



## HSM IP Trade Mark Client Guide

# BAHAMAS

### Registration

A trade mark can be registered in the Bahamas pursuant to the *Trade Marks Act, (cap. 322) (as amended)* which provides for local trade mark applications.

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. Authorisation of Agent (Form No. 1) – one per class
6. certified copy of priority document (if priority is claimed)

It usually takes about 7-9 years for the Registrar General's Department in the Ministry of Foreign Affairs to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete the Registrar General will issue a Certificate of Registration.

### Use

If a trade mark is not used for five years after registration it may be cancelled.

### Classes

The International Classification system is not used. Goods are cited under the corresponding local classification. Multi-class applications are not allowed from 1<sup>st</sup> March, 2015. Service Marks are not permitted.

### Searches

In order to conduct a search the only documentation required is the name of the trade mark and two copies of the mark (unless mark is word only). If the registration number of the mark is known the result can usually be provided within six months. If the registration number is not available the result can take up to 12 months.

### Renewal

A trade mark registration is valid for 14 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 registration is to be renewed the only documentation required is an Authorisation of Agent (Form No. 1).

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 a new application for registration is required.

It usually takes 36 months or less for the Registrar General to process an application for renewal. Once the renewal is complete the Registrar General will issue a Notice of Renewal.

If you do not wish to renew the mark please inform us so that we can advise the Registrar General 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 Registrar General 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 the Bahamas.

To record the assignment of a trade mark registration the documentation required is a Joint Request by Registered Proprietor and Assignee to Register the Assignee as Subsequent Proprietor of a Trade Mark (Form No. 19), the Form of Declaration by Assignee in support of Form No. 19 (Form No. 20) and an Authorisation of Agent (Form No. 1).

It usually takes 36 months or less for the Registrar General to process an application to record an assignment. Once the recording is complete the Registrar General will issue a Certificate of Recording showing the 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 the Bahamas.

To record a change of name and/or address for a trade mark registration the documentation required is a Request to Enter the Change of Name of the Registered Proprietor of Trade Mark upon the Register (Form No. 26) and/or Notice of Application for Alteration of Address on Register of Trade Marks (Form No. 23) and/or Application to Alter a Trade Mark (Form No. 30) and an Authorisation of Agent (Form No. 1).

It usually takes 36 months or less for the Registrar General to process an application to record a Change of Particulars. Once the recording is complete the Registrar General 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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