

A guide to our services in  
**Australia, New Zealand  
and the Pacific Islands**

# AJ Park: The preferred choice for IP protection in the Pacific region

**For more than 125 years, AJ Park has supported local and international clients in the Australian and New Zealand markets.**

**As international trade developed, we noticed an increased need for strong and experienced representation throughout the Pacific Islands.**

**We have extensive experience protecting intellectual property rights throughout the Pacific Islands, and have built strong relationships with the local registries and agents.**

In addition to Australia and New Zealand, we offer patent, design and trade mark services in the following Pacific Island countries/territories:

- American Samoa
- Cook Islands
- Fiji
- French Polynesia (including Tahiti)
- Guam
- Kiribati
- Marshall Islands
- Micronesia (Federated States of)
- Nauru
- New Caledonia
- Niue
- Northern Marianas
- Palau
- Papua New Guinea
- Pitcairn Islands
- Samoa
- Solomon Islands
- Tokelau
- Tonga
- Tuvalu
- Vanuatu
- Wallis and Futuna

This guide sets out the countries in which we act, the types of intellectual property protection available in each territory, and our costs.

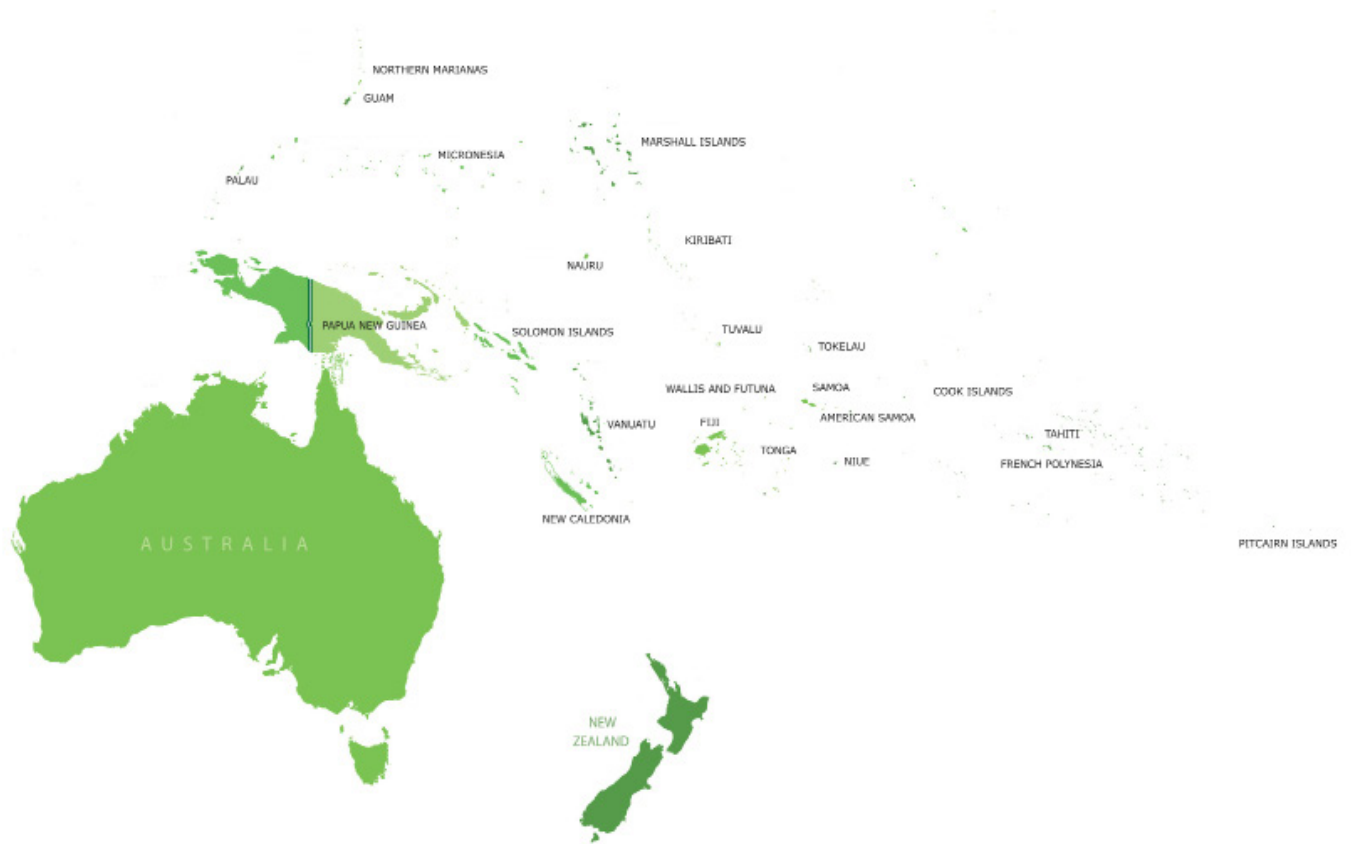
Our portfolio management services can be tailored to your specific requirements to cover any countries in the Pacific Islands in addition to Australia and New Zealand.

The disbursements shown are an estimate of official fees and are responsive to exchange rates. They do not include bank fees, courier costs, postage and handling.

For patents and designs, local agents' fees are additional to the costs set out. They can vary, and may in some cases exceed our own fees. We can usually provide an estimate of these costs before filing.

# Map of the countries in which we offer services in the Pacific region

We can help you protect your intellectual property rights in Australia, New Zealand and the majority of countries in the Pacific Islands.



# Australia

**Australia comprises the mainland of the Australian continent, the island of Tasmania, and numerous smaller islands. It has six states—New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia. Australia is the world’s sixth-largest country by total area and has the world’s 13th-largest economy.**

## Trade marks

Trade mark applications in Australia can cover:

- goods and services
- more than one class of goods or services
- a series of trade marks
- colours, shapes, sounds and smells.

Australia is a member of the Madrid Protocol, Paris Convention, Singapore Treaty, amongst others.

## Patents

You can file three types of patent applications in Australia.

1. A national phase entry from an international PCT application, which lasts for up to 20 years once granted.
2. A direct national patent application, which lasts for up to 20 years once granted.
3. An innovation patent, which lasts for up to eight years once granted.

Australia is a member of the Paris Convention.

## Designs

An Australian design can be registered for five years from the date the application was filed, and can be renewed for a further five years.

Australia is a member of the Paris Convention.

## Fees (US\$)

Fee schedule available on request.

# New Zealand

**New Zealand comprises two main landmasses—the North Island and the South Island, as well as several smaller islands. New Zealand is 1,500kms east of Australia across the Tasman Sea. New Zealand's capital city is Wellington, though its most populous city is Auckland.**

## Trade marks

Trade mark applications in New Zealand can cover:

- goods and services
- more than one class of goods or services
- a series of trade marks
- colours, shapes, sounds and smells.

New Zealand is a member of the Madrid Protocol, Paris Convention, Singapore Treaty, amongst others.

## Patents

You can file two types of patent applications in New Zealand.

1. A national phase entry from an international PCT application, which lasts for up to 20 years once granted.
2. A direct national patent application, which lasts for up to 20 years once granted.

New Zealand is a member of the Paris Convention.

## Designs

A New Zealand design is initially registered for five years. Renewal fees are then due at five and 10 years from the application date. The full term of 15 years cannot be extended.

New Zealand is a member of the Paris Convention.

## Fees (US\$)

Fee schedule available on request.

# What and where are the Pacific Islands?

**The Pacific Islands comprise over 20,000 islands in the Pacific Ocean.**

Most of the Pacific Islands lying south of the Tropic of Cancer are collectively referred to as Oceania, although Oceania is sometimes defined as also including Australasia.

The Pacific Islands are traditionally grouped into three divisions—Melanesia, Micronesia and Polynesia.

- Melanesia (meaning black islands) includes islands south of the equator (eg, New Caledonia, Vanuatu, Fiji and the Solomon Islands).
- Micronesia (meaning small islands) includes the Northern Marianas, Guam, Palau, the Marshall Islands, Kiribati, Nauru and the Federated States of Micronesia. Most of these lie north of the equator.
- Polynesia (meaning many islands) includes islands mostly south of the equator eg, the Samoan Islands (divided between the independent state of Samoa and American Samoa), Tonga, Tuvalu, the Cook Islands, Wallis & Futuna, Tokelau, Niue, and French Polynesia.



# American Samoa

**American Samoa is an unincorporated territory of the United States located in the South Pacific, southeast of Samoa. It consists of five main islands and two coral atolls.**

## Trade marks

Trade mark registrations obtained in the US extend to American Samoa.

There also appears to be separate trade mark legislation in American Samoa that provides for the protection and registration of trade marks. However, we have been unable to obtain any further information on the process and fees to register trade marks in American Samoa under this legislation.

## Patents

Patents obtained in the US extend to American Samoa.

## Designs

Designs obtained in the US extend to American Samoa.

# Cook Islands

The Cook Islands are in the South Pacific Ocean, about half way between Hawaii and New Zealand. There are 15 major islands with a total land area of 240km<sup>2</sup> spread over 2.2 million square kilometres of ocean.

## Trade marks

There is no current legislation providing for the registration of trade marks in the Cook Islands. However, trade marks registered in New Zealand under the 1953 or earlier Acts will be effective.

If no New Zealand registration under the 1953 or earlier Acts, we recommend that cautionary notices\* be published every two years to provide some protection.

## Patents

There is no current legislation providing for the registration of patents in the Cook Islands. However, patents registered in New Zealand under the 1953 or earlier Acts will be effective.

## Designs

Design registrations obtained in New Zealand extend to the Cook Islands.

## Fees (US\$)

	Agency	Disb	Total
<b>Cautionary notices</b>			
Publication (or renewal) of cautionary notice	\$625	from \$300	from \$925



# Fiji

Fiji is in Melanesia in the South Pacific Ocean. There are more than 332 islands, of which 110 are permanently inhabited, and more than 500 islets, amounting to a total land area of 18,300km<sup>2</sup>. The two major islands, Viti Levu and Vanua Levu, account for 87% of the population. The capital and largest city, Suva, is on Viti Levu.

## Trade marks

You can file two types of trade mark applications in Fiji.

1. A standard trade mark application.
2. A trade mark application based on a UK registration.

You cannot file multiclass applications.

Fiji uses its own classification system.

You cannot seek registration for services.

Fiji is not a member of the Paris Convention.

## Patents

You can file two types of patent applications in Fiji.

1. A national Fijian patent application.
2. A patent application based on a UK registration within three years of the date of issue of the UK patent. (It is unclear if an EP (UK) patent can form the basis of a patent application in Fiji.)

Fiji is not a member of the Paris Convention.

## Designs

Design registrations obtained in the UK extend to Fiji.

## Fees (US\$)

	Agency	Disb	Total
<b>Trade marks</b>			
Application for registration	\$1240	\$210	\$1,450
Examination	from \$530		from \$470
Acceptance and advertisement	from \$320	\$405	from \$725
Registration	\$300	\$50	\$350
<b>Patents</b>			
Application for registration of a patent	\$1,500	\$171	\$1,671

# French Polynesia

**French Polynesia is an overseas collectivity of the French Republic. It consists of six groups of Polynesian islands composing of approximately 130 geographically dispersed islands and atolls stretching over more than 2,000km in the South Pacific Ocean. Its total land area is 4,167km<sup>2</sup>. Tahiti is the most populous island.**

## Trade marks

French Polynesia transferred responsibility for trade mark administration to a local Polynesian administration in May 2013. New legislation was passed and came into force in 2014, but details of the process are not yet available.

Until details of the new legislation and process are available, owners of French national trade mark registrations need to check whether their trade marks automatically extend to French Polynesia. A French national trade mark registration will extend to French Polynesia if the registration complies with all the following steps that apply:

- the national trade mark registration was filed before 3 March 2004
- the national trade mark registration was filed between 3 March 2004 and 31 January 2014, and the applicant has filed a request for recognition with the French Polynesian local authority (by 1 September 2015)
- the national trade mark registration was filed or renewed after 1 February 2014 and the applicant asked for the registration to extend to French Polynesia.

## Patents

French Polynesia transferred responsibility for patent administration to a local Polynesian administration in May 2013. New legislation was passed and came into force in 2014, but details of the process are not yet available.

Until details of the new legislation and process are available, owners of French patent registrations need to check whether their rights automatically extend to French Polynesia. A French patent registration will extend to French Polynesia if the registration complies with all the following steps that apply:

- the French patent registration was filed before 3 March 2004
- the French patent registration was filed between 3 March 2004 and 31 January 2014, and the applicant has filed a request for recognition with the French Polynesian local authority (by 1 September 2015)
- the French patent registration was filed or renewed after 1 February 2014 and the applicant asked for the registration to extend to French Polynesia.

## Designs

French Polynesia transferred responsibility for design administration to a local Polynesian administration in May 2013. New legislation was passed and came into force in 2014, but details of the process are not yet available.

Until details of the new legislation and process are available, owners of French design registrations need to check whether their rights automatically extend to French Polynesia. A French design registration will extend to French Polynesia if the registration complies with all the following steps that apply :

- the French design registration was filed before 3 March 2004
- the French design registration was filed between 3 March 2004 and 31 January 2014, and the applicant has filed a request for recognition with the French Polynesian local authority (by 1 September 2015)
- the French design registration was filed or renewed after 1 February 2014 and the applicant asked for the registration to extend to French Polynesia.

# Guam

Guam is an organised, unincorporated territory of the United States. It is the largest and southernmost of the Mariana Islands in Micronesia with a total land area of 544km<sup>2</sup>.

## Trade marks

Trade mark registrations obtained in the US extend to Guam. You can also file two types of trade mark applications in Guam.

1. A standard trade mark application.
2. A re-registration of a US registration.

Applications can cover:

- a series of trade marks
- goods and services
- more than one class of goods or services.

Guam is not a member of the Paris Convention.

## Patents

Patents obtained in the US extend to Guam.

## Designs

Designs obtained in the US extend to Guam.

## Fees (US\$)

	Agency	Disb	Total
<b>Trade marks</b>			
Application for standard registration in one class	\$855	\$160	\$1015
- each additional class	\$295	\$110	\$405
Examination	from \$530		from \$530
Acceptance and advertisement	\$320		\$320
- each additional class	\$135		\$135
Registration	\$300		\$300
- each additional class	\$125		\$125

# Kiribati

Kiribati, a member of the Commonwealth, comprises 33 atolls and reef islands and one raised coral island. It is divided into three island groups—Gilbert Islands, Line Islands, and Phoenix Islands. Kiribati's islands are dispersed over 3.5 million square kilometres, with a total land area of 800km<sup>2</sup>.

## Trade marks

A trade mark application must be based on a UK registration.

Applications can cover:

- a series of trade marks
- goods and services
- colours, shapes, sounds, or smells.

You cannot file multiclass applications.

Kiribati is not a member of the Paris Convention.

## Patents

A patent application must be based on a UK patent.

The owner of a UK patent can apply for registration of the UK patent in Kiribati within three years of the date of issue in the UK. (It is unclear if an EP (UK) patent can form the basis of a patent application in Kiribati.

Kiribati is not a member of the Paris Convention.

## Designs

UK design registrations are protected in Kiribati.

## Fees (US\$)

	Agency	Disb	Total
<b>Trade marks</b>			
Application for registration	\$885	\$160	\$1045
<b>Patents</b>			
Application for registration	\$1,500	\$160	\$1,660

# Marshall Islands

The Marshall Islands (officially the Republic of the Marshall Islands) comprise 1,156 individual islands and islets spread out over 24 low-lying coral atolls. This country is part of the larger island group of Micronesia. The Marshall Islands have a total land area of 180km<sup>2</sup>.

## Trade marks

There is no current legislation providing for the registration of trade marks in the Marshall Islands.

We recommend that cautionary notices\* be published every two years to provide some protection.

## Patents

There is no current legislation providing for the registration of patents in the Marshall Islands.

## Designs

There is no current legislation providing for the registration of designs in the Marshall Islands.

## Fees (US\$)

	Agency	Disb	Total
<b>Cautionary notices</b>			
Publication (or renewal) of cautionary notice	\$625	from \$300	from \$925

# Micronesia (Federated States of)

The Federated States of Micronesia (sometimes referred to as the Caroline Islands) is an independent sovereign nation and a United States associated state. It consists of four states spread across the Western Pacific Ocean. Together, the states comprise over 600 islands with a combined land area of 700km<sup>2</sup>. Although the total land area is quite small, the islands are spread over more than 2.6 million square kilometres of ocean.

## Trade marks

There is no current legislation providing for the registration of trade marks in the Federated States of Micronesia.

We recommend that cautionary notices\* be published every two years to provide some protection.

## Patents

There is no current legislation providing for the registration of patents in the Federated States of Micronesia.

## Designs

There is no current legislation providing for the registration of designs in the Federated States of Micronesia.

## Fees (US\$)

	Agency	Disb	Total
<b>Cautionary notices</b>			
Publication (or renewal) of cautionary notice	\$625	from \$650	from \$1,275

# Nauru

**Nauru (officially the Republic of Nauru) is an island country in Micronesia with a total land area of 21km<sup>2</sup>. It is the smallest state in the South Pacific.**

## Trade marks

The Australian Trade Marks Act 1955 was adopted in Nauru. However the position of the Registrar of Trade Marks is vacant and trade mark applications are not advancing.

We recommend that cautionary notices\* be published every two years to provide some protection until the position is filled.

## Patents

Previously, a Nauruan patent application could be filed from a:

1. pending Australian, US or UK application
2. granted Australian, US or UK patent within three years of the grant of that patent.

However the position of the Registrar of Patents is vacant and patent applications are not advancing.

We recommend delaying any patent protection until the position is filled.

## Designs

There is no current legislation providing for the registration of designs.

## Fees (US\$)

	Agency	Disb	Total
<b>Cautionary notices</b>			
Publication (or renewal) of cautionary notice	\$625	from \$650	from \$1,275

# New Caledonia

**New Caledonia is a special collectivity of France located in the southwest Pacific Ocean, with a total land area of 18.575km<sup>2</sup>.**

## Trade marks

A new government was established in New Caledonia on 1 July 2013. Any French legislation that automatically extended to New Caledonia no longer applied, including the trade marks legislation.

On 27 August 2013, the New Caledonian government adopted a draft law on the temporary protection of IP rights. This definite local IP law was expected to be in force from 1 July 2014, but we have not received any details on this legislation.

Until the new IP law is in place, the New Caledonian government has confirmed that French IP rights, including French national trade marks applied for or registered as from 1 July 2013 extend to New Caledonia.

We therefore recommend that you file a national application in France or designate France in an international registration to achieve registered protection that extends to New Caledonia. A CTM will not extend to New Caledonia.

## Patents

A new government was established in New Caledonia on 1 July 2013. Any French legislation that automatically extended to New Caledonia no longer applied, including the patents legislation.

On 27 August 2013, the New Caledonian government adopted a draft law on the temporary protection of IP rights. This definite local IP law was expected to be in force from 1 July 2014, but we have not received any details on this legislation.

Until the new IP law is in place, the New Caledonian government has confirmed that French IP rights, including French national patents applied for or registered as from 1 July 2013 extend to New Caledonia.

We therefore recommend that you file a national patent application in France to achieve registered protection that extends to New Caledonia. A European patent will not extend to New Caledonia.

## Designs

A new government was established in New Caledonia on 1 July 2013. Any French legislation that automatically extended to New Caledonia no longer applied, including the designs legislation.

On 27 August 2013, the New Caledonian government adopted a draft law on the temporary protection of IP rights. This definite local IP law was expected to be in force from 1 July 2014, but we have not received any details on this legislation.

Until the new IP law is in place, the New Caledonian government has confirmed that French IP rights, including French national designs applied for or registered as from 1 July 2013 extend to New Caledonia.

We therefore recommend that you file a national design application in France to achieve registered protection that extends to New Caledonia. A European design will not extend to New Caledonia.



# Niue

**Niue is an island country in the South Pacific Ocean, east of Tonga. It has a total land area of 260km<sup>2</sup>. Niue is a self-governing state in free association with New Zealand, and most of its diplomatic relations are conducted by New Zealand on its behalf.**

## Trade marks

Trade mark protection obtained in New Zealand extends to Niue.

## Patents

Patent protection obtained in New Zealand extends to Niue.

## Designs

Design protection obtained in New Zealand extends to Niue.

# Northern Mariana Islands

The Northern Mariana Islands has Commonwealth status and is one of five inhabited American insular areas. It consists of 15 islands in the northwestern Pacific Ocean, with a total land area of 475km<sup>2</sup>. The Northern Mariana Islands and Guam form the Mariana Islands.

## Trade marks

Trade Mark protection obtained in the US extends to Northern Mariana Islands.

## Patents

Patent protection obtained in the US extends to Northern Mariana Islands.

## Designs

Design protection obtained in the US extends to Northern Mariana Islands.

# Palau

The Republic of Palau is an island country in the western Pacific Ocean. It is geographically part of the larger island group of Micronesia. Palau is spread across 250 islands forming the western chain of the Caroline Islands. It has a total land area of 460km<sup>2</sup>.

## Trade marks

There is no current legislation providing for the registration of trade marks in Palau.

We recommend that cautionary notices\* be published every two years to provide some protection.

## Patents

There is no current legislation providing for the registration of patents in Palau.

## Designs

There is no current legislation providing for the registration of designs in Palau.

## Fees (US\$)

	Agency	Disb	Total
<b>Cautionary notices</b>			
Publication (or renewal) of cautionary notice	\$625	from \$650	from \$1,275

# Papua New Guinea

The Independent State of Papua New Guinea occupies the eastern half of New Guinea and its offshore islands in Melanesia. It has a total land area of 462,800km<sup>2</sup>. Most of the population live in customary communities, with only 18% of its people living in urban centres. Strong growth in Papua New Guinea's mining and resource sector has led to the country becoming the sixth fastest-growing economy in the world.

## Trade marks

Trade mark applications in Papua New Guinea can cover:

- a series of trade marks
- goods and services.

Applications cannot cover:

- more than one class of goods or services
- colours, shapes, sounds, or smells.

Papua New Guinea is a member of the Paris Convention and convention priority can be claimed, but the trade mark legislation has not been updated to allow claims to convention priority.

## Patents

You can file two types of patent applications in Papua New Guinea:

1. A national phase entry from an international PCT application.
2. A direct national patent application.

Papua New Guinea is a member of the Paris Convention.

## Designs

You can file a design registration in Papua New Guinea. Registration lasts five years after the filing date and is renewable for two further periods of five years, making a total duration of 15 years.

Papua New Guinea is a member of the Paris Convention.

## Fees (US\$)

	Agency	Disb	Total
<b>Trade marks</b>			
Application for registration	\$790	\$250	\$1,040
Each additional application (for same mark in different classes)	\$750	\$180	\$930
Examination	from \$530		from \$530
Acceptance and advertisement	\$320	\$180	\$500
Registration	\$300		\$300
<b>Patents</b>			
Application for registration	\$1,500	\$500	\$2,000
<b>Designs</b>			
Application for registration	\$825	\$300	\$1,125

# Pitcairn Islands

The Pitcairn Islands are a group of four volcanic islands in the southern Pacific Ocean that form the last British Overseas Territory in the Pacific. The four islands are spread over several hundred kilometres of ocean and have a total land area of 47km<sup>2</sup>. Only one of the four islands (Pitcairn) is inhabited.

## Trade marks

There is no current legislation providing for the registration of trade marks in the Pitcairn Islands.

## Patents

There is no current legislation providing for the registration of patents in the Pitcairn Islands.

## Designs

There is no current legislation providing for the registration of designs in the Pitcairn Islands.

# Samoa

Samoa (formerly known as Western Samoa) is a country encompassing the western part of the Samoan Islands in the South Pacific Ocean. The two main islands of Samoa are Upolu and Savari'i, one of the biggest islands in Polynesia. The capital city, Apia, is situated on the island of Upolu. The total land area of Samoa is 2,821km<sup>2</sup>.

## Trade marks

Samoa's IP legislation was updated in 2011 and the Intellectual Property Act 2011 came into effect on 1 October 2012. All trade mark applications filed under the previous act will remain in force as if they were filed under the new act.

Trade mark applications can cover:

- series trade marks
- goods and services
- more than one class of goods or services
- colours, shapes, sounds, smells or tastes.

Samoa is a member of the Paris Convention.

## Patents

Samoa's IP legislation was updated in 2011 and the Intellectual Property Act 2011 came into effect on 1 October 2012.

You can file two types of patent applications:

1. A standard patent application.
2. Innovation patents (lower level of inventiveness - similar to an Australian innovation patent).

Samoa is a member of the Paris Convention.

## Designs

Samoa's IP legislation was updated in 2011 and the Intellectual Property Act 2011 came into effect on 1 October 2012.

You can register designs in Samoa for five years, renewable for two further five year periods.

Samoa is a member of the Paris Convention.

## Fees (US\$)

	Agency	Disb	Total
<b>Trade marks</b>			
Application for registration in one class	\$885	\$300	\$1,185
- each additional class	\$350	\$130	\$480
Examination	from \$530		from \$530
Acceptance and advertisement	\$320		\$320
- each additional class	\$135		\$135
Registration	\$300		\$300
- each additional class	\$125		\$125
<b>Patents</b>			
Application for registration of a patent	from \$1,500	\$260	from \$1,760
<b>Designs</b>			
Application for registration of a design	\$825	\$825	\$1,185

# Solomon Islands

Solomon Islands is a sovereign country consisting of a large number of islands. The country's capital is Honiara. Solomon Islands should not be confused with 'the Solomon Islands' archipelago, which is a collection of Melanesian islands that includes Solomon Islands and Bougainville Island. Solomon Islands covers a land area of 28,400km<sup>2</sup>.

## Trade marks

A trade mark application must be based on a UK registration. However, it is not possible to rely on a Madrid registration designating UK as the basis for a Solomon Islands trade mark application.

Applications can cover:

- goods and services
- more than one class of goods or services
- a series of trade marks
- colours, shapes, sounds, or smells.

Solomon Islands is not a member of the Paris Convention.

## Patents

A patent application must be based on a UK patent. The owner of a UK patent can apply for registration of the UK patent in Solomon Islands within three years of the date of grant of the UK patent.

It is unclear if an EP (UK) patent can form the basis of a patent application in Solomon Islands.

Solomon Islands is not a member of the Paris Convention.

## Designs

Registration of a design in the UK extends to Solomon Islands.

## Fees (US\$)

	Agency	Disb	Total
<b>Trade marks</b>			
Application for registration in one class	\$885	\$300	\$1,185
- each additional class	\$350		\$350
Registration	\$300		\$200
- each additional class	\$125		\$90
<b>Patents</b>			
Application for registration of a patent	\$1,500	\$300	\$1,800

# Tokelau

**Tokelau consists of three tropical coral atolls covering a total land area of 10km<sup>2</sup>. Its capital rotates yearly between the three atolls. Tokelau is a territory of New Zealand, and is sometimes referred to by its older colonial name, the Union Islands.**

## Trade marks

Trade mark registrations achieved in New Zealand extend to Tokelau. However, an international designation in New Zealand under the Madrid Protocol does not automatically extend to Tokelau.

## Patents

There is no current legislation providing for the registration of patents in Tokelau.

## Designs

Design registrations achieved in New Zealand extend to Tokelau.



# Tonga

Tonga, officially the Kingdom of Tonga, is a Polynesian sovereign state comprising 177 islands scattered over 700,000km<sup>2</sup>. It covers a total surface area of 750km<sup>2</sup>.

## Trade marks

The current Trade Marks Act in Tonga came into force in 2000. All trade mark registrations achieved under the previous act were cancelled under the new legislation.

Trade mark applications in Tonga can cover:

- goods and services
- more than one class of goods or services
- colours and shapes.

Applications cannot cover:

- a series of trade marks
- sounds or smells.

Tonga is a member of the Paris Convention.

## Patents

The Industrial Property Act 1994 allowed for the grant of patents in Tonga for the first time in Tonga. A patent can be granted for 20 years but it is subject to annual renewal fees.

Tonga is a member of the Paris Convention.

## Designs

The Industrial Property Act 1994 also allowed for the registration of industrial designs for the first time in Tonga.

An industrial design can be registered for five years and can be renewed for two further five year periods.

Tonga is a member of the Paris Convention.

## Fees (US\$)

	Agency	Disb	Total
<b>Trade marks</b>			
Application for registration in one class	\$885	\$360	\$1,245
- each additional class	\$350	\$110	\$460
Examination	from \$530		from \$530
Acceptance and advertisement	\$320	\$380	\$700
- each additional class	\$135		\$135
Registration	\$300		\$300
- each additional class	\$125		\$125
<b>Patents</b>			
Application for registration of a patent	from \$1,500	\$500	from \$1,790
<b>Designs</b>			
Application for registration of a design	from \$1,225	\$80	from \$1,305

# Tuvalu

**Tuvalu (formerly known as the Ellice Islands) is a Polynesian island nation halfway between Hawaii and Australia. It comprises three reef islands and six atolls with a total land area of 26km<sup>2</sup>.**

## Trade marks

A trade mark application must be based on a UK registration. However, you cannot rely on a CTM as the basis for a Tuvaluan trade mark registration.

The Office of the Attorney-General may accept a Madrid registration designating the UK as the basis for a Tuvaluan trade mark application, but this is yet to be tested.

Applications can cover:

- multiple classes
- goods and services
- a series of trade marks
- colours, shapes, sounds, or smells.

Tuvalu is not a member of the Paris Convention.

## Patents

A patent application must be based on a UK patent.

An application must be filed within three years of the date of issue of the UK patent.

It is unclear if an EP (UK) patent can form the basis of a patent application in Tuvalu.

Tuvalu is not a member of the Paris Convention.

## Designs

Registration of a design in the UK extends to Tuvalu.

## Fees (US\$)

	Agency	Disb	Total
<b>Trade marks</b>			
Application for registration in one class	\$885	\$430	\$1,315
- each additional class	\$350	\$290	\$640
Registration	\$300		\$300
- each additional class	\$125		\$125
<b>Patents</b>			
Application for registration of a patent	\$1,500	\$340	\$1,840

# Vanuatu

Vanuatu (officially the Republic of Vanuatu) is a group of more than 80 islands, about 65 of which are inhabited. Its total area is roughly 12,274km<sup>2</sup> with a land area of roughly 4,700km<sup>2</sup>.

## Trade marks

Trade mark applications in Vanuatu can cover:

- more than one class of goods or services
- colours, shapes, sounds or smells.

Applications cannot cover a series of trade marks.

Vanuatu allows claims to convention priority from applications in countries deemed to be a convention country under the regulations, but is not a member of the Paris convention.

## Patents

The Patents Act 2003 came into force in 2011, and it is now possible to file independent patent applications in Vanuatu.

A patent can be granted for 20 years but it is subject to annual renewal fees.

Vanuatu allows claims to convention priority from applications in countries deemed to be a convention country under the regulations, but is not a member of the Paris convention.

## Designs

The Designs Act 2003 came into force in 2011 and allowed the registration of designs for the first time in Vanuatu.

A design can be registered for 10 years and is renewable for one further 10 year period.

Vanuatu allows claims to convention priority from applications in countries deemed to be a convention country under the regulations, but is not a member of the Paris convention.

## Fees (US\$)

	Agency	Disb	Total
<b>Trade marks</b>			
Application for registration in one class	\$885	\$480	\$1,365
- each additional class	\$350	\$65	\$415
- claiming convention priority	\$155	\$100	\$255
Examination	from \$530		from \$530
Acceptance and advertisement	\$320		\$320
- each additional class	\$135		\$135
Registration	\$300		\$300
- each additional class	\$125		\$125
<b>Patents</b>			
Application for registration of a patent	\$1,500	\$540	\$2,040
<b>Designs</b>			
Application for registration of a design	from \$825	\$550	from \$1,375

# Wallis and Futuna

**Wallis and Futuna (officially the Territory of the Wallis and Futuna Islands) is a French island collectivity in the South Pacific. It is not part of French Polynesia or even contiguous with it. It is made up of three main volcanic tropical islands and a number of tiny islets. It is split into two island groups that lie about 260km apart. Its total land area is 142km<sup>2</sup>.**

## Trade marks

Trade mark registrations achieved in France extend to Wallis and Futuna. We recommend clients file a national application in France (or a Madrid application designating France) to achieve registered protection that extends to Wallis and Futuna.

Wallis and Futuna is not a member of the European Community. Therefore, a CTM (or a Madrid application designating a CTM) will not automatically extend to Wallis and Futuna.

## Patents

Patents achieved in France extend to Wallis and Futuna. We recommend clients file a national application in France to achieve patent protection that extends to Wallis and Futuna.

Wallis and Futuna is not a member of the European Community. Therefore, a European patent will not automatically extend to Wallis and Futuna.

## Designs

Designs achieved in France extend to Wallis and Futuna. We recommend clients file a national application in France to achieve design protection that in Wallis and Futuna.

Wallis and Futuna is not a member of the European Community. Therefore, a European design will not automatically extend to Wallis and Futuna.

# What is a cautionary notice?

**A cautionary notice is a public notice published in a local newspaper notifying third parties of the owner's trade mark rights.**

A cautionary notice is not legally enforceable, but could act as a deterrent if any third party is considering adopting the same or similar trade mark in that jurisdiction. A cautionary notice may assist in establishing a reputation if required in any court proceedings.

A cautionary notice should be published every two years if there is a change in the use of the trade mark, or a change in ownership. Circumstances may justify a shorter period between each publication.

A cautionary notice can cover:

- multiple trade marks
- multiple classes (but no classification system of course)
- goods and services
- colour, shape, sound, and smell trade marks
- series trade marks.



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