



HSM IP Patent Client Guide

GUERNSEY

Registration

A patent can be registered in Guernsey pursuant to the *Registered Patents and Biotechnological Inventions (Bailiwick of Guernsey) Ordinance, 2009* and *Regulations, 2012* which provide for applications to extend rights under a UK or European (EP) registration or a registration from another approved jurisdiction.

The only documentation required is a certified copy of the UK, EP or other approved registration. No further information is required.

It usually takes about three months or less for the Registrar of the States of Guernsey Intellectual Property Office to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete the Registrar will issue a Certificate of Registration.

Patent Cooperation Treaty

Guernsey is not a signatory to the Patent Cooperation Treaty (PCT). National phase filing of a PCT patent is not possible. As of 1 January, 2021 however, PCT applications which designate the UK will also cover Guernsey. Once a PCT patent derived from a PCT application is granted in the UK it will also automatically be extended to Guernsey.

Searches

It is generally not necessary to conduct a search in Guernsey to ascertain that there will be no difficulty with the application for registration because of the requirement that there be a pre-existing UK, EP or other approved registration. If, however, a search is required, the result can usually be provided within one week.

Annuity Payments

Once a patent has been registered in Guernsey there is an annuity payable to the Guernsey Government each year. The fee is due on the anniversary of the filing date of the underlying UK, EP or other approved registration on which it is based.

Failure to pay an annuity will result in the rights protected by the registration being placed in abeyance. This will effectively prevent any enforcement action being taken.

A grace period of six months, however, is allowed for the late payment of an annuity upon payment of a late fee. After that time the patent will lapse.

Expiry

A patent registration is valid for the same period as specified on the underlying UK, EP or other approved 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.

Restoration

It is possible to make an application to the Registrar to restore a patent that has lapsed. The application must be filed within one year of the date that the last annuity was due.

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 Guernsey (and the UK or other approved jurisdiction if necessary).

To record the assignment of a patent registration the documentation required is an Assignment Application to record a change of ownership, the Deed of Assignment (notarised) and a certified copy of the entries on the UK or other approved jurisdiction's certificate showing the assignment.

It usually takes three months or less for the Registrar to process an application to record an assignment. Once the recording is complete the Registrar will issue a Change of Ownership (Assignment) Certificate.

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 Guernsey (and the UK or other approved jurisdiction if necessary).

To record a change of name and/or address for a patent registration the only documentation required is a Change of Proprietor Name and/or Address form and a certified copy of the entries on the UK or other approved jurisdiction's certificate showing the change.

It usually takes three 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 Change of Proprietor Name and/or Address Certificate.

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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