

Madrid System in Antigua and Barbuda: Registry Perspective

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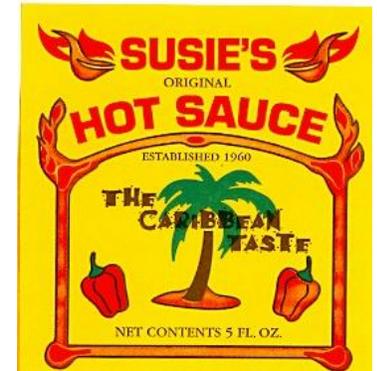


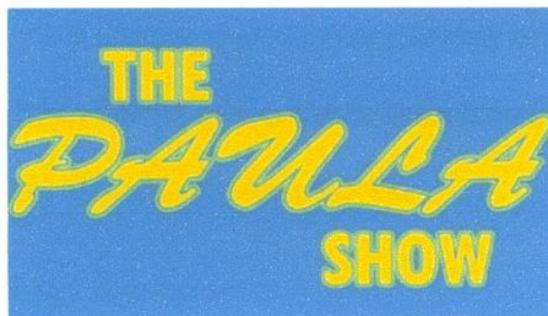
What is a Trademark ?

- A trade mark is often referred to as a “brand” or “brand name”
- It is used in connection with a distinctive sign which identifies certain goods or services as those produced or provided by a specific person or enterprise
- Your mark should not be laudatory or descriptive of the specific Goods or services
- Your mark should be capable of being graphically represented

A Trademark can comprise of:

Any Distinctive signs or symbols including words, letters, numerals, shapes, labels and colours





Three Options for Protecting Trademarks

- National Route
- Regional Route
- International Route

International Route



Entitlement: Who can use the system?

Someone (natural person or legal entity) that has a legal connection with a Contracting state by:

- A citizen of Antigua and Barbuda;
- Having a real and effective industrial or commercial establishment in Antigua and Barbuda; or
- The applicant is domiciled in the territory of Antigua and Barbuda
- Please note: the applicant or applicants must have a trademark application or registration with ABIPCO (known as the basic registration).

The International Trademark Registration Process



Key features

- The Madrid System is a closed system
- Entitlement and basic mark(s)
- Filing the international application through the Office of origin
- Formalities examination by World Intellectual Property Office (WIPO)
- Fixed time limit for refusal

Key features... cont.

- Renewal and recording of changes to IRs directly with WIPO
- Replacement
- Dependency – Ceasing of effect – Transformation

Costs of using the Madrid System

- Certifying fee to the Office of origin is \$250.00 EC
- National Fee is \$250.00 EC
- Fees are payable to WIPO in Swiss francs via WIPO account
- Basic fee *includes 3 Classes of goods/services b/w reproduction of mark 653 CHF/ color reproduction of mark 903 CHF)
- Fees for designated Contracting Parties (DCP):
 - Standard fees OR (100 Swiss francs per DCP)
 - Individual fees, where this is declared

E-Services

Search



[Global Brand Database](#)

- search existing marks from national & international sources
- trademarks, appellations of origin and official emblems

File



[Madrid Goods & Services Manager](#)

- compile a list of approved goods & services terms in 18 languages

[Member Profiles Database](#)

[Fee Calculator](#)

Monitor



[Madrid Monitor](#)

- track real-time status of registration
- watch competitors' marks
- e-alerts
- consult the WIPO Gazette

Manage



[Madrid Portfolio Manager](#)

- access documents
- request changes
- modify, designate & renew
- pay fees
- obtain extracts

Two Roles for ABIPCO as a member

- Office of origin
 - Assists filing international applications after receiving
 - Issues filing date & application number
 - Formalities check
 - ABIPCO Certification
 - Sends application to WIPO notifies Applicant
- Office of the designated Contracting Party
 - Receiving designations from foreign trademark owners
 - Similar role as for national applications: performing substantive examination to determine scope of protection

* Please note if Applicant not resident in Antigua must obtain a local attorney at law or an agent

The National Application Process as Office of Origin

- The MM2(e) Form is required with mandatory areas completed:

- ✓ Identify the Applicant
- ✓ Select designated contracting parties
- ✓ Reproduction of the Mark
- ✓ Indication of goods & services

Once an MM2 form is completed, it should be filed at ABIPCO and the certifying fee of \$250.00 EC is payable.

Examination Process as designated Contracting Party

- Examined in accordance with national laws.
- Examination conducted on Relative grounds – should not be identical or similar to mark with earlier filing date.
- There may be special requirement for descriptions, disclaimers and translation.
- Uses the 11th edition for Nice Classification of goods and services Tool(TM class and MGS).
- If an IP office accepts to protect the mark, a statement of grant issued for 10 years.

Conclusion

- Registration is paramount
 - Identify what your mark is
 - Identify goods and services
 - Utilize the Madrid System as a spring board to grow your brand
 - Use the Registry for searches and any other assistance
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- Check out the Booklet

Thank You for Listening

