



HSM IP Trade Mark Client Guide

VANUATU

Registration

A trade mark can be registered in Vanuatu pursuant to the *Vanuatu Trademarks Act 2003* which provide 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 and/or services
4. applicant's name and address
5. Authorisation of Agent

It usually takes between 12-18 months for the Registrar of the Vanuatu Intellectual Property Office in the Ministry of Tourism, Trade, Industry, Commerce, and Ni-Vanuatu Business to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete the Registrar will issue a Registration Certificate.

Classes

The International Classification system is used. Multi-class applications are allowed.

Searches

In order to conduct a search the documentation required is the name of the trade mark, one copy of the mark (unless mark is word only) and/or the name of the proprietor. The result can usually be provided in one to two weeks.

Annual Fees

Once a trade mark has been registered in Vanuatu there is an annual fee payable to the Vanuatu Intellectual Property Office on the anniversary of the date of registration each year.

Renewal

A 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 registration is to be renewed the only documentation required is an Authorisation of Agent.

The application for renewal should be filed within six months prior to the expiration date of the registration. A grace period of three months, however, is allowed from the expiration date for the filing of the application for renewal upon payment of a late fee for each month that has passed. After that time a new application for registration is required.

It usually takes about 6-12 weeks for the Registrar to process an application for renewal. Once the renewal is complete the Registrar will issue a Certificate of Renewal.

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

To record the assignment of a trade mark registration the only documentation required is a certified copy of the Deed of Assignment and an Authorisation of Agent.

It usually takes about 6-12 months for the Registrar to process an application to record an assignment. Once the recording is complete the Registrar will issue a Certificate 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 Vanuatu.

To record a change of name and/or address for a trade mark registration the only documentation required is a certified copy of the document evidencing the change and an Authorisation of Agent.

It usually takes about 3-6 months for the Registrar to process an application to record a Change of Particulars. Once the recording is complete the Registrar will issue a Certificate 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.

Contact Us

E-mail: ip@hsmoffice.com
Web: www.hsmoffice.com
Mail: PO Box 31726, Grand Cayman KY1-1207, Cayman Islands.
Courier: HSM, 68 Fort Street, George Town, Grand Cayman, Cayman Islands.
Tel: +1 (345) 949-4766

HSM IP Ltd. is a Law Firm recognised under the Legal Practitioners (Incorporated Practice) Regulations, 2006 (as amended).

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