth year of filing and each subsequent anniversary thereafter.

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

A grace period of six months, however, is allowed for the late payment of an annuity upon payment of a late fee. After that time the patent application shall be deemed to have been withdrawn.

Expiry

A patent registration is valid for 16 years from the filing date. Once the registration has expired it cannot be renewed.

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 General accordingly. This will avoid us sending out unnecessary Reminder Notices.

Restoration

It is possible to make an application to the Registrar General to restore a patent upon payment of a restoration fee and any unpaid annuities and penalties. The application must be made within three years from the date the patent ceased to have effect.

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 Bahamas.

To record the assignment of a patent registration the documentation required is a Joint Request by Registered Proprietor and Assignee to Register the Assignee as Subsequent Proprietor of a Patent, the Form of Declaration by Assignee in support and an Authorisation of Agent (Form No. 1).

It usually takes 36 months or less for the Registrar General to process an application to record an assignment. Once the recording is complete the Registrar General will issue a Certificate of Recording showing the 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 Bahamas.

To record a change of name and/or address for a patent registration the documentation required is a Request to Enter the Change of Name of the Registered Proprietor of Patent upon the Register and/or Notice of Application for Alteration of Address on Register of Patents and/or Application to Alter a Patent and an Authorisation of Agent (Form No. 1).

It usually takes 36 months or less for the Registrar General to process an application to record a Change of Particulars. Once the recording is complete the Registrar General will issue a Certificate of Recording showing the change.

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.

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 offshore 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, CITMA, 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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