



ANTIGUA & BARBUDA
INTELLECTUAL PROPERTY AND
COMMERCE OFFICE



ALL YOU NEED TO KNOW ABOUT...
TRADEMARKS

IDENTITY
BRANDING
BUDGET
BRAND
CUSTOMERS
RECOGNITION

What is a Trade mark?

A trade mark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises.

Why should I have a trade mark?

A trade mark adds value to your business as an intangible asset. In addition, by distinguishing your goods or services from those of other traders, a trade mark is one of the single most valuable marketing tools that most traders can have.

What rights does trade mark registration provide?

A Trade mark:

- Allows you to initiate legal proceedings for the infringement of your trade mark under the Trade Marks Act 2003
- Allows the proprietor of the mark to have documentary proof of its ownership of the mark;
- Is personal property, which may be sold, licensed or franchised;
- May prevent unauthorized persons or entities from using your trade mark without your permission and;
- Gives public notice of the registered proprietor of the mark and authorized users of the mark may be recorded in the Trade Marks Register.

Do I have to register my trade mark?

No. Registration is not compulsory, but without registration a trade mark owner cannot bring an action in court for infringement to protect the trade mark. In addition, with an unregistered trade mark, the trade mark holder is required to file a common law action to protect their unregistered mark. Registering your trade mark is strongly advised.

Can I apply for a trade mark myself or do I have to retain an Attorney?

Applicants located and resident in Antigua and Barbuda can apply for a trade mark themselves or through an agent.

However, applicants located outside of Antigua and Barbuda will be required to obtain a local agent as an address for service in Antigua and Barbuda is necessary. A list of agents may be found on our website.

How do I classify my trade mark?

Classification of trade marks is done using the Nice Agreement. This is available on the World Intellectual Property Organization's website at <http://classifications.wipo.int/fulltext/nice>.

In addition, the European Union Intellectual Property Network of Databases at <https://euipo.europa.eu/ohimportal/en/databases> is a great resource for trade mark classification.

What do I need to complete a Trade mark application?

- Applicant's name and address (Form 1)
- Applicant's nationality or state of establishment and the legal nature of the legal entity (if a company);
- Authorization of Agent (Form 2) if you are not a resident in Antigua and Barbuda and are being represented by an Attorney and/or agent
- List of the goods and/or services in relation to which the mark will be registered in accordance with the International Classification of Goods and Services (International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement);

reproduction of the sign filed for registration, including any colours, forms, or three-dimensional features.

- Certified translation - If the mark is in any other language other than English.
- Authorized permission from the competent authorities to use a country's name.

When I file an application at the Intellectual Property Office, what happens next?

When a trade mark application is filed it goes through the following process: -

- Formality Examination
- Examination of the International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement (11th Edition)
- Search for Prior Rights
- Determination of Registrability
- Publication/Opposition period
- Registration (if no "opposition")

You may contact the Office to determine the status of your application.

How long will it take for a mark to be registered?

It may take about 12 months for a trade mark to be registered (if the application did not contain any deficiency or face any objection/opposition). Anyone having an objection to the mark as published must file a notice of opposition at the office within three months on which the application was published.

What is meant by claiming priority?

The right of priority is an applicant's right under the Paris Convention for the Protection of Industrial Property to benefit from an earlier filing date, if the application in Antigua

and Barbuda, is filed within six months of the date of the first filing of the application in another Paris Convention country.

Is the trade mark registration protection valid internationally?

No. A trade mark registered in Antigua and Barbuda is only valid within the state. However, if you desire protection in several jurisdictions, you may register your trade mark under the Madrid System.

How long will a Registered Trade Mark be in Force?

A trade mark is registered for 10 years and can be renewed every ten years.

How do I maintain a trade mark?

A Trade mark must be renewed. If renewal does not occur, the trade mark will no longer be protected.

For more information, please visit our website at: <https://abipco.gov.ag/>

References

<https://abipco.gov.ag/intellectual-property/trade-marks/>



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ABIPCO

Who We Are

The Antigua and Barbuda Intellectual Property and Commerce Office was established under the Intellectual Property Office Act of 2003. ABIPCO is the national company and intellectual property registry for Antigua and Barbuda and is a department of the Ministry of Legal Affairs. ABIPCO is responsible for administering legislation, registering and keeping records in relation to Intellectual property, Companies, Business Names and Friendly Societies in Antigua and Barbuda.

Office Hours

Monday - Thursday: 8:00am- 4:30pm
Friday: 8:00am- 3:00pm

Contact Us

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