

Registration of UK Patents & Designs Abroad

It is possible to register UK national patents, European patents (UK) and UK registered designs in a number of overseas states and territories. This sheet lists the states and territories in which we believe registration to be possible for each type of intellectual property.

The information in this sheet is derived from that available from the UK Intellectual Property Office (UKIPO) and that which has been supplied to us by attorneys working in or with the countries concerned. It has not necessarily been obtained from official sources and, although it is up-to-date to January 2009 as far as we are aware, neither Mewburn Ellis LLP nor the UKIPO can accept responsibility for the accuracy of the information. Due to the number of countries involved, it is unlikely to be one hundred percent accurate or complete.

UK PATENTS

Automatic extension of UK national patents

Patents granted under UK national law are automatically extended to:

British Indian Ocean Territory
Swaziland

Registration of UK national patents

Unless otherwise stated, we believe that registration must be applied for within three years from the date of grant of the UK patent.

Unless otherwise stated, the maximum term of the registration is believed to be 20 years, but in general the overseas registration will remain in force only for as long as the corresponding UK patent is in force.

If the UK patent is allowed to lapse or is revoked, then all corresponding overseas registrations will automatically lapse or be revoked at the same time.

Registration of UK national patents is available in:

Anguilla	Jersey
Bermuda	Kiribati
British Virgin Islands	Montserrat
Brunei Darussalam	Nauru ⁴
Cayman Islands ¹	Samoa ⁵
Dominica ⁸	Seychelles
Falkland Islands	Sierra Leone
Fiji	Solomon Islands
Gambia	St. Helena
Gibraltar	St. Lucia ⁶
Grenada ²	Turks and Caicos Islands ⁷
Guernsey ^{1 & 9}	Tuvalu
Guyana ³	Vanuatu

¹ Registration may be applied for at any time after grant and during the life of the UK patent.

² The maximum term of registration is believed to be 14 years.

³ The maximum term of registration is believed to be 16 years.

⁴ An Australian or USA patent may also be registered

⁵ Registration must be applied for within two years from the date of grant of the UK patent

⁶ A new law was due to come into force in late 2003, the impact of which is not yet known

⁷ Registration must be applied for within five years from the date of grant of the UK patent.

⁸ A new law came into force in August 2008. Interim provisions allow for re-registration up to 25 August 2009.

⁹ A new law is due to come into force mid-2009

EUROPEAN PATENTS (UK)

Registration of European patents (UK) in overseas states or territories

Unless otherwise stated, we believe that registration must be applied for within three years from the date of grant of the patent.

In all cases the maximum term of the registration is believed to be 20 years, but in general the overseas registration will only remain in force for as long as the corresponding EP(UK) is also in force.

If the EP(UK) is allowed to lapse or is revoked, then all corresponding overseas registrations will automatically lapse or be revoked at the same time.

Anguilla ¹⁰	Jersey
Bermuda	Kiribati
British Virgin Islands	Montserrat
Brunei Darussalam	Nauru
Cayman Islands ¹⁰	Samoa ¹¹
Falkland Islands	Seychelles
Fiji	Sierra Leone
Gambia	Solomon Islands
Gibraltar	St Helena
Grenada	Turks and Caicos Islands ¹²
Guernsey ^{10 & 13}	Tuvalu
Guyana	Vanuatu ¹⁴

¹⁰ Registration may be applied for at any time after grant and during the life of the EP(UK)

¹¹ Registration must be applied for within two years from the date of the grant of the EP(UK)

¹² Registration must be applied for within five years from the date of the grant of the EP(UK)

¹³ A new law is due to come into force mid-2009.

¹⁴ A new law of July 2008 allows for registration of European patent validated in any EU country.

UK REGISTERED DESIGNS

Countries to which a UK design registration extends

The following countries allow an automatic extension without the need for local registration:

Anguilla	Kiribati
Bermuda	Nauru
British Indian Ocean Territory	St. Helena
British Virgin Islands	St. Lucia ¹⁵
Falkland Islands	Seychelles
Fiji	Sierra Leone
Gambia	Solomon Islands
Ghana	Swaziland
Gibraltar	Tanzania ¹⁶
Grenada	Vanuatu
Guyana	

In the following countries, it would appear that the act of applying for design protection based upon a UK design is a mere formality and that registration will be granted by local application:

Dominica ²¹	Montserrat ¹⁸
Guernsey ^{18 & 20}	Trinidad and Tobago ¹⁷
Jersey ¹⁷	Tuvalu
Malta ¹⁹	

It is not clear which, if any, of the above countries will be covered by, or will allow the registration of a Community Design registration.

¹⁵ A new law was due to come into force in late 2003, the impact of which is not yet known

¹⁶ Tanganyika and Zanzibar are treated separately. Tanganyika has new legislation planned but no details yet. It appears that Zanzibar is no longer allowing registration of UK designs following changes in legislation.

¹⁷ Application must be made within three years of registration in the UK

¹⁸ Application may be made at any time during the life of the UK registration

¹⁹ Application must be made within four months of registration in the UK

²⁰ A new law is due to come into force mid-2009.

²¹ A new law of August 2008 may allow registration of UK designs up to 25 August 2009.

This information is simplified and must not be taken as a definitive statement of the law or practice. For more information on Mewburn Ellis LLP and other intellectual property matters, please contact us or visit our website at www.mewburn.com. Mewburn Ellis LLP is a Limited Liability Partnership registered in England (no. OC306749). Registered Office at 33 Gutter Lane, London EC2V 8AS

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