

CAYMAN ISLANDS



Supplement No. 2 published with Gazette No. 23 dated
10 November, 2009.

**A BILL FOR A LAW TO AMEND THE PATENTS AND TRADE MARKS
LAW (2007 REVISION) TO VARY MISCELLANEOUS FEES; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 2009

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Patents and Trade Marks Law (2007 Revision) to effect changes to miscellaneous fees payable under the Law.

The Bill provides for -

- (a) an increase in annual fees, and application fees, relating to patents and trade marks;
- (b) an increase in fees payable for searches in the registry of Patents and Trade Marks; and
- (c) the imposition of a penalty, if an annual fee is not paid before 1st March in each year.

The legislation commences on 1st January, 2010 and transitional provisions are set out in the Bill.

THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 2009

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 11 of the Patents and Trade Marks Law (2007 Revision) - annual fee
3. Repeal and substitution of Schedule - fees
4. Transitional provisions

CAYMAN ISLANDS

**A BILL FOR A LAW TO AMEND THE PATENTS AND TRADE MARKS
LAW (2007 REVISION) TO VARY MISCELLANEOUS FEES; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1. (1) This Law may be cited as the Patents and Trade Marks (Amendment) Law, 2009. | Short title and commencement |
| (2) This Law shall come into force on 1 st January, 2010. | |
| 2. The Patents and Trade Marks Law (2007 Revision), in this Law referred to as the “principal Law”, is amended in section 11(2) by inserting after the word “paid” the words “and, if the default is for more than two months, the person in default shall pay, in addition to the relevant annual fee, the penalty prescribed in the Schedule”. | Amendment of section 11 of the Patents and Trade Marks Law (2007 Revision) - annual fee |
| 3. The principal Law is amended by repealing the Schedule and substituting the following schedule - | Repeal and substitution of Schedule - fees |

“SCHEDULE

(Sections 6, 11, 12 and 15)

Fees

Item	Particulars	Fee
Part 1-Patents		
1.	Application fee for extension of patent rights to the Islands	\$200
2.	Annual fee for patent	\$200
3.	Application fee for recording change of particulars of a patent right recorded in the Registry	\$150
4.	Application fee for recording renewal of a patent right recorded in the Registry	\$200
Part 2-Trade Marks		
1.	Application fee for extension of trade mark rights to the Islands	\$200 for one class registered; \$100 for each additional class registered
2.	Annual fee for trade mark rights	\$200 for one class registered; \$100 for each additional class registered
3.	Application for recording change of particulars of trade mark rights recorded in the Registry	\$150
4.	Application for recording renewal of trade mark rights recorded in the Registry	\$200
Part 3-General		
	Search fee	\$50
Part 4-Penalties		
	Penalty for failure to pay annual fee before 1 st March, in respect of each year	\$100”.

Transitional provisions

4. (1) Every matter commenced under the former Law and partly dealt with when the new Law comes into force, is to be continued and dealt with in all respects as if the new Law had not come into force.

(2) Every matter commenced under the former Law and not wholly or partly dealt with when the new Law comes into force, is to be taken to be a matter commenced under the new Law and the provisions of the new Law are to apply accordingly.

(3) In this section -

“former Law” means the principal Law in force immediately before the date of commencement of this Law; and

“new Law” means the principal Law as amended by this Law.

Passed by the Legislative Assembly the day of , 2009.

Speaker.

Clerk of the Legislative Assembly.