

ANTIGUA & BARBUDA
INTELLECTUAL PROPERTY AND
COMMERCE OFFICE



THE NATIONAL ROUTE: TRADEMARK REGISTRATION IN ANTIGUA AND BARBUDA

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WHAT IS A TRADEMARK?

A Trademark is any visible sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. - The Trademark Act, 2003.

WHAT IS IT MADE UP OF ?

Any distinctive signs or symbols including words, letters, numerals, colors, devices (figurative elements), brands, three-dimensional marks such as shapes and labels or any combinations of these elements.

For Example:



Antigua Commercial Bank



SmartBuyGlasses



TRADEMARK REGISTRATION

Minimum requirements for registration of a mark:

Basic cover letter

Request for registration – Form 1

Form 2 - if filed by an agent

Notarized declaration

Copies of the trademark (if not a word mark)

Requisite filing fees

ADDITIONAL REQUIREMENTS FOR TRADE MARK REGISTRATION

- Description for pictorial element or combination of graphic and words
- Disclaimer for descriptive feature of mark may be accepted
- Pantone classification is required for colored marks
- Authorized permission from competent authorities to use a country's name.

PRIORITY APPLICATION FOR REGISTRATION

An applicant may request a Priority application.

The requirement to facilitate this request are:-

1. Member of Paris Agreement or WTO
2. Must be filed no later than 6mths after the earlier application
3. Declaration as prescribed in 4(2) of The Trademark Act 2003
4. Certified copy of earlier application (Section 13 of Trademark Regulations 2006)

APPLICATION FOR COLLECTIVE MARK

An application may also request the registration of a Collective Mark. A collective mark is any visible sign indicating that the goods and or services that have been certified by an independent body in relation to one or more characteristics, origin, material, mode of manufacture, quality, accuracy of different enterprise which use the sign under the control of the registered owner.

REQUIREMENT FOR THE FILING OF A COLLECTIVE MARK

The following particulars are necessary when filling a Collective Mark:-

- The Form must be designated as such
- The Regulations governing the use of the Mark must be filed. This should provide the following information:-
 - define common characteristics or qualities of the goods or services
 - designate the conditions under which and the persons by whom it may be used
 - Provide for the exercise of effective control of the use of the Mark
 - Determine adequate sanctions for any use contrary to the regulations

FORM 2

Where a local Agent is not authorized by the Holder then there is a requirement for two form 2.

The first form 2 must be signed by a duly authorized Officer of the Company.

This form 2 is therefore in favor of the International Agent. The 2nd Form 2 will authorize the local Agent to handle the trademark in the National Office.

This will be signed by the International Agent in favor of the local Agent.

OVERVIEW OF THE TRADEMARK REGISTRATION PROCESS

- Filing of the requisite documents with the prescribed fees
- Trademark assigned an application number
- Internal Search conducted and Vienna Classification
- **Formalities check conducted, this includes:-**
 - reproduction of the Mark
 - list of goods and services
 - Prescribed fees
 - Incomplete Forms/ missing documents

CONTINUATION OF OVERVIEW

Substantive Examination, this includes:-

- Be distinctive for example (Apples for iPhones)
- Not identical or very similar to trademark already registered
- Not identical or similar to trademarks well-known or well-known and registered
- Not geographically mis-descriptive
- Not contrary to public order or morality
- Not identical with a mark belonging to a different proprietor and already on the Register or with an earlier filing or Priority date

CONTINUATION OF OVERVIEW

- Acceptance
- Publication
- Opposition Notification 3 months after first publication
- Issuance of Registration Certificate
- Registration valid for 10 years
- Renewal after the expiration of 10 years

SPECIMEN FORMS FOR REGISTRATION

111. COLLECTIVE MARK

- This application for registration concerns a collective mark.
- The regulations governing the use of the collective mark are attached.

Selection of Collective Mark within the Trademark registration form

FEES

Registration of the same mark for goods in more than one class:

- Registration one mark this includes the first class- **EC \$250.00**
- For each additional classes- **EC \$50 per class**

This schedule of fees also applies to Collective Mark.

COLLECTIVE MARKS

For Example:

This is used to protect and promote manufacturing and services made and offered by companies whose based and operation is in Puerto Rico

“CPA” - Used to indicate members of a Society or Chartered Public Accountants



TRADEMARKS AND COLLECTIVE MARKS

Trademarks



Individual
Marketing

Versus

Collective marks



Joint Marketing

INTERNATIONAL REGISTRATION

- An international registration can be obtained after the filing of a basic application or securing a basic registration.
- Where Antigua and Barbuda is the Office of Origin for the International registration the following is required:
 - Filing of MM 2 Form, Form 2, certification fees
 - Application must be certified by the Registrar



THANK YOU
FOR
LISTENING!