

## WHAT IS A TRADEMARK?

A Trademark is a distinctive sign, mark, or design such as a logo used in the branding of goods or services and is both visible and registrable. It uniquely identifies a particular product or service in the trade or industry. Brand names like *Coca-Cola*™, *McDonalds*™, *Apple*™, and *Geico*™ famed by the irresistible *gecko* leave no question in anyone's mind about the product or service being associated in each case. Registered Trademarks are denoted by the symbol™.

## WHAT MAY BE REGISTERED

Generally words, designs, symbols, or logos which are not currently registered as a Trademark in The Bahamas may be registered. Registrable Marks must bear at least one of the following properties:

- ✓ The name of the individual or business with which it is associated
- ✓ The applicant's (or predecessor's) signature
- ✓ An invented word(s)
- ✓ A distinctive mark
- ✓ It may not describe the character or quality of the goods
- ✓ It may not connote a geographical name
- ✓ It may not be a surname

## WHAT MAY NOT BE REGISTERED

- Current, registered Marks
- Offensive words, designs or marks
- Marks which are calculated to deceive

## REGISTRATION

In The Bahamas, Trademark registration is a multiple-part process:

1. The Mark must be submitted for approval. An approved Mark means that the same Mark has not been previously registered or submitted for registration in The Bahamas. A Mark may be conditionally or unconditionally accepted.
2. The accepted Mark may be filed for registration. An accepted Mark is first provisionally registered, and confirmed by a Certificate of Provisional Registration.
3. The Mark is published by Gazette. This constitutes a public notice of the intent to register, and any objections may be received within a prescribed period.
4. After the prescribed period, the Mark is granted final registration, retroactive to the date of registration. In other words, ***the date of application for registration constitutes the date of registration.***

## EFFECT OF REGISTRATION

Registration equips the applicant with an exclusive right to use the Mark in respect of the goods or services for which it is registered for the protected period.

## DURATION OF PROTECTION

A registered Mark is protected for a period of 14 years from the date of registration, and the registration is renewable. If registration lapses, the Mark may enter the public domain.

## EXTENT OF PROTECTION

Trademarks registered in The Bahamas are protected within the jurisdiction of The Bahamas only, and not worldwide.

## COST

The costs of Trademark registrations include search fees, if required, registration fees, and legal fees. Trademark registrations are relatively cost-efficient in The Bahamas.