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TURKS & CAICOS ISLANDS: New Annual Maintenance and Publication Fees

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Starting January 1, 2012, an annual maintenance fee of US \$100 will be required for each trademark registration in Turks & Caicos Islands. In addition, the Registrar imposed a publication fee of \$175, beginning on July 29, 2011.

Annual Maintenance Fee

Turks & Caicos has now joined Cayman Islands as the only jurisdictions in the Commonwealth Caribbean (common law jurisdictions that are part of the British Commonwealth of nations) to impose an annual levy for maintaining a trademark registration.

The Trade Marks Ordinance 2007 allowed the Registrar to charge such a fee, but this provision was dormant until the Trade Marks (Amendment) Rules 2011 took effect on July 29, 2011. The annual fee applies only to marks that are fully registered on January 1, 2012 and no fees apply to the year 2011.

A one-month grace period until February 1 is allowed each year for late payment, failing which the trademark rights are deemed to be in abeyance, that is, the rights are suspended temporarily, not permanently, and remain suspended until such time as all fees in arrears have been paid, at which time the rights become fully restored. There is no financial penalty for late payment.

Publication Fee

The Registrar now imposes a fee of \$175 for publication of an application in the Gazette, regardless of the number of classes covered by the application. A similar fee is charged for the publication of renewals and proprietorship changes, such as assignments and mergers, and changes of name or address.

The basic application fee for local registrations remains \$200 per class. The fees for U.K.-based applications \$275 for the first class and \$100 for each additional class.

Although every effort has been made to verify the accuracy of items in the *INTA Bulletin*, readers are urged to check independently on matters of specific concern or interest.

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