New Trade Marks & Design Laws
Cayman Islands

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Agenda

What is Intellectual Property (‘IP’)?

Where do I register my IP in the Cayman Islands?

Trade Marks

Designs

What are the Benefits of Protecting Trade Marks and Designs?
What is Intellectual Property?

“Intellectual property (IP) refers to creations of the mind. These include inventions, literary and artistic works, and symbols, names and images used in commerce.”

- World Intellectual Property Organisation

Diagram:

- Copyright
- Trade Marks
- Patents
- Designs
Where do I apply to register my IP?

- CIIPO – Cayman Islands Intellectual Property Office:
  - Unit of the General Registry
  - Administers IP rights
  - www.ciipo.ky
Trade Marks
What is a trade mark?

- Sign
- Represented graphically
- Used to **distinguish** goods and services provided by one trader from those of another
- Must be **DISTINCTIVE**
- Must not be **DESCRIPTIVE**
Trade Marks
Classification

- 45 Classes
- Internationally accepted
- Classes 1 – 34 = Goods classes
- Classes 35 – 45 = Service classes
Alexander McQueen

Google

Apple

MINISTRY OF
FINANCIAL SERVICES,
COMMERCE & ENVIRONMENT
CAYMAN ISLANDS GOVERNMENT
Trade Marks

The current situation

No national registration route

Extensions accepted: UK / CTM / UK designations of International Registrations

No substantive examination procedure

No opposition procedure

Validity of Cayman registrations

Annual fees
Trade Marks

The future

- New legislation
  1 August
- A national registration route
- No further extensions of foreign registration
- Absolute grounds examination
- Opposition procedure
- No use requirement
- Annual fees
Things to consider before 1 August 2017

- Extension of existing UK/EU trade marks (fast track)
- Clearance searches in preparation for new filings
- Scope of new national filings to be made on 1 August
- Division of series marks on next renewal
Designs
What is a design?

- Design refers to the ornamental or aesthetic aspects of an article.
- To be protected a design must be new / original and non-functional.
- Technical features are not protected (they could instead be protected by a patent).
- The initial term of protection is usually 5 years.
- Designs can generally be renewed for up a further 15 years.
Designs
What kinds of designs can be protected?

- Watches
- Jewelry
- Electrical Items
- Vehicles
- Textile designs
- Medical instruments
- Phones
Designs
Where do you file a design application?

- National intellectual property offices
- Regional intellectual property offices (e.g. EUIPO)
- The Hague Agreement Concerning the International Registration of Industrial Designs offers a procedure for international registration of designs
Designs
Designs

The current situation

- No protection
Designs

The future

- New legislation 1 August
- Introducing a UK/EU Re-Registration Route
- No examination
- Validity depending on UK/EU Registered Design
- Annual fees
Benefits of Protecting Trade Marks and Designs?

- Exclusive right to use the mark
- Name Reservation/Brand Planning
- Costs of Litigation
- Economic Value
Benefits of Protecting Trade Marks and Designs?

- Deterrence
- Licensing
- Domain Names
- Criminal sanctions/customs seizure
Questions?
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