



Patents & Trade Marks in the Cayman Islands

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Preface

The Cayman Islands Register of Patents and Trade Marks (the "Register") has over two thousand patents and trade marks currently registered. The primary feature of the Register in the Cayman Islands is that it operates as an extension of the rights and privileges that exist in the United Kingdom. European Community obligations affecting the United Kingdom resulted in significant amendments to our local legislation. The Patents and Trade Marks Law (2007 Revision) therefore now allows the extension of the same rights to the holders of marks registered as European Community Trade Marks or Trade Marks registered under the Madrid Protocol.

REGISTRATION

It follows therefore that prior to seeking registration in the Cayman Islands for a trade mark or patent, such item must first be registered:

- as a United Kingdom Trade Mark through the United Kingdom Trade Mark Registry; or
- through the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) as a European Community trademark; or
- through the World Intellectual Property Organisation (WIPO) in Geneva as a trade mark registered under the Madrid Protocol provided that the United Kingdom is one of the designated countries.

The current method of application involves several steps:

- The Search - any member of the public may, upon payment of a fee of US\$61, request the Register be searched for any particulars of any recording therein contained, primarily to confirm that the proposed item to be registered has not already been registered.
- The Application - can be made to the Registrar in order to have an item registered, provided it has not been registered before (as revealed by the search above). The application must include:

- (a) the name of the applicant;
- (b) the name of the agent (if any) making the application;
- (c) the address for service upon the applicant or agent;
- (d) a reference to particulars of the grant of Registration in the United Kingdom sufficient to identify such right in a positive manner (e.g. a notary authenticated copy of a certificate issued out of the relevant United Kingdom Registry);
- (e) the expiry date of the protection afforded by the recording (being the same date as the expiry of the relevant United Kingdom grant of registration); and

(f) where a mark is required to be recorded, two clear prints must accompany the application.

GOVERNMENT FEES

- Application Fees in cases of New Registration
 - (a) US \$244 for each extension of patent or single class trade mark rights to the Islands;
 - (b) US \$122 for each additional class of a multiple-class trade mark registered.
- Annual Fees
 - (a) US \$244 for each patent or single class trademark registered;
 - (b) US \$122 for each additional class of a multiple-class trade mark registered.
- Renewal of a right recorded in the Registry
 - (a) US \$244
- Application fee to record change of particulars
 - (a) US \$183
- Gazette Publication Fee (required for each new registration, renewal and change of particulars):
 - (a) US \$36.59
- Search of the Registry
 - (a) US \$61
- Additional Certified Copy of Certificate of Recording (one original included with each recording)
 - (a) US \$30.49

Provided that the application is complete, a trade mark can be processed within two days and published within the Cayman Gazette within four weeks.

The owner of a patent or trade mark recorded in the Register must pay the relevant annual fee at the beginning of each calendar year. Default in the payment of the annual fee for more than a month causes an abeyance of the protection otherwise afforded, until the fee is paid.