



GUERNSEY STATUTORY INSTRUMENT

2015 No. **75**

**The Trade Marks (Customs) (Bailiwick of Guernsey)  
Regulations, 2015**

*Made* 05<sup>th</sup> October , 2015  
*Coming into operation* 06<sup>th</sup> October , 2015  
*Laid before the States* , 2015

**THE HOME DEPARTMENT**, in exercise of the powers conferred on it by sections 87 and 101 of the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006<sup>a</sup> and all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Form of notice.**

1. If notice is given under section 86 of the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006 ("the 2006 Ordinance") by the proprietor or licensee of a registered trade mark in respect of certain goods it shall be in the form set out in the Schedule to these Regulations or a form to the like effect approved by the Chief Officer and separate notices shall be given in respect of each arrival of such goods.

**Fee payable in respect of notice.**

2. A fee of £30 in respect of each notice shall be paid to the Chief Officer at the time it is given.

---

<sup>a</sup> Recueil d'Ordonnances Tome XXXI, pp. 1 and 622.

**Requirement for security.**

3. The person giving the notice shall give to the Chief Officer such security or further security within such time and in such manner, whether by deposit of a sum of money or guarantee, as the Chief Officer may require, in respect of any liability or expense which the Chief Officer may incur in consequence of the notice by reason of the detention of any goods or anything done to goods so detained; and if such security or further security is not given within the time specified by the Chief Officer then (but without prejudice to the operation of regulation 4) the notice shall have no effect.

**Requirement to give indemnity.**

4. In every case, whether any security or further security is given or not, the person who has given the notice shall keep the Chief Officer indemnified against all such liability and expense as is mentioned in regulation 3.

**Requirement to produce certificate and evidence of renewal.**

5. (1) The person giving the notice shall, either on giving notice or when the goods are imported, furnish the Chief Officer with the certificate of registration (or a copy of it) issued by the Registrar on the registration of the trade mark specified in the notice, together with evidence that such registration was duly renewed at all such times as it may have expired.

(2) If such a certificate or copy and, where applicable, evidence of renewal is not furnished in accordance with paragraph (1), then the goods shall not be detained or, if detained, shall be released, and (but without prejudice to the operation of regulation 4) any notice given in respect of the goods shall have no effect.

**Interpretation.**

6. (1) In these Regulations, unless the context requires otherwise –

"**the 2006 Ordinance**" means the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006,

"**Chief Officer**" means the Chief Officer of Customs and Excise,

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

and other expressions have the same meanings as in the Intellectual Property (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004<sup>b</sup> and in the 2006 Ordinance.

(2) The Interpretation (Guernsey) Law, 1948<sup>c</sup> 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.

---

<sup>b</sup> Order in Council No. XIV of 2004; as amended by Recueil d'Ordonnances Tome XXIX, p. 406.

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.

**Citation and commencement.**

7. These Regulations may be cited as the Trade Marks (Customs) (Bailiwick of Guernsey) Regulations, 2015 and shall come into force on the 6th October, 2015.

Dated this 05<sup>th</sup> day of OCTOBER, 2015



P. GILLSON

Minister of the States Home Department

For and on behalf of the Department

## SCHEDULE

Regulation 1

### NOTICE UNDER SECTION 86 OF THE 2006 ORDINANCE REQUESTING INFRINGING GOODS, MATERIAL OR ARTICLES TO BE TREATED AS PROHIBITED GOODS

**Please read these notes before completing this notice**

This notice may only be given by the proprietor of a registered trade mark, or a licensee. A separate notice must be given in respect of each consignment.

Please note that in Part 3 it is not mandatory to provide details other than the time and place of expected arrival of infringing goods but it will greatly increase the prospect of intercepting the consignment concerned if all the details requested are given.

A fee of £30.00 is payable for each notice given.

A certificate of registration for the trade mark, or a copy of it, as well as the certificate of renewal (where applicable), is to be enclosed with the notice, or submitted when the goods are imported.

The person who has given notice shall keep the Chief Officer of Customs and Excise indemnified against any liability or expense which may be incurred in consequence of the notice by reason of the detention of any goods or anything done to goods detained. The person giving the notice may be required to provide a security to cover this indemnity.

**1. Person giving notice**

\*I/We .....

Full name of signatory in BLOCK LETTERS

give notice to the Chief Officer of Customs and Excise that

.....

Name and address of proprietor or licensee in BLOCK LETTERS

is the \*proprietor/licensee of a trade mark registered in the Bailiwick of Guernsey and that infringing goods, material or articles are expected to arrive in the Bailiwick of Guernsey, and \*I/we request that they be treated as prohibited goods.

**2. Details of infringing goods, material or articles**

Trade mark .....

Infringing goods, material or articles .....

Quantity .....

Commodity Code(s) .....

**3. Details of expected importation**

Place of importation .....

Method of importation .....

(Please include details of ship, aircraft or vehicle, where known)

Expected date of arrival .....

Country of origin .....

Country of consignment .....

Importer's details .....

Consignor's details .....

**4. Declaration**

I declare that the information given by me in this notice is true.

Signature .....

(\*Sole Proprietor/Partner/Director/Company Secretary/Duly Authorised Person)

Date .....

**5. Submission of notice**

Please send or present the completed notice, fee and copies of relevant certificates to:

Customs & Excise Division  
Guernsey Border Agency  
White Rock  
St Peter Port  
Guernsey  
GY1 2LL

\*Delete as necessary

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the form in which notice is to be given by a proprietor or licensee of a registered trade mark under section 87 of the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006 requiring infringing goods, materials or articles to be treated as prohibited goods so that their importation, otherwise than by a person for his private and domestic use, is prohibited. The Regulations also make provision for fees payable in respect of such notice and require the giving of security and an indemnity for liability or expenses which might be incurred by the Chief Officer of Customs and Excise.

However, under s. 86(3) taken with s. 98(3) of the 2006 Ordinance, such a notice can only be given in respect of goods (including material or articles) that are **not** placed in, or expected to be placed in, *any* of the situations referred to in Article 1(1), in respect of which an application may be made under Article 3, of Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003.

These Regulations come into force on the 6th day of October, 2015.