

Notes

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

1 Contact information

Specify your own reference or file number. 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 filing the application. 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

The applicant is the person or organization seeking to register a trademark. An applicant may be either an individual or a legal entity.

- Individual: If the applicant is an individual, make sure to provide their surname and first name in full.

- Legal entity: If the applicant is a legal entity, make sure to specify the legal form of the enterprise.

You are obliged to provide your address, as it will be included in the trademarks register. The P.O. Box address may be stated on the form, but this is not mandatory.

4 Representative

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

Representatives are external agencies or independent experts. They can provide advice on trademark protection, and handle all formalities on behalf of the applicant.

If you will be enlisting the services of a representative or a lawyer specialised in intellectual property, they must have a residential or business address within Sint Maarten and they must be recognized by the Bureau.

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

5 Individual or collective mark

An individual mark is a trademark used by companies to distinguish their goods (products) and services from those offered by their competitors.

A collective mark is a form of quality control trademark, such as Woolmark. Collective marks are not (and may not be) used by the proprietor (of the trademark). The proprietor is solely responsible for ensuring that the party they have entitled to use the mark (the user) adheres to (and continues to adhere to) the relevant terms and conditions. These terms and conditions must be described in a set of regulations.

Please note! These regulations must be enclosed with the application for the collective mark. In these regulations, the proprietor must specify the goods (products) and services for which they are filing the trademark application. The proprietor must also specify the preconditions for use of the mark, and describe how these are controlled and which sanctions are imposed should a user fail to comply with these preconditions.

6 Mark

Verbal marks

A verbal mark consists of a letter/letters or a digit/digits or combination of letter(s) and digit(s).

Figurative marks

A figurative mark may be either purely iconic/symbolic (containing no letters and/or digits) or consist of a combination of images and letters and/or digits. A figurative mark may also consist of a word in a specific font or treatment.

Other trademarks

In case of a figurative mark, you can provide further details by specifying the exact type of mark:

- Sound mark: your mark is the graphic representation (in musical notation) of a sound.
- Three-dimensional mark: your mark consists (entirely or partially) of the three-dimensional representation of a shape.
- Colour mark: your mark consists solely of one or more colours (colour mark).
- Or another type of mark not mentioned here.

You are only required to answer this question if your mark belongs to a specific type of mark. **In practice, however, this is extremely rare.**

7 Colour(s)

Fill in this section if your mark contains colour(s). The colour(s) must be specified in words.

If you entered 'colour mark' under question 7, you must include a specification of the relevant colour code(s) with your list of colours.

8 Representation of the trademark

Verbal marks

If you wish to register a verbal mark, specify the trademark in the box, using block capitals.

Figurative marks

If you wish to register a figurative mark, place an image of the mark in the box.

The image must be of sufficient quality to allow for electronic processing (scanning). The image must be a photo(graphic) image of professional quality on matte paper with a rectangular or square format. The height and width of the image – not the paper itself – should be no larger than 8 cm and no smaller than 1.5 cm.

All elements of the mark must be clearly legible and easy to distinguish.

Please note: the Bureau may request that you submit more images of the mark.

- Application by fax (in the case of a figurative mark)
If you will be submitting the trademark application for your figurative mark by fax, all aspects of the trademark must be clearly visible. Submit an original image (preferably by e-mail) at the earliest possible opportunity – within two weeks at the latest – mentioning your filing number. If the original image differs from the image submitted by fax, the filing date will be postponed.
- Application via e-mail (in the case of a figurative mark)
If you will be submitting the application via e-mail, make sure to include the image of your trademark in the same e-mail. (preferably as a JPG, GIF or PNG, maximum printing format 8 X 8 cm).

9 Priority of the earlier filing

You may claim right of priority if you have previously registered the same mark for some or all of the same goods (products) or services outside of Sint Maarten.

However, this is subject to the precondition that the previous filing is not older than six months and was applied for in a country that has ratified the Paris Convention for the Protection of Industrial Property or is a member of the WTO (World Trade Organisation).

If you are invoking the right of priority, you must state the country, number, entitled party and date of the filing upon which the right of priority is based. You must also include a copy of the previous filing.

If the applicant for the trademark in the country of origin is not the same as the person applying for this filing, the latter must submit a document establishing their rights.

10 Goods and services

If you are seeking to register a trademark, you must specify the goods (products) and/or services for which you aim to use it.

Goods (products) and services are classified according to an international standard also referred to as the Nice Classification. This classification comprises 45 classes (categories).

Specify the class numbers for the application and describe the specific goods (products) and services within the relevant class. You can do so in two ways:

- 1 Use the standard class numbers and standard description, as specified in the appendix.

Example:

CI 35 Advertising; management of commercial affairs; business administration; administrative services.

- 2 Use the standard class numbers and provide your own description of the specific goods (products) and services in question.

Example:

CI 35 Advertising and advertising consultancy; advertisement design; technical consulting services for advertising campaigns; the management of commercial affairs; market research and consultancy; marketing and marketing consultancy services; the development, elaboration and implementation of advertising campaigns and other promotional activities and projects.

If your goods (products) and or services are classified under more than three classes, you will be required to pay an additional fee for each additional class.

11 Fees

For an overview of our fees, please see our website. The specified amounts are not subject to VAT.

The Bureau must have received your payment on the same day as your application. If your payment is delayed, the filing date will be postponed until the date on which we receive your payment.

12 Payment

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

The Windward Islands Bank

Bank account in the name of Benelux Office for Intellectual Property

XCG - 0081377104

- SWIFT (BIC) WIRE TRANSFERCODE: WISBSXSM

Disclaimer:

To avoid delays and bank charges, please ensure that payments are made in the currency of the bank account indicated **above**.

If payment is made from a USD account, kindly apply the exchange rate of **1.82** when transferring funds.

Any costs derived from bank transfers or currency conversions shall be for the account of the applicant and will be deducted from the received amount.

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

If you have a current account at BOIP, the amount due may be debited from the balance of this 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.

13 Attachment(s)

Specify the number and type of attachment(s) you will be enclosing with the application form.

If the form does not provide sufficient space to specify the various goods (products) and services, you may also submit this information in the form of an appendix. If this is the case, we recommend that you refer to this appendix under point 10.

14 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.

15 Submitting the form

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

You will receive a notification from the Bureau within several days, specifying the number assigned to your application and the date on which the application was received.