

CAYMAN ISLANDS



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**THE PATENTS LAW, 2011  
(LAW 30 OF 2011)**

**THE PATENTS AND TRADE MARKS (AMENDMENT) REGULATIONS,  
2017**

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**ARRANGEMENT OF REGULATIONS**

1. Citation and commencement
2. Amendment of regulation 1 of the Patents and Trade Marks Regulations, 2012 - citation
3. Amendment of regulation 3 - registers
4. Amendment of regulation 7 - content of register entries
5. Repeal of regulation 8 - prints to accompany application for extension of trade mark
6. Repeal and substitution of regulation 9 - registered agents
7. Amendment of regulation 11 - litigation
8. Amendment of regulation 12 - practice directions

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**THE PATENTS LAW, 2011  
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**THE PATENTS AND TRADE MARKS (AMENDMENT) REGULATIONS,  
2017**

In exercise of the powers conferred by section 20 of the Patents Law, 2011 (Law 30 of 2011), Cabinet makes the following Regulations -

1. (1) These Regulations may be cited as the Patents Regulations, 2017. Citation and commencement  
  
(2) These Regulations come into force immediately after the Patents and Trade Marks (Amendment) Law, 2016 comes into force. Law 30 of 2016
  
2. The Patents and Trade Marks Regulations, 2012, in these Regulations referred to as the “principal Regulations”, are amended in regulation 1 by deleting the words “and Trade Marks”. Amendment of regulation 1 of the Patents and Trade Marks Regulations, 2012 - citation
  
3. The principal Regulations are amended in regulation 3 in paragraph (1) as follows - Amendment of regulation 3 - registers
  - (a) by deleting subparagraphs (b), (d) and (f); and
  - (b) by inserting after subparagraph (e) the word “and”.
  
4. The principal Regulations are amended in regulation 7 in paragraph (1) as follows - Amendment of regulation 7 - content of register entries
  - (a) by deleting the words “or (b)”;
  - (b) in subparagraph (d) by deleting the words “or trade mark right”;
  - (c) by inserting at the end of subparagraph (e) the word “and”;
  - (d) in subparagraph (f) -
    - (i) by deleting the words “for patents”; and
    - (ii) by deleting the words “; and” and substituting a full stop; and
  - (e) by deleting paragraph (g).

- Repeal of regulation 8 -  
prints to accompany  
application for extension  
of trade mark
5. The principal Regulations are amended by repealing regulation 8.
- Repeal and substitution  
of regulation 9 -  
registered agents
6. The principal Regulations are amended by repealing regulation 9 and substituting the following -
- “Registered agent
9. (1) An applicant who wishes to be recognised as a registered agent for patents under section 6 of the Law shall apply to be recognised as a registered agent for design rights, patents and trade marks.
- (2) The Registrar shall not accept an application to be recognised as a registered agent for patents only.
- (3) Upon approval of the application, the Registrar shall enter the name of the registered agent on the register of agents.
- (4) Subject to paragraph (3), a registered agent shall, on or before the 31<sup>st</sup> March each year, pay the registered agent annual fee prescribed in the Schedule to the Law.
- Law 29 of 2016  
Law 31 of 2016
- (5) The requirement to pay the annual fee referred to in paragraph (1) does not apply to a registered agent who has paid the annual fee as required by the Design Rights Registration Law, 2016 or the Trade Marks Law, 2016.
- (6) The Registrar may notify the registered agent of the annual fee payable by the registered agent in January based upon the number of patents recorded as attributable to the registered agent which were registered as at 31st December of the prior year.
- (7) If the annual fee is not paid by 1st April the Registrar may remove the name of the registered agent from the register of agents.
- (8) Any registered agent who defaults in paying the registered agent annual fee shall pay, in addition to the annual fee, a penalty of -
- (a) 33.33% of the annual fee referred to in paragraph (1), if the fee and penalty are paid

between the 1<sup>st</sup> April and the 30<sup>th</sup> June;

- (b) 66.67% of the annual fee referred to in paragraph (1), if the fee and penalty are paid between the 1st July and the 30th September; and
- (c) 100% of the annual fee referred to in paragraph (1), if the fee and penalty are paid between the 1st October and the 31st December.

(9) A registered agent who has been removed from the register of agents shall, in order to be re-instated in the register of agents, reapply to be recognised as a registered agent and pay the annual fee.

(10) A registered agent shall notify the Registrar and any prior registered agent appointed by the owner of a patent upon his appointment by the owner of a patent and the Registrar shall duly record the fact of that appointment in the Registry's records.

(11) The Registrar may require evidence of appointment from a registered agent.

(12) For the purposes of paragraph (3), in determining whether a person is a fit and proper person, the Registrar shall have regard to all circumstances, including that person's -

- (a) honesty, integrity and reputation;
- (b) competence and capability; and
- (c) financial soundness.

(13) In this regulation "annual fee" means the registered agent annual fee prescribed in the Schedule to the Law."

7. The principal Regulations are amended in regulation 11 -

- (a) by deleting the words "or trade mark"; and
- (b) by deleting the words "he" and "him" and substituting in each case the words "the Registrar".

Amendment of regulation  
11 - litigation

*The Patents and Trade Marks (Amendment) Regulations, 2017*

Amendment of regulation  
12 - practice directions

8. The principal Regulations are amended in regulation 12 -
- (a) by deleting subparagraphs (b) and (d); and
  - (b) in subparagraph (e) by deleting the words “or trade mark”.

Made in Cabinet the 17<sup>th</sup> day of May, 2017.

Kim Bullings

Clerk of the Cabinet.