



HSM IP Trade Mark Client Guide

DOMINICA

Registration

A trade mark can be registered in Dominica pursuant to the *Marks, Marks Collective and Trade Names Act No. 12 of 1999* which provides for local trade mark applications dating from receipt of the application.

The following information and documentation is required:

1. name of the trade mark
2. one copy 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 (Form 1) in triplicate (notarised)
6. Authorisation of Agent (notarised)
7. certified copy of priority document (if priority is claimed)

It usually takes about 12 months for the Registrar General of the Office of the Attorney General and Minister for Legal Affairs at the Ministry of Legal Affairs to process a local application for registration. Paris Convention priority can be claimed. Once the registration is complete the Registrar General will issue a Certificate of Registration.

Classes

The International Classification system is used. Multi-class applications are allowed.

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.

Annual Fees

Once a trade mark has been registered in Dominica there is an annual fee payable to the Dominican Government in January each year.

Failure to pay an annual fee will result in the mark losing its Good Standing and the registration rights protected by the registration being placed in abeyance. This will effectively prevent any enforcement action being taken.

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 two copies of the mark (unless mark is word only), three copies of the Renewal Application (Form 5) 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 six 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 an application for restoration may be made.

It usually takes three months or less for the Registrar General to process an application for renewal. Once the renewal is complete the Registrar General will issue a stamped copy of the Renewal Application (Form 5) as the Certificate of Renewal.

If you do not wish to renew the mark please inform us so that we can advise the Registrar General 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 Registrar General 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 Dominica.

To record the assignment of a trade mark registration the documentation required is an Application to record a transaction affecting the rights in a mark (Form 6), an Authorisation of Agent (notarised) and other evidence of the assignment. In lieu of other evidence of the assignment a Certificate of Transfer (Form 9) or Transfer Document (Form 10) may be filed instead.

It usually takes four weeks 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 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 Dominica.

To record a change of name and/or address for a trade mark registration the documentation required is the document evidencing the change, an Application, Notification of Request to the Registrar (Form 2) and an Authorisation of Agent (notarised).

It usually takes four weeks 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 Change of Name and/or Address.

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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