



## HSM IP Trade Mark Client Guide

# GUYANA

### Registration

A trade mark can be registered in Guyana pursuant to *The Trade Marks Act (Chapter 90:01)* 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. one copy of the mark (unless mark is word only)
3. class(es) and specification of goods
4. applicant's name and address
5. Power of Attorney

For a UK-based 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. certified copy of UK Certificate of Registration issued by the Intellectual Property Office of the UK (UK IPO)
6. Power of Attorney

It usually takes between 18-24 months for the Registrar of Deeds at The Deeds Registry in the Ministry of Legal Affairs to process a local application for registration. A UK-based application usually takes about six months to be processed. Paris Convention priority cannot be claimed. Once the registration is complete The Deeds Registry will issue a Certificate of Registration.

### Classes

The International Classification system is used. Multi-class applications are not allowed for local applications. A separate application is required for each class of goods and/or services. A UK-based application is restricted to the number of classes specified on the UK Certificate. Service Marks must be based on an existing UK registration.

### 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 two weeks or less.

### Renewal

A local trade mark registration is valid for seven years after which it can be renewed for 14 year 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 a Power of Attorney.

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 (and the UK registration if necessary) or allow the mark to lapse. If the UK-based registration is to be renewed the only documentation required is a certified copy of the UK Certificate of Registration showing the renewal issued by the UK IPO and a Power of Attorney.

The application for renewal should be filed prior to the expiration date of the registration. A grace period of one month, however, is allowed from the publication date of Non-Renewal of the mark 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 six months or less for The Deeds Registry to process an application for renewal. Once the renewal is complete The Deeds Registry will issue a Notice of Renewal. If you do not wish to renew the mark please inform us so that we can advise The Deeds 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 Deeds 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 Guyana.

To record the assignment of a local trade mark registration the only documentation required is the Deed of Assignment (notarised) and a Power of Attorney.

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

It usually takes four months or less for The Deeds Registry to process an application to record an assignment. Once the recording is complete The Deeds Registry will issue a Certificate of Registration 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 Guyana.

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) and a Power of Attorney.

To record a change of name and/or address for a UK-based trade mark registration the documentation required is the official document evidencing the change (notarised), a certified copy of the UK Certificate of Registration showing the change issued by the UK IPO and a Power of Attorney.

It usually takes four months or less for The Deeds Registry to process an application to record a Change of Particulars. Once the recording is complete The Deeds Registry will issue a Certificate of Recording showing the change.

### **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.

## 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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