



# HSM IP Patent Client Guide

## BRITISH VIRGIN ISLANDS

### Registration

A patent can be registered in the British Virgin Islands (BVI) pursuant to the *Patents Act (Chapter 155)* which provides for both local patent applications and applications to extend rights under a UK registration.

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. Declaration of owner (notarised)
6. Authorisation of Agent (two witnesses) (notarised)

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

1. certified copy of the UK extract
2. Declaration of owner (notarised)
3. Authorisation of Agent (two witnesses) (notarised)

It usually takes about four months for the Registrar to process an application for registration. Paris Convention priority cannot be claimed. Once the registration is complete the Registrar will issue a Certificate of Registration.

### Patent Cooperation Treaty

The BVI 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 BVI 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.

### Annuity Payments

Once a local patent has been registered in the BVI there is an annuity payable to the BVI Government each year. When the annuity has been paid the Registrar will issue an official receipt.

For a UK-based patent annuities are payable from the anniversary of the fourth year of filing in the UK. A certified copy of the UK extract must be submitted to the Registrar each year from the fourth to nineteenth year with the fee. Once the annuity has been paid the Registrar will issue a Certificate of Renewal.

### Expiry

A local patent registration is valid for 20 years. Once the registration has expired it cannot be renewed. A UK-based patent registration is valid for the same period as specified on the underlying UK 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.

## 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 BVI (and the UK if necessary).

To record the assignment of a local patent registration the documentation required is the Deed of Assignment, a Declaration verifying the assignment (notarised) and an Authorisation of Agent (two witnesses) (notarised)

To record the assignment of a UK-based patent registration the documentation required is a certified copy of the UK extract showing the assignment, the Deed of Assignment, a Declaration verifying the assignment (notarised) and an Authorisation of Agent (two witnesses) (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 Notice of Registration of Subsequent Proprietor (for a local registration) or a Certificate of Registration of Subsequent Proprietor (for a UK-based registration).

## 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 BVI (and the UK if necessary).

To record a change of name and/or address for a local patent registration the only documentation required is the document evidencing the change and an Authorisation of Agent (two witnesses) (notarised).

To record a change of name and/or address for a UK-based patent registration the only documentation required is a certified copy of the UK extract showing the change and an Authorisation of Agent (two witnesses) (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 Notice of Recording showing the change (for a local registration) or a Certificate of Recording showing the change (for a UK-based registration).

## 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 and ITMA.

## Contact Us

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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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