



HSM IP Trade Mark Client Guide

ANGUILLA

Registration

A trade mark can be registered in Anguilla pursuant to *The Trademarks Act 2002 (Act 8 of 2002)* which provides for both local trade mark applications dating from receipt of the application and applications to extend rights under a UK registration with effect from the date of registration in the UK.

For a local application the following information and documentation is required:

1. name of the trade mark
2. 10 prints 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. Power of Attorney (Form 6 – notarised)
6. certified copy of priority document (if priority is claimed)

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

1. name of the trade mark
2. 10 prints of the mark (unless mark is word only)
3. class(es) and specification of goods and services
4. applicant's name and address
5. certified copy of UK Certificate of Registration issued by the Intellectual Property Office of the UK (UK IPO)
6. Power of Attorney (Form 6 – notarised)

It usually takes about four months for the Registry to process a local application for registration. A UK-based application usually takes about eight weeks to be processed. Paris Convention priority can be claimed. Once the registration is complete the Registry will issue a Certificate of Registration of Trademark (for a local registration) or a Certificate of Registration of UK Trademark (for a UK-based registration).

Classes

The International Classification system is used. Multi-class applications are allowed. A UK-based application, however, is restricted to the number of classes specified on the UK Certificate.

Registrations prior to 2003, when the International Classification system was not used, will be re-classified upon renewal.

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.

Renewal

A local 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 local registration is to be renewed the only documentation required is one print of the mark (unless mark is word only) and a Power of Attorney (Form 6 – notarised).

A UK-based trade mark registration is valid for the same period that is shown on the UK Certificate and can be renewed once the underlying UK registration has been renewed. 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 UK-based registration is to be renewed the documentation required is one print of the mark (unless mark is word only), a certified copy of UK Certificate of Registration showing the renewal issued by the UK IPO and a Power of Attorney (Form 6 – notarised).

The application for renewal should be filed within six months 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 a new application for registration is required.

It usually takes six weeks or less for the Registry to process an application for renewal. Once the renewal is complete the Registry will issue a Certificate of Renewal of Registration of Trademark (for a local registration) or a Certificate of Renewal of Registration of Trademark in Anguilla (for a UK-based registration).

If you do not wish to renew the mark please inform us so that we can advise the Registry 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 Registry 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 Anguilla.

To record the assignment of a local trade mark registration the documentation required is the Deed of Assignment (notarised) or a Declaration verifying the assignment (notarised) and a Power of Attorney (Form 6 – notarised).

To record the assignment of a UK-based trade mark registration the documentation required is a certified copy of the UK Certificate of Registration showing the assignment issued by the UK IPO, the Deed of Assignment (notarised) or a Declaration verifying the assignment (notarised) and a Power of Attorney (Form 6 – notarised).

It usually takes about six weeks for the Registry to process an application to record an assignment. Once the recording is complete the Registry will issue a Certificate of Recording of Change of Ownership.

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 Anguilla.

To record a change of name and/or address for a local trade mark registration the only documentation required is the official document evidencing the change (notarised) or an Affidavit certifying the change (notarised) and a Power of Attorney (Form 6 – notarised). For amendments to the mark the documentation required is six prints of the amended mark (unless mark is word only), a Declaration of change (notarised) and a Power of Attorney (Form 6 – notarised).

To record a change of name and/or address for a UK-based trade mark registration the documentation required is a certified copy of the UK Certificate of Registration showing the change issued by the UK IPO, the official document evidencing the change (notarised) or an Affidavit certifying the change (notarised) and a Power of Attorney (Form 6 – notarised). For amendments to the mark the documentation required is six prints of the amended mark (unless mark is word only), a certified copy of the UK Certificate of Registration showing the change issued by the UK IPO or a Declaration of change (notarised) and a Power of Attorney (Form 6 – notarised).

It usually takes about six weeks for the Registry to process an application to record a Change of Particulars. Once the recording is complete the Registry will issue a Notice of Change of Name and/or Address.

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, 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).

Revised June 2022