



Trade marks practice updates in the Cayman Islands and Aruba

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Intellectual property partner Sophie Peat provides an update on the rules in relation to time limits in Cayman Islands trade marks matters and the Aruba Bureau of Intellectual Property's formal requirements for trade mark applications.

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Sophie is a member of INTA and serves on two committees: the Country Guides Committee, for which she has authored guides for the Cayman Islands and British Virgin Islands, and the Trademark Office Practices Committee (Latin America and Caribbean Subcommittee).

Cayman Islands: Timing matters when filing trademark applications

The Cayman Islands Intellectual Property Office (CIPO) has issued its [first Practice Direction of 2024](#). The Practice Direction seeks to reinforce the practices and procedures in relation to time limits that are outlined in the Trade Marks Act 2016 (**the Trade Marks Act**) and the Trade Marks Regulations 2017 (**the Trade Marks Regulations**). The Practice Direction was issued on 8 July 2024 and became effective a day later.

A key change under the Practice Direction is that the CIPO must receive all trademark applications of any kind no later than 16:00 EST on a working day (Monday to Friday) to be deemed filed the same day. Applications received after 16:00 EST will be deemed filed the next working day. This includes, for example, new applications, renewal applications, applications for a change of name / address / assignment, oppositions and invalidation actions, and documents required to be filed under the Trade Marks Act (for example, witness statements).

The CIPO nonetheless continues to accept and receive applications and documents electronically, by email. Until the introduction of the Practice Direction, the Trade Marks Act or Trade Marks

Regulations did not restrict applications and forms to being filed within particular business hours, so this is an important new limitation. The CIPO's business hours are Monday to Friday, 09:00 until 16:00 EST.

The remainder of the Practice Direction provides the following information, in accordance with the existing Trade Marks Act and Trade Marks Regulations:

- It summarises the types of time limits the Trade Marks Act allows
- It provides a reminder as to how to calculate time limits when they fall on a Sunday or public holiday (defined in the Trade Marks Act as "excluded days") or on a Saturday
- It provides guidance on extension of time requests and non-extendable time limits

Since time limits which expire on a Sunday or public holiday fall due on "excluded days", which are days not included in the calculation of time limits, the deadline is shifted to the next working day in accordance with the Trade Marks Act and Trade Marks Regulations.

The CIPO also reinforces its well-established working practice of treating time limits expiring on a Saturday as effectively falling due the Friday prior, and within the business hours specified above. This is because Saturdays are not included within the definition of "excluded days" under the Trade Marks Act.

Aruba Bureau of Intellectual Property reminder on formal requirements for trademark applications

Aruba's director of the Aruba Bureau of Intellectual Property (BIP) has issued a reminder to all trademark attorneys about the formal requirements for applications.

Previously, the BIP deemed general powers of attorney to be valid for three years from the date of authorisation. However, as of 4 July 2024 (the date on which the director issued the reminder), they are only deemed valid for two years from the date of authorisation, where the principal authorises the attorney to act on the principal's behalf in all trademark matters. One exception to this is where a general power of attorney is provided to the BIP with payment of an official fee of US\$30. If this fee is paid, no time limit is imposed on the power of attorney.

In addition, trade mark attorneys must now place their trade mark attorney code behind their name, as stated on all powers of attorney filed before the BIP Aruba.

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jurisdictional intellectual property clearance, prosecution, exploitation and enforcement.

If you have any questions on any of the topics in this article, please contact Sophie.

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