



Intellectual Property Office

Serving the Bailiwick of Guernsey

Guernsey Registry

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News Release

Intellectual Property Office Event – 10 February 2016

The IPO hosted a panel discussion and IP clinic at the Digital Greenhouse on 10th February. The event brought together local entrepreneurs and interested parties including from the local finance, fiduciary and hospitality sectors.

It was the first in a series of events planned by the IPO, designed to raise awareness of intellectual property on the island.

Some of the key topics discussed included:

- The types of intellectual property capable of protection within the Bailiwick and what can be registered under each. The Bailiwick offers registered and unregistered rights protection. Registered rights include trademarks, designs, patents and image rights. Non-registerable rights include copyright and unregistered designs.
- Entrepreneurs and start-ups should consider, at an early stage, what they have that may require protection. Identifying what it is that they wish to protect will then determine what type of IP registration is appropriate. For example, an invention may be protected as a patent, whereas a logo may be protected as a trademark. Sometimes more than one registration or type of IP right may be required.
- Leaving it too late to obtain protection could prevent registration, for example where the product has lost the required novelty.
- Intellectual property rights are generally jurisdictional by nature. This means that infringement in Guernsey would be required in order to commence proceedings against the infringer. Often the initial infringement, for example publication of an unauthorised image or production of an unauthorised item, may occur outside of the Bailiwick. Infringement in Guernsey may still be demonstrated where the product can be purchased in Guernsey through the internet for example.
- Judgments of the Guernsey Royal Court in relation to intellectual property matters may be enforced in foreign jurisdictions, in the same way as any other Guernsey judgments

obtained in the course of litigation (and which are regularly enforced outside of the jurisdiction).

- Non-Disclosure Agreements (NDAs) may be useful when working in a collaborative environment, for example within the Digital Greenhouse. They do however rely on the other party keeping to the agreement, as once the information is disclosed there may be little that can be done to obtain protection.
- Protection may also exist at common law, without the need for registration (e.g. passing off), but can be much more difficult to evidence. Registration of intellectual property provides greater certainty of protection.
- It will often be necessary to undertake a cost/benefit analysis to determine whether it is economical to register intellectual property. Proprietors should also have a genuine intention to take action in the event of infringement otherwise the protection will be meaningless.

The event concluded with Brin Harrison, local entrepreneur, providing details of the products that he had developed and the intellectual property protection which he sought.

Tony Brassell, Business Advisor, Startup Guernsey, who moderated the event said:

"It was brilliant to see such a great panel of experts and a really interested audience come together at this event. Discussions took people on a journey through the various types of Intellectual Property options that are available to Guernsey businesses. The questions from the floor were excellent and many of the panel were involved in further discussions once the panel discussion had ended. Guernsey is lucky to have such easy access to experts of this calibre, on our doorstep."

Alan Bougourd, Intellectual Property Registrar also commented:

"It was great to see the level of interest in protection of IP rights. The discussion was lively and informative, and backing it up with clinics enabled specific matters to be advised on."

12 February 2016