

(Text as applicable on: 27-10-2011)

Regulation of the Netherlands Minister of Economic Affairs of 9 September 2010, no. WJZ/10134751 containing a temporary provision for international trademarks and rules for executing the Implementing Regulations under the Trademarks Act for the BES Islands [*Uitvoeringsregeling merken BES*]

Article 1

In this Regulation, the term "Regulation" shall be understood to mean: Regulation Implementing the Trademarks Act for the BES Islands.

Article 2

[Repealed with effect from 07-10-2011]

Article 3

1. The following fees apply to the filing of a trademark:
 - a. basic fee individual trademark, up to three classes, an amount of USD 310;
 - b. basic fee collective trademark, up to three classes, an amount of USD 481;
 - c. additional fee for each class in addition to the third, an amount of USD 48;
 - d. additional fee for the description of distinctive elements, an amount of USD 50;
 - e. registration of declaration of a right of priority, an amount of USD 19;
 - f. confirmatory filing of a trademark, free of charge.
2. The following fees apply to the renewal of a trademark:
 - a. basic fee individual trademark, up to three classes, an amount of USD 335;
 - b. basic fee collective trademark, up to three classes, an amount of USD 611;
 - c. additional fee for each class in addition to the third, an amount of USD 59;
 - d. extra fee for renewal within six months following the expiry date, an amount of USD 166.
3. The following fees apply to the amendment of information regarding a trademark:
 - a. assignment or transfer, licence, pledge or attachment:
 - 1°. first trademark, an amount of USD 70;
 - 2°. second to fifth trademarks, an amount of USD 35 each;
 - 3°. each subsequent trademark, free of charge;
 - b. registering a restriction on goods and services, an amount of USD 57;
 - c. change in agent, including his designation after a filing is registered:
 - 1°. first trademark, an amount of USD 28;
 - 2°. second to fifth trademarks, an amount of USD 14 each;
 - 3°. each subsequent trademark, free of charge;
 - d. change of the name and/or address of a trademark holder, agent or licensee, free of charge;
 - e. correction of slips of the pen after registration attributable to the holder:
 - 1°. first trademark, an amount of USD 24;
 - 2°. each subsequent trademark, an amount of USD 12.

Article 4

The following fees apply to the provision of copies of a trademark:

- a. non-certified, per registration, an amount of USD 5;
- b. non-certified, others per page, an amount of USD 6;
- c. certified, per registration, an amount of USD 19;
- d. certified, others per page, an amount of USD 22;
- e. proof of rights of priority, an amount of USD 19.

Article 5

For forwarding an application for an international trademark and renewing the international trademark, an amount of USD 103.

Article 6

The USD amount of the individual fees as defined in Article 8(7)(a) of the Madrid Protocol is as follows:

- a. for an international filing:
 - 1°. basic fee individual trademark, up to three classes, an amount of USD 205;
 - 2°. basic fee collective trademark, up to three classes, an amount of USD 293;
 - 3°. additional fee for each class in addition to the third, an amount of USD 21;
- b. for renewing an international registration:
 - 1°. basic fee individual trademark, up to three classes, an amount of USD 335;
 - 2°. basic fee collective trademark, up to three classes, an amount of USD 611;
 - 3°. additional fee for each class in addition to the third, an amount of USD 59.

Article 7

1. Fees and duties owed must be paid prior to the execution of the requested transaction and may in any case be accomplished by:
 - a. transfer to or deposit into the duly designated bank account;
 - b. a written request for a monetary transfer from a current account held by the interested party or his agent. In this case, the account holder will receive, at least quarterly, a statement of the payments and the balance of his account.
2. A method of payment other than that defined in the first paragraph may be refused if the finalisation of that payment should prompt such refusal.
3. Each payment must clearly and fully state the purpose for which that payment is being made.

Article 8

The filing of a trademark shall be accompanied by:

- a. if the trademark is a figurative trademark, a depiction of that mark that fits in a frame measuring between 1.5 by 1.5 centimetres and 8 by 8 centimetres. A request for the submission of more depictions of the trademark may be made at all times;
- b. if the case arises:
 - 1°. a statement of the colour or colours of the trademark;
 - 2°. a statement that the trademark or a part thereof is three-dimensional;

- 3°. a statement that the trademark consists of the shape of the good or packaging;
- c. if it concerns a collective trademark: a copy of the regulations for use and control.

Article 9

This Regulation shall enter into force on 10 October 2010.

Article 10

This Regulation shall be cited as: Regulation Implementing Trademarks in the BES Islands

This regulation will be placed in the Dutch Government Gazette [*Staatscourant*] with the explanatory notes.

The Hague, 9 September 2010

The Minister of Economic Affairs,

M.J.A. van der Hoeven

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