



HSM IP Trade Mark Client Guide

HAITI

Registration

A trade mark can be registered in Haiti pursuant to the *Trade Marks Law of July 17, 1954* as amended by the *Decree of August 28, 1960* which provides for local trade mark applications.

The following information and documentation is required:

1. name of the trade mark
2. five copies of the mark (unless mark is word only)
3. class(es) and specification of goods and/or services (with French translation)
4. applicant's name and address
5. Power of Attorney (with French translation)
6. certified copy of priority document (if priority is claimed)

It usually takes between 5-10 months for the Intellectual Property Service in the Ministry of Commerce and Industry to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete the Intellectual Property Service will issue a Registration Certificate.

Proof of Use or a declaration of Non-use (notarised) must be submitted within the first three months of the sixth year following the issue of the Registration Certificate.

Classes

The International Classification system is used. Multi-class applications are not allowed. A separate application is required for each class of goods and/or services.

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 four to six weeks.

Renewal

A 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 registration is to be renewed the documentation required is a copy of the Registration Certificate or last Certificate of Renewal and a Power of Attorney with French translation.

The application for renewal should be filed prior to the expiration date of the registration. After that time a new application for registration is required.

It usually takes about three months for the Intellectual Property Service to process an application for renewal. Once the renewal is complete the Intellectual Property Service will issue a Certificate of Renewal.

Proof of Use or a declaration of Non-use (notarised) must be submitted within the first three months of the sixth year following the filing date of each renewal application.

If you do not wish to renew the mark please inform us so that we can advise the Intellectual Property Service 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 Intellectual Property Service 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 Haiti.

To record the assignment of a trade mark registration the documentation required is the Deed of Assignment (legalised) and a Power of Attorney with French translations.

It usually takes about three months for the Intellectual Property Service to process an application to record an assignment. Once the recording is complete the Intellectual Property Service 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 Haiti.

To record a change of name for a trade mark registration the documentation required is the Deed evidencing the change (legalised) and a Power of Attorney with French translations. To record a change of address the only documentation required is a Power of Attorney with French translation.

It usually takes about three months for the Intellectual Property Service to process an application to record a Change of Particulars. Once the recording is complete the Intellectual Property Service 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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