



Trade Marks Prosecution Fact Sheet

French Speaking Caribbean

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2 French Caribbean

The Overseas Departments and Territories (DROM) of France, namely, French Guiana, Guadeloupe, Martinique, Mayotte, and Reunion; the Overseas Communities (COM), namely New Caledonia, Saint Barthélemy, Saint Martin, Saint Pierre and Miquelon, Wallis and Futuna and; French Polynesia (FP) consisting of the Society Islands (Tahiti), the Tuamotu Archipelago, the Gambier Islands, the Marquesas Islands, the Bass Islands and the Austral Islands

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1 Haiti

Type of filings	National
Priority	Paris Convention Priority can be claimed. Haiti is a party to the Paris Convention.
Single or multi-class	Single class only
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the registration date (which is typically the same as the filing date, although we have seen variations on this, so the certificate of registration should always be reviewed carefully)
Renewals	<ul style="list-style-type: none"> • Due every 10 years • Arguably, a 6-month grace period should be provided under the Paris Convention, but it is understood that recently the Ministry of Legal Affairs has ceased to honour this. Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Original Power of Attorney in French • Original notarised and legalised accompanying documents in French where relevant to the particular type of filing to be made, e.g. <ol style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying changes of name / mergers • Priority-based applications (new filings only): a certified French-language hard copy priority document issued by the relevant IPO. If a French-language translation is not available from the relevant IPO then a notarised French translation should be provided • Use: Proof of use of the trade mark in Haiti (no formalities) or a notarized declaration of non-use must be submitted within the first three months of: (a) the sixth year following the registration date; and (b) the sixth year following the renewal date of the trade mark registration. There is no official grace period in which to late-file the evidence of use/non-use
Observations	<p>The social, economic, and political climate in Haiti is turbulent, which can affect the smooth running of the Intellectual Property Service at the Ministry of Commerce and Industry. The Ministry also works with a paper-based system which can make searching difficult and unreliable. It can also take years for applications to be registered and for certificates to issue.</p> <p>As of 13 June 2022, the Ministry accepts terms from the Harmonised database of the EUIPO's TMClass.</p>

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French Caribbean: French Guiana, Guadeloupe, Martinique, Mayotte, Reunion, New Caledonia, Saint Barthélemy, Saint Martin, Saint Pierre and Miquelon, Wallis and Futuna; French Polynesia

Type of filings	Protection is automatic via the successful prosecution of a French trade mark registration; however, in order to protect French Polynesia, an application to extend the scope of the French trade mark registration must also be filed
Priority	Paris Convention Priority can be claimed. France is a party to the Paris Convention.
Single or multi-class	Both single and multi-class applications are accepted
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the filing date
Renewals	<ul style="list-style-type: none"> • Due every 10 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • No Power of Attorney is required • Scanned copy accompanying documents are required where relevant to the particular type of filing to be made, e.g. <ol style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying changes of name / mergers • Priority-based applications (new filings only): a scanned copy of the priority document as issued by the relevant IPO (if a French-language version is not available a French translation should be provided).
Observations	It is also possible to secure trade mark protection in certain parts of the French Caribbean under an EU trade mark registration. EU trade mark registrations automatically extend to French Guiana, Guadeloupe, Martinique, Mayotte (since 1 January 2014), Reunion, and Saint Martin.