



HSM IP Patent Client Guide

BERMUDA

Registration

A patent can be registered in Bermuda pursuant to the *Patents and Designs Act 1930* which provides for both local patent applications and applications to extend rights under a UK or European Patent (EP (UK)) registration within three years from the date of registration in the UK.

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. Authorisation of Agent (Form TM13)

For a UK or EP (UK) based application the following information and documentation is required:

1. a request for the grant of the patent
2. certified copy of the UK or EP (UK) patent
3. Authorisation of Agent (Form TM13)

It usually takes between two to three years for the Registry to process a local application for registration. A UK or EP (UK) based application usually takes about six months to be processed. Paris Convention priority cannot be claimed. An advertisement of the application will be placed in the Official Gazette and there will be a two month window for objections to the application. If there are no objections then once the registration is complete the Registry will issue a Certificate of Registration.

Patent Cooperation Treaty

Bermuda is 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 Bermuda 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 to seven working days.

Expiry

A local patent registration is valid for 16 years and may be extended for an additional seven years. A UK or EP (UK) based patent registration is valid for 20 years from the filing date of the underlying 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 Registry 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 Bermuda (and the UK if necessary).

To record the assignment of a patent registration the only documentation required is a copy of the Transfer/Assignment Deed and an Authorisation of Agent (Form TM13).

It usually takes four months or less for the Registry to process an application to record an assignment. Once the recording is complete the Registry will issue a Change Completion Notice.

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 Bermuda (and the UK if necessary).

To record a change of name and/or address for a patent registration the only documentation required is a copy of the Change of Name Certificate and an Authorisation of Agent (Form TM13).

It usually takes four months or less for the Registry to process an application to record a Change of Particulars. Once the recording is complete the Registry will issue a Change Completion Notice.

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).

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