



CARIBBEAN TRADEMARK SERVICES

George C.J. Moore P.A. providing IP services in CUBA
Newsletter – April 2015



George Moore P.A. Office Manager Sidey Salcedo and Attorney Michael Slavin standing before Jose Marti Airport Havana Cuba

Intellectual Property (IP) protection is the most important aspect of a modern business that seeks to maintain a competitive edge in the marketplace. IP is a combination of trademark, patent and copyright laws, all of which are available in Cuba. In addition to our continuing work in other Caribbean jurisdictions, the George Moore P.A. Law Firm offers IP registration services for Cuba.

To keep our clients abreast of the latest developments, we traveled to Cuba to further coordinate IP registration in light of the recent U.S. Government administration's proposal to loosen business and travel restrictions in Cuba. U.S. companies are allowed to register their trademarks in Cuba. If Cuba is a place of interest, trademark registration must be secured quickly before a competitor absconds with your trademark. The end to prohibition of doing business in Cuba appears inevitable and Intellectual Property owners would be well-advised to begin registering their trademark rights to control ownership of their brand and avoid costly legal battles.

Trademarks can be registered in Cuba with the OCPI "Cuban Office of Industrial Property." Cuba's legal framework for Trademarks prohibits registration of a sign, mark or trade name that is identical to an earlier trademark registration or pending application for the same goods or services. The registration of a trademark gives its owner the right to exclude others from taking a series of actions that interfere with its exclusive right to use the mark. Other criteria is also included as grounds for invalidating the registration of a mark, including

acting in bad faith because the trademark used for goods or services is identical or similar to one previously applied for, registered or well-known in other countries. These provisions are meant to protect business interests and offset the risk of confusion of association in consumers.



Beautiful classic automobile in Central Park, Havana

Cuba's trademark laws include a provision for preliminary relief and enforcement measures. Upon posting of a bond, preliminary relief (up to 20 days) may take the form of a temporary restraining order or seizure on an ex parte basis, or preliminary customs injunctive relief (10 days extendable to 20 days) may be obtained. Judicial action is required for a trademark owner to fight piracy using these enforcement measures.



Sidey in front of the Grand Theater



Michael, Sidey and Cuban Associates Yordanka & Lourdes

We recommend that you file your trademark applications immediately to avoid the wave of applications expected to confront the OCPI in order to prevent trademark squatters and others from being the first to file thereby obtaining rights to your marks.



Sidey before the Capitol of Cuba

Patents can be applied for directly in Cuba or based on International Applications (PCT). Patent applications can be filed within 30 months from the original filing date and the documents can be presented in the original language. Certified translation can be filed later. Concession of a Patent Grant in Cuba is 20 years for a utility patent and 15 years for a design patent.



Cuban Associates Yordanka and Roberto, and Sidey before the Cathedral



Please contact us anytime, or join us in San Diego at INTA - Booth Number 2314, if you would like to discuss protecting your trademarks in Cuba or elsewhere in the Caribbean. George C.J Moore P.A. is celebrating over 30 years of service.

George C.J. Moore P.A.
Caribbean Trademark Services
105 S. Narcissus Ave., Suite 812
West Palm Beach Florida
(561) 833-9000

IP@CARIBBEANTRADEMARKS.COM WWW.CARIBBEANTRADEMARKS.COM