

GUERNSEY STATUTORY INSTRUMENT

2016 No.

**The Trade Marks (Fees)
Regulations, 2016**

<i>Made</i>	<i>25th February, 2016</i>
<i>Coming into operation</i>	<i>1st March, 2016</i>
<i>Laid before the States</i>	<i>, 2016</i>

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

Fees payable to Registrar.

1. (1) The fees payable to the Registrar in respect of applications and registration and other matters under the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006^b are as follows.

(2) The fees set out in column 3 of the Schedule are payable to the Registrar by -

^a Recueil d'Ordonnances Tome XXXI, p. 1 and 622. See also the Trade Marks (Bailiwick of Guernsey) Regulations 2015 (S.I. No 78 of 2015).

^b Ordinance No. I of 2006; as amended by No. XXXIX of 2006.

- (a) the proprietor of the registered trade mark,
- (b) the applicant for registration of a trade mark,
- (c) an authorised representative of a person mentioned in sub-paragraphs (a) or (b),
- (d) any other person making a relevant request or enquiry,

for the service mentioned in column 1 of the Schedule in respect of which the fee is payable.

Registrar's power to reduce or waive fees.

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

(2) Without prejudice to paragraph (1), the Registrar shall have the power, in individual or particular circumstances, to reduce, waive or repay a fee set out in these Regulations in the following circumstances -

- (a) promotional activities and events, or
- (b) an error or omission by the Office of the Registrar.

Interpretation.

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

"charity" -

- (a) means any organisation established for charitable purposes only, and
- (b) where any property or fund the income whereof is applicable to charitable purposes only is entrusted to any person, means, in relation to that property or fund and the income thereof, that person,

"enactment" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"non-profit organisation" means any organisation established solely or principally either for the non-financial benefit of its members or for the benefit of society or any class or part of society and, without limitation, includes any organisation established solely or principally for social, fraternal, educational, cultural or religious purposes, or for the carrying out of any other types of good works, and includes a charity,

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

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

and other expressions have the same meanings as in the Ordinance.

SCHEDULE

Regulation 2

FEES

(1) Service	(2) Section of the Ordinance	(3) Fee	(4) Notes
Trade Mark Applications			
Application for registration of a trade mark	Section 32(4)	£200	Includes one class of goods or services.
Application for registration of a trade mark by a non-profit organisation	Section 32(4)	£100	Includes one class of goods or services.
Class fee for each additional class of goods or services	Section 32(4)	£20	
Application to merge two separate applications or registrations	Section 41(1)(b)	£50 for the merger of two separate applications or registrations	Plus an additional £50 for each application or registration merged thereafter
Application to divide an application for registration into two or more separate applications	Section 41(1)(a)	£100	This fee is in addition to the application fee payable under section 32(4).
Filing regulations governing the use of a collective mark or a certification mark	Paragraphs 6(2) of Schedule 1 and 6(2) of Schedule 2	£200	
Opposition Proceedings			
Filing notice of opposition	Section 38(2)	£250	
Trade Mark Maintenance			
Request for renewal of a trade mark (including trade marks which have been restored to the Register)	Section 43(1)	£200	Includes one class of goods or services
Class fee for each additional class of goods or services upon renewal	Section 43(1)	£20	
Additional renewal fee payable upon a request for renewal made during six month period after expiry of the registration.	Section 43(3)	£10 plus £10 per calendar month since the date of expiry	After the six month period has elapsed an application for restoration may be made.

(1) Service	(2) Section of the Ordinance	(3) Fee	(4) Notes
Application for restoration of a trade mark	Section 43(5)	£150	Plus renewal fee
Request to amend proprietor's name, address or other particulars in relation to a registered trade mark	Section 62(4)	£10	
Alteration of a registered trade mark (request to amend proprietor's name or address)	Section 44(2)	£100	Relates to mark where proprietor's name or address is part of the representation of the mark itself
Application for rectification of the Register	Section 62	£10	
Filing amended regulations governing the use of a registered collective mark or a registered certification mark	Paragraph 10(1) of Schedule 1 and paragraph 11(1) of Schedule 2	£50	
Trade Mark Rights Management			
Application to register a registerable transaction	Section 25	£50	This includes an application for assignment, partial assignment, registration of a licensee and an application to remove or amend the registration of a licensee.
Application for a declaration of invalidity	Section 47(8)	£200	
Application for the revocation of a registered trade mark	Section 46(4)	£200	
Search and Information Services			
Request for a search report of the Register		£25	Includes searches for registered trade mark or for proprietor
Request for an uncertified trade mark profile or an extract of the Register in relation to a registered trade mark		£10	

(1) Service	(2) Section of the Ordinance	(3) Fee	(4) Notes
Request for an electronic copy of a file document in relation to a registered trade mark (uncertified)	Section 61(4)	£2	
Request for a paper copy of a file document in relation to a registered trade mark (certified)	Section 61(4)	£12	
Request for proof of priority in relation to the filing of a registered trade mark application		£25	This includes a certified copy of the application submission together with the filing date
Request for information or inspection of documents relating to an application or a registered trade mark (uncertified)	Section 65(1)	£2	
Request for information or inspection of documents relating to an application or a registered trade mark (certified)	Section 65(1)	£12	
Request for the issue of a replacement certificate of registration		£25	This request must include evidence of ownership.
Request for a certified copy of a certificate of registration		£25	
Exceptional Services			
Statement to the Ordinary Court from the Registrar (or a duly authorised officer)	Section 72	£100 per hour	This includes time spent on the preparation of the Statement by the Registrar or a duly authorised officer.
Appearance of the Registrar (or a duly authorised officer) in the Ordinary Court	Section 72	£100 per hour	This includes time spent by the Registrar or a duly authorised officer on the preparation for any court appearance in addition to time spent in court.

(1) Service	(2) Section of the Ordinance	(3) Fee	(4) Notes
Request for the extension of time by one month	Section 75	£25 (for one month)	This request cannot be made on more than three consecutive occasions. This request cannot be made in relation to a notice of opposition.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Trade Marks (Fees) Regulations 2010 and prescribe the fees payable to the Office of the Registrar of Intellectual Property for applications and other matters in respect of the performance of the Registrar's functions under the Trade Mark (Bailiwick of Guernsey) Ordinance, 2006.

These Regulations come into force on the 1st day of March, 2016.