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CURAÇAO, SINT MAARTEN and BES ISLANDS: Birth of Three New Trademark Jurisdictions, Successors to Now-Defunct Netherlands Antilles

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The world of IP protection welcomes the birth of three new trademark jurisdictions—Curaçao, Sint Maarten and BES Islands—flowing from the wake of the Netherlands Antilles, which was dissolved October 10, 2010.

Trademark registrations in the Netherlands Antilles became a nullity, but all marks registered there were automatically continued in Curaçao and Sint Maarten. In BES Islands (consisting of Bonaire, Sint Eustatius and Saba), Netherlands Antilles registrations can be confirmed for free, upon application until October 9, 2011. All applications pending on October 10, 2010, are likewise extended in Curaçao and Sint Maarten or can be confirmed in BES.

Like Aruba, Curaçao and Sint Maarten became autonomous states within the Kingdom of the Netherlands, while the BES Islands reverted to “special municipalities” of the Netherlands.

Curaçao and Bonaire are just north of Venezuela; the other islands are southeast of the Virgin Islands. Bonaire is over 500 miles south of Sint Eustatius and Saba, which are only 17 miles apart.

Trademark Law and Administration

Each jurisdiction will have its own trademark statute, with the Netherlands Antilles legislation continuing temporarily to apply until then. The administration of intellectual property has likewise been fractured, with Curaçao now having its own IP office and Sint Maarten scheduled to have one. Meanwhile, IP for Curaçao and Sint Maarten continues to be administered in Curaçao. BES Islands IP, however, is administered in Europe, in the Benelux Office for Intellectual Property.

New Registrations

Any new applications must be filed separately in each of the new jurisdictions. In all three, Paris Convention priority may be claimed and the Ninth Edition of the Nice Classification applies.

International Registrations

Information on the effect of the constitutional changes appeared in a previous [INTA Bulletin article on the Netherlands](#) (Vol. 65, No. 21, Dec. 1, 2010).

Renewals and Recording Other Transactions

Renewals must be filed separately in all three jurisdictions, and the registers may be updated by the recording of assignments, changes of name and so on—also by separate application in each jurisdiction.

In 2012, the new Caribbean guilder will replace the Netherlands Antilles guilder in both Curaçao and Sint Maarten, while on January 1, 2011, BES Islands adopted the U.S. dollar as its official currency. In 2007, after a decades-long debate, both English and Papiamentu were made official languages, alongside Dutch.