

NEWSLETTER

ABOUT THE 8TH EDITION OF THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES PER THE NICE AGREEMENT

New Classification of Goods and Services

Since the Aruban Trademark Office uses the International Classification of Good Services per the Nice Agreement, questions have arisen with respect to registrations in Aruba. Service Class 42 has been expanded and restructured per January 1, 2002. Former Class 42 Services are now divided into 4 different classes:

- Class 42: Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.
- Class 43: Services for providing food and drink; temporary accommodation.
- Class 44: Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.
- Class 45: Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

Furthermore certain services that were formerly in class 42 have now been placed in classes 35, 40 and 41.

Sjiem Fat & Kuster

Emanstraat 49-A

Oranjestad, Aruba, Dutch Caribbean

Phone (297) 582-1255; 582-2414; 582-1281; 583-4872

Fax (297) 583-1910 general@arubalaw.com

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Recommendations with respect to existing and future registrations in light of changes in International Classification.

We have discussed the consequences of the changes in the International Classification of Goods and Services with the Trademark Office in Aruba.

Even though the exclusive right to use a trademark or service mark in Aruba is based on first use and not registration, it is nevertheless wise to consider amending existing registrations, since a registration does create a presumption of first use under the law. The Trademark Office does not have a strict requirement that all existing service mark registrations must be amended, in light of the New Classification, but nevertheless suggests that amendments are wise for purposes of clarity as to for which services a trademark or service mark owner claims protection.

Therefore we would like to make the following recommendations in accordance with the suggestions of the Trademark Office:

- a. future registrations should follow the 8th edition of the International Classification of Goods and Services without exception.
- b. with respect to existing registrations 3 options exist:
 - i. wait till renewal of the registration to register according to the New Classification. If the 10-year validity of the registration will lapse soon, then this option may be the most economical and efficient one.
 - ii. amend the existing registration in accordance with the New Classification. This option is recommended for recent registrations, since renewal is far away for this category.
 - iii. early renewal of the existing registration in accordance with the new classification. This option is recommended for registrations that are up for renewal within a medium or short term.

Fees for the respective options are:

	Aruba TM	SF & Co.	Total
Sjiem Fat & Kuster Emanstraat 49-A Oranjestad, Aruba, Dutch Caribbean Phone (297) 582-1255; 582-2414; 582-1281; 583-4872 Fax (297) 583-1910 general@arubalaw.com This page was downloaded from www.sjiemfatkuster.com			

		Official Fee	Fee	
i.	renewal of the registration (in one class)	\$ 275	\$ 415	\$690
	ii amend the existing registration	\$ 100	\$ 190	\$ 290
	iii early renewal of existing registration	\$ 275	\$ 415	\$ 690

Please note that if the amendment registration needs to cover more than one class, the amount of US\$ 35.00 will be charged for each additional class

We will be pleased to serve you if you require assistance with amendments of existing registrations.

Aruba, March 22, 2002