

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 October 2007 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	Kiribati
Bermuda	Montserrat
British Virgin Islands	Nauru ⁴
Brunei Darussalam	Samoa ⁵
Cayman Islands ¹	Seychelles
Dominica	Sierra Leone
Falkland Islands	Solomon Islands
Fiji	St. Helena
Gambia	St. Lucia ⁶
Gibraltar	St. Vincent and the Grenadines
Grenada ²	Turks and Caicos Islands ⁷
Guernsey ¹	Tuvalu
Guyana ³	Vanuatu
Jersey	

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.

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.

Anguilla⁸
Bermuda
British Virgin Islands
Brunei Darussalam
Cayman Islands⁸
Falkland Islands
Fiji
Gambia
Gibraltar
Grenada
Guernsey⁸
Guyana
Jersey
Kiribati
Montserrat
Nauru
Samoa⁹
Seychelles
Sierra Leone
Solomon Islands
St Helena
St. Vincent and the Grenadines
Turks and Caicos Islands¹⁰
Tuvalu
Vanuatu

⁸ Registration may be applied for at any time after grant and during the life of the EP(UK)

⁹ Registration must be applied for within two years from the date of the grant of the EP(UK)

¹⁰ Registration must be applied for within five years from the date of the grant of the EP(UK)

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 ¹¹
Falkland Islands	St. Vincent and the Grenadines
Fiji	Seychelles
Gambia	Sierra Leone
Ghana	Solomon Islands
Gibraltar	Swaziland
Grenada	Tanzania ¹²
Guyana	Vanuatu

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	Montserrat ¹⁴
Guernsey ¹⁴	Trinidad and Tobago ¹³
Jersey ¹³	Tuvalu
Malta ¹⁵	

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.

¹¹ A new law was due to come into force in late 2003, the impact of which is not yet known

¹² Separate applications are required for registration in Tanganyika and Zanzibar but new legislation is being drafted

¹³ Application must be made within three years of registration in the UK

¹⁴ Application may be made at any time during the life of the UK registration

¹⁵ Application must be made within four months of registration in the UK

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.

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