

ADVISORY | INDUSTRY INFORMATION

Registering Intellectual Property in Bermuda

Under Bermuda law, applicants have the ability to register and protect their intellectual property to prevent persons from stealing or copying the name of products and brands, inventions, designs and original literary works. Intellectual property legislation in Bermuda mirrors legislation in the United Kingdom (the "UK") in many respects. The Registry General in Bermuda is the competent authority for the registration of intellectual property.

Under the relevant Bermuda laws, it is possible to register trademarks, designs, patents and domain names. Copyrights do not require registration to be protected as the protection of copyright is automatic and the author of the work is typically the first owner of the copyright. Copyright protection takes effect from the time the works are created, with no further formality required.

Designs

Designs are registered pursuant to the Patent and Designs Act 2004 (as amended) (the "Patent Act"). Anyone can register a design, which consists of a look of a product, and includes the appearance, physical shape, configuration or decoration.

Registering your design protects the design and gives the registrant the right to prevent others from using it. Registering your design makes it possible to take legal action against infringement more straightforward.

Once registered, your design is protected for up to 15 years and registration must be renewed every five years. If your design is registered in the United Kingdom, you have the same rights in relation to your design as if the UK certificate of registration was extended to Bermuda.

It is also possible to register a copyright in a design pursuant to the Copyright and Designs Act 2004 and once registered, the design is protected for up to 15 years.

Patents

Patents are registrable in Bermuda pursuant to the Patent Act. A patent is a right granted to the inventor or to the person who discovered any new and useful process, manufacture, or composition of matter, or of any new and useful improvement for a process machine, manufacture or composition of matter. Once registered, the patent remains in force for 16 years and this can be extended for 7 years at a time.

Patent applications in Bermuda are complex and require the completion of eight steps. There is the ability to apply for a provisional patent which gives protection for nine months from the date of application and can be converted into at any time during the nine months. Additionally, if you have a patent registered in the UK or a European patent, you can register that patent in Bermuda within three years of its first registration.

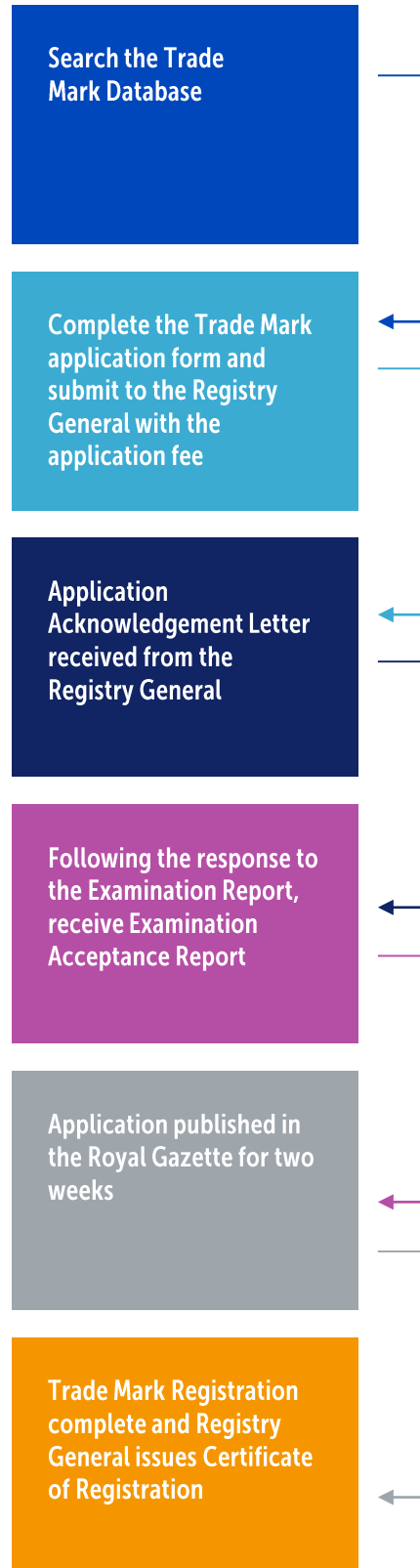
Domain Names

Domain names are the addresses used when navigating the internet or sending emails and enable computers using the internet to find specific locations. When you register a '.bm' domain name, you enter into a contract with the Registry General, which sets out the terms and conditions of the registration. Once a domain name is assigned, it cannot be used by anyone else.

Trademarks

Trademark registration is the most common intellectual property registration in Bermuda. Trademarks in Bermuda can be registered pursuant to the Trade Marks Act 1974 and the Trade Marks and Service Marks Regulations 1999. Trademarks can include words, sounds, logos, colours or any combination of any of these. Trademark registration will protect your mark for 7 years, which can be extended for a further 14 years.

Below is a flow chart of how to register a trademark in Bermuda.



Further information

For further information please speak with your usual contact or contact:



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