

Protecting Your Business and Reputation in Cayman

A useful 5 point guide

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1. Trade Marks Law 2016

When you have spent years – and sometimes generations – building up a business, a reputation and a client base, it makes sense to take simple steps to protect that brand.

Without protecting your trademarks and brand, competitors can mimic your business – taking advantage of your work and reputation, while simultaneously devaluing it with their own products or services.

The Trade Marks Law, 2016 came into effect last August, allowing local businesses to protect their trademarks and intellectual property without first registering in the UK or EU.

Registering trademarks is not expensive, and gives you rights to protect your brand with simple but robust legal remedies.

2. 5 things you need to know...

A trade mark is a unique way of identifying products and services, made up of a combination of words, images, numbers, letters and slogans – it is not the same thing as the name of your business

Someone else mimicking your brand and trademarks can both pull business away from you and diminish your reputation by offering goods or services of lower quality that people will mistakenly associate with you

Where someone is mimicking or stealing your trademarks and brand you need to take action as quickly as possible

Applications to register a trademark must be made through a registered agent such as Ogier – the application must be published in the Intellectual Property Gazette before it can be formally registered

You can register your own name as a trade mark if it is associated with your business and the goods or services you provide – but if you have a common surname, you may have trouble

3. 5 reasons to take action...

There is a simple and straight-forward way to take action to protect your brand and trademarks, by registering them at the Cayman Islands Intellectual Property Office, part of the General Registry Department

Once you have registered a trademark you have the right to its exclusive use and a robust legal remedy against anyone who is using it without authorisation

Having a mark on the Cayman register warns others of your claim to that mark and acts as a deterrent – where people know that you have legal protection, they will be less likely to mimic your brand

Ogier can advise you on your registration application and carry out searches prior to application in the Cayman Islands to try to establish whether the same or similar marks already exist

We can also arrange to watch for marks applied for by others that may conflict with your own, and oppose their registration – and advise you on infringements and what action to take.

The information and expressions of opinion contained in this guide are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

Contact Us

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