

**Explanatory notes on the request form for
modification of a registration in the Sint
Maarten register**

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General notes

If the space provided on the form is not sufficient, you may supply the information in an attachment. In this case, answer the question by referring to the relevant attachment.

A modification may only be made in the trademarks register if accompanied by supporting documentation. This documentation must be included with your request to make the modification. The relevant notes will tell you which documentation you need to include for each modification type.

The documents you send are public; anyone can request copies of these documents from the Bureau.

Notes

The notes on the modification form are numbered in the same order as listed on this form.

1 Contact information

Specify your own reference or file number here. The Bureau will use these reference details in all correspondence addressed to you.

The designated contact person is the person within your organization charged with the request for modification. They can provide additional details if necessary.

2 Bank details

We need your bank account information in order to identify your payment in our financial administration system.

3 Applicant

State the name and address of the person requesting the modification.

4 Representative

State the name of the representative or lawyer specialised in intellectual property.

A representative may be an external agency or an independent professional. They can provide advice on trademark protection and handle all formalities on behalf of the applicant.

If you use the services of a lawyer specialised in intellectual property, they must have a residential or business address in Sint Maarten.

If you do not plan to enlist the services of a representative, you may skip this item.

5 Trademark(s) to which the modification applies

Enter the registration number(s) of the trademark(s) to which the modification applies.

6 Modifications

Check the relevant box to indicate which modifications you wish to make. It is possible to make the following modifications:

A Transfer or transition to

For example, if you have purchased or sold a trademark. Indicate whether the transfer is full or partial.

Provide the name and address information of the transferee(s) of the trademark(s). If the transfer is partial, also list the goods and/or services that are to be transferred.

A deed showing evidence of the transfer of the trademark(s) and signed by both the transferor and transferee must be included along with the request form. An extract of the original deed signed by both parties is sufficient.

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B Change of name and/or address of the trademark proprietor/licensee

Check the appropriate box(es) to indicate the type of modification (name or address) you wish to make. Also state whose details have changed (trademark proprietor or licensee).

Please note: You can modify both a name and an address using the same form. In this case, check both options.

For trademark proprietor/licensee name changes, you must indicate both the new name and the legal form.

You must submit supporting documentation (e.g. an extract from the trade register showing the name change).

For address changes, you must provide the new full address. Always state the street address.

C Licence, pledge, attachment

Check the relevant box(es) to indicate the type of right that has been established to the trademark(s). Then provide the name and address information of the person who has served a writ of attachment to, or has acquired a right of pledge/licensing rights to the trademark(s).

Please note: If this is a natural person, write the person's surname and then the first given name in full; if it is a company or organization, also state the legal form.

Supporting documentation showing the right established to the trademark(s) must be included with the request form. An extract of the original deed is sufficient, which must also be signed by both parties.

If the request is for the cancellation of a licence, right of pledge or attachment, the details of the holder of the rights to be cancelled (as listed in the register) must also be provided.

Please note: cancellation of a licence can only be requested jointly by the trademark proprietor and licensee. Lifting of an attachment can only be requested by the attaching party. Lifting of a pledge requires at least the request of the pledgee.

D Limitation to the list of goods and/or services

List the goods and/or services to be deleted.

Power of attorney must be provided if a representative is submitting the request.

Please note: if a writ of attachment, right of pledge or license has been made on the trademark(s), you must also submit a declaration showing that the attaching party, pledgee or licensee has granted permission.

E Appointment/change of representative

If you wish to be registered as the representative of the trademarks in question, check the appropriate box.

Becoming a representative means that your offices will be included in the register, and all correspondence regarding the trademark will be sent to you.

A change to the representative must be made if a different office was previously listed in the register.

F Modification of the details of the representative

Check the appropriate box(es) to indicate which information (name, address or both) of the representative has changed.

When applying for a name change, both the new name and the legal form must be provided. You must submit documentation supporting the modification (e.g. an extract from the trade register showing the name change).

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For address changes, you must provide the new full address.

G Cancellation of registration(s)

Check the appropriate box to indicate the type of cancellation.

Power of attorney must be provided if a representative is submitting the request. Judicial cancellations must be accompanied by a bailiff's notification and a copy of the pronouncement of the court's decision.

Please note: If the trademark(s) is (are) subject to an attachment/right of pledge/licensing rights, the cancellation may only be processed if the attaching party/pledgee/licensee has (have) granted permission.

H Regulations governing the use and supervision of a collective trademark

This item only applies to collective trademarks. If usage and supervision regulations change, the new regulations must be listed in the register. Attach the new regulations.

7 Payment

You can make your payment by transferring the total sum either in **USD** or in **XCG** to the following bank account:

The Windward Islands Bank

Bank account in the name of Benelux Office for Intellectual Property

USD - 0081362210

- SWIFT (BIC) WIRE TRANSFERCODE: WISBSXSM

XCG - 0081377104

- SWIFT (BIC) WIRE TRANSFERCODE: WISBSXSM

Direct debit from a bank account is not possible. You cannot pay by cheque or credit card.

If you have a current account with BOIP, you may request the fees from your current account. If this is the case, check the box and fill in the (four digit) number of your current account.

If you do not have a current account but would like to apply for one, please contact us via trademarks@bip.sx.

8 Attachment(s)

State the number and type of attachment(s).

9 Signature

Specify the name of the person responsible for signing the application form. If the applicant is an organization, state the function (capacity) of the signatory. The form must be signed and dated.

Please note! If the form is submitted in a digital format, a signature is not required.

Submitting the form

You may submit the form and accompanying documentation via e-mail to:
trademarks@bip.sx