

GUERNSEY STATUTORY INSTRUMENT

2009 No.17

The Trade Marks (Fees) Regulations, 2009

<i>Made</i>	<i>21 April, 2009</i>
<i>Coming into operation</i>	<i>21 April, 2009</i>
<i>Laid before the States</i>	<i>, 2009</i>

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred on it by section 2 of the Intellectual Property (Office of Registrar) (Bailiwick of Guernsey) Ordinance, 2005^a, section 76 of The Trade Marks (Bailiwick of Guernsey) Ordinance, 2006^b and all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Trade Marks (Fees) Regulations, 2009 and shall come into force on 21 April 2009.

Interpretation

2. (1) In these Regulations, unless the context requires otherwise -

"**Collective Mark**" has the meaning given by section 49(1) of The Trade Marks (Bailiwick of Guernsey) Ordinance, 2006,

"**Department**" means the States of Guernsey Commerce and Employment Department,

"**Registered Trade Mark**" means a trade mark entered in the Register of Trade Marks,

^a Ordinance No. XXIX of 2005

^b Ordinance No. I of 2006

"**Registrar**" means the Registrar of Intellectual Property appointed under the Intellectual Property (Office of Registrar) (Bailiwick of Guernsey) Ordinance, 2005,

"**Trade Mark**" has the meaning given by section 1 of the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006,

"**Transaction**" shall be construed in accordance with section 25 of the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006,

"**Fee**" means a payment, in sterling, to be made to the States of Guernsey.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Fee payable on Registration of a Trade Mark

3. (1) A person or agent of a person who applies for a first registration of a Trade Mark including one class of goods or services shall, on making the application, pay a fee of £300.

(2) A person or agent of a person who applies for the registration of a Trade Mark which has been registered in a country defined in Part II of the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006 shall, on making the application, pay a fee of £180 which includes one class of goods or services.

(3) The fee for an additional class is £10.

Fee payable on renewal of a Trade Mark

4. A person or agent of a person who applies for renewal of a Trade Mark previously registered by the Registrar shall pay a fee of £180 which includes one class of goods or services. There is a fee of £10 for each additional class.

Fee payable for Assignment or Division of a Trade Mark

5. (1) The fee for assignment of a Trade Mark is £50.

(2) The fee for division of a Trade Mark is £100.

^c Ordres en Conseil Vol. XIII, p. 355.

Fee payable for Searches

6. The fee for a search of the Register of Trade Marks for a particular Trade Mark is £25.

Fee payable for Restoration

7. The fee for the restoration of a Trade Mark following its expiry from registration is £100.

Fee payable for filing

8. The fee for the filing of criteria for certification or Collective Marks is £200.

Fee payable for registering a Transaction

9. The fee for registering a transaction is £50.

Fee payable for lodging notice of opposition

10. The fee for lodging a notice of opposition and statement of grounds is £250.

Fee payable for lodging a notice of a change in registered address or agent

11. The fee for lodging a notice of change of agent or registered address is £25.

Fee payable for a new certificate of registration

12. The fee for a new certificate of registration is £25.

Fee payable for an Extract of an entry on the Register

13. The fee for an Extract of an entry on the Register is £25.

Fee payable for a certified copy entry

14. The fee for a certified copy of an entry on the Register is £5.

Fee payable for the correction of an entry

15. The fee for a request to the Registrar to correct an error, made by an applicant or an agent, following a request in writing or electronic mail is £25.

Fee payable for a general enquiry

16. The fee for a request to the Registrar pertaining to a matter, which is not referred to in these regulations, subject to the discretion of the Registrar, is £25.

Interest

17. If any fee or fees due under these Regulations is not paid when it is due, the Registrar shall without prejudice to any other remedy in respect of the non-payment be entitled to the payment of interest calculated on that fee or fees at the rate of 10% per annum from the date on which payment became due to that on which payment was made.

Registrar's power to reduce or waive Fees

18. The Registrar may reduce or waive any of the fees set out in these Regulations and any other such fees as may be prescribed by Regulations of the Department after consultation with, and approval by, the Department.

Repeal

19. The Trade Marks (Fees) Regulations, 2006^d are repealed.


Dated this 21st day of April 2009

Deputy Carla McNulty Bauer
Minister of the Commerce and Employment Department
For and on behalf of the Department

^d

Made on 31 May 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the fees which are payable to the Office of the Registrar of Intellectual Property for applications and other matters under the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006.
