

GUERNSEY STATUTORY INSTRUMENT

2022 No. 12

**The European Union (Trademark Law Treaty)
(Brexit) (Bailiwick of Guernsey)
Regulations, 2022**

<i>Made</i>	22 February, 2022
<i>Coming into operation</i>	22 February, 2022
<i>Laid before the States</i>	2022

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018^a and upon receipt of the certificate required under section 5(3), hereby makes the following Regulations:-

Amendment of the Trade Marks Ordinance.

1. As a consequence of the withdrawal of the United Kingdom from the EU and in order to implement the Trademark Law Treaty, the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006^b ("the Ordinance") is amended as follows -

(a) in section 32(2) -

^a Order in Council No. I of 2019; amended by G.S.I. Nos. 6 and 153 of 2020.

^b Order in Council No. I of 2006; amended by Ordinance No. XXXIX of 2006 and No. IX of 2016.

- (i) at the end of paragraph (c) insert "and",
 - (ii) in paragraph (d) for ", and" substitute ".",
 - (iii) delete paragraph (e),
- (b) after section 40, insert the following section -

"Division of Registration.

40A. (1) At any time after registration a proprietor, or the proprietor's representative, may apply to the Registrar, in such form and manner as the Registrar may prescribe, for division of the registration into two or more separate trade marks ("**divisional registrations**") indicating for each divisional registration the specification of goods or services.

(2) An application for divisional registration shall not be granted where the registration in respect of which it is made is the subject of proceedings for revocation or invalidation and where the request would introduce a division amongst the goods or services in respect of which the proceedings are directed.

(3) Where an application for divisional registration is granted, each divisional registration shall -

- (a) be treated as a separate registration with the same filing date as the

original registration, and

- (b) be subject to the same licences, security interests, rights, notices, disclaimers and limitations as the original registration,

and the Registrar must enter the details in the Register accordingly in respect of each divisional registration."

Interpretation.

2. In these Regulations –

"**Trademark Law Treaty**" means the Trademark Law Treaty, done at Geneva on 27 October 1994,

"**the Ordinance**" has the meaning given in section 1,

and other words or expressions have the same meanings as given in the Ordinance.

Citation and commencement.

3. These Regulations may be cited as the European Union (Trademark Law Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2022 and shall come into force on the day on which they are made.

Dated this 22nd day of February, 2022

A handwritten signature in black ink, appearing to be 'R. B. J.', written in a cursive style.

DEPUTY H. J. R. SOULSBY MBE
Vice President of the Policy & Resources Committee
For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006 in order to implement the Trademark Law Treaty as a consequence of the UK withdrawal from the EU. These Regulations come into force on the day on which they are made.