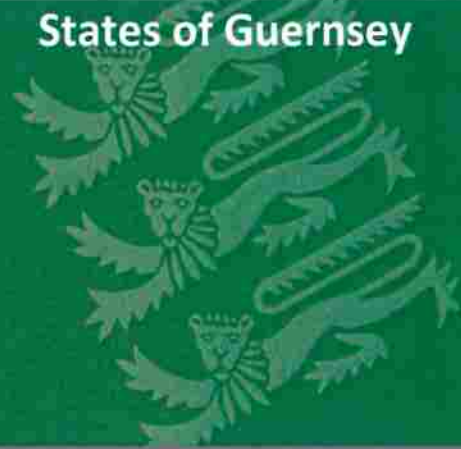


Consultation Paper

The Intellectual Property Consultation

Date: 24 June 2015



Purpose and type of consultation

The purpose of this consultation is to seek input from interested parties into the development, in specific areas, of intellectual property legislation in Guernsey by the Commerce & Employment Department.

This paper puts forward options for change and asks for your views.

Closing date: 31 July 2015

The Commerce and Employment (C&E) Board:

- would like to invite comments from all interested stakeholders and users of Guernsey's intellectual property, about the development of the Bailiwick's intellectual property legislation in the specific areas discussed in this consultation paper; and
- aims to work closely with stakeholders and industry to ensure Guernsey adopts the most appropriate developments in this and related matters to protect and enhance its intellectual property environment.

Please see page 13 "How to respond" section for full details of how to respond to this consultation.

Contacts

Please send your comments to:

Intellectual Property Consultation

FAO Miss Liz Hodder – Business Executive, Finance Sector Policy Unit

Commerce and Employment Department

Guernsey Registry, PO Box 451, Fountain Street, St Peter Port, GY1 3GX

How to contact us

Telephone: (01481) 743813

Email: liz.hodder@gov.gg

Circulation

This consultation paper is an open consultation and has been sent to the following individuals / organisations:

List recipients

Intellectual Property Commercial Group

Registry User Group

Individuals (including agents) currently filing with the intellectual property Office

This consultation paper is also available on www.gov.gg and www.guernseyregistry.com.

Introduction

1. Background

The Bailiwick has a suite of modern and dynamic legislation, which has been established over the past decade. The Commerce and Employment Department (the 'Department') is actively progressing the extension of international agreements to the Bailiwick, to enhance the Bailiwick's international presence in intellectual property. That work is being undertaken alongside measures to ensure that the IP regime remains fit for purpose and keeps pace with modern advancements.

The Department seeks the views of the public on several issues that have been identified to improve the existing regime.

The issues for consultation are discussed in detail below. A summary of the questions posed in this consultation are set out on page 14.

Issues for consultation

A) Policy issues

This section deals with a number of policy issues which have been identified by the Department and the Intellectual Property Office (the 'IPO').

2. PROPOSED REGISTERS OF AGENTS

2.1 *Historical position*

Prior to enactment of the *Intellectual Property (Enabling Provisions) (Bailiwick of Guernsey) Law 2004*, IP rights were registered at the Royal Court of Guernsey. Requests concerning the registration and ancillary matters affecting IP rights could be made either by the owner of a particular IP right or by a local advocate acting on their behalf. The Court application itself could only be done by an Advocate.

That position changed in 2006 with the introduction of new legislation, which changed IP services from a Court process to a paper application at the IPO. With the exception of Plant Breeders Rights (The Registered Plant Breeders Right (Bailiwick of Guernsey) Ordinance 2007), each of the IP ordinances permit the introduction of a register of agents who can act upon instructions from clients in respect of IP rights.

Registers of Agents have been adopted for Patents and Image Rights. The current practice of the IPO in relation to all other IP products is to accept applications made by persons authorised by the proprietor.

2.2 *Proposed amendments*

The Department proposes that registers of agents should be adopted for Trade Marks and Designs, as detailed below. It is proposed that those registers be restricted to local resident agents only (as is the case with Patents and Image Rights Agents).

It is intended that only 'qualifying persons' would be able to register as Design and Trade Mark Agents. 'Qualifying persons' would require similar qualifications to those for Registered Patent Agents (with reference to the relevant UK Agent and local legislation), which includes:

1. An Advocate;
2. A person whose name is entered on the register of patent attorneys under the Copyright, Designs and Patents Act 1988;
3. A Corporate Service Provider (as described in the Companies (Guernsey) Law 2008); and
4. Such person who, by reason of qualifications or experience, the Registrar determines to be a fit and proper person to act as an Agent for others under the Registered Patents and Biotechnological Inventions (Bailiwick of Guernsey) Ordinance 2009.

Registered Agents would be required to pay a registration fee and annual renewal fees, but it is envisaged that reduced registration and renewal fees would be charged for Agents registering in all the various different intellectual property rights.

It would still be possible for proprietors to file applications.

It is also proposed that a voluntary Code of Conduct for Agents be drafted.

2.3 *Current legislation*

Section 81 of The Trade Marks (Bailiwick of Guernsey) Ordinance 2006 (the '**Trade Mark Ordinance**') and Section 24 of The Registered Designs (Bailiwick of Guernsey) Ordinance 2005 (the '**Design Right Ordinance**') authorise the Department to make regulations requiring the keeping of a register of persons who act as agents for others for the purpose of applying for or obtaining registrations. The regulations may also contain provisions regulating the registration of persons, and may in particular –

- (a) require the payment of such fees as may be prescribed; and
- (b) authorise in prescribed cases the erasure from the register of the name of any person registered in it, or the suspension of a person's registration.

2.4 *Policy issues:*

- i) It is foreseeable that if registers were to be adopted and restricted to local agents only, there would be a reduction in the number of applications being filed in Guernsey. There is however a perceived wider economic benefit to the island, as all IP business conducted through the IPO would have to transfer to local IP service businesses.

Data may be extrapolated, for Trade Marks and Designs, from the number of registrations filed at the Greffe prior to 2006, which required a Court process (and instruction of a local advocate), and applications filed thereafter through the IPO, which then enabled overseas persons to make applications.

Annexed at Appendix 1 is a summary of the number of Trade Mark and Design applications filed between 1989 and 2014. This shows that the annual number of registrations has remained fairly static. Registrations do not appear to have been affected by the change from Greffe to Registry filing, or the residency of persons filing.

- ii) Whilst there have been no issues with off-island agents, other perceived benefits to restricting agents to Guernsey may include:
 - (a) opportunity for the IPO to ensure fair practices by registered agents, through erasure or suspension measures, as appropriate.
 - (b) specialisation in the field may encourage increased business for the IPO.
 - (c) encouraging economic activity within Guernsey.
 - (d) new business opportunities for persons with knowledge in the field.
 - (e) consistency across all IP products for the IPO.

Question for consultation: Registers of agents

1. **Whether a register of agents should be established in Guernsey for:**
 - (a) Trade Marks
 - (b) Design Rights
2. **If established, should the registers should be restricted to Guernsey resident agents only?**
3. **Please provide your comments on proposals for introducing registration and annual renewal fees for Registered Trade Marks and Designs Agents, including a reduced fee for registration across all the IP products.**
4. **Should a code of conduct should be implemented for Registered Agents for each of the intellectual property rights? What, if any, issues do you foresee?**

3 COMMUNITY MARKS AND DESIGNS

3.1 Trade Marks

Trade Marks registered in Guernsey are protected under the Trade Marks Ordinance. Community Trade Marks do not qualify for protection automatically, but they will do so if they are re-registered in Guernsey, either by way of a primary registration or a supported registration.

Sections 51-52 of the Trade Marks Ordinance permit the Commerce and Employment Department by Regulation to make such provision as it thinks fit for giving effect in the Bailiwick to, and in connection with the operation in the Bailiwick of, the Community Trade Mark Regulation (Council Regulation 40/94 of 20th December 1993 on the Community Trade Mark, as codified in Council Regulation 207/2009).

3.2 Designs

“Community designs” cover both registered and unregistered community designs.

(i) Registered designs

Designs registered in a designated country or designated offices which are re-registered in Guernsey are protected under the Registered Designs Ordinance.

“Designated countries” and *“designated offices”* include –

- The majority of designs registered in Member States (as designated countries include the majority of the EU Member States)
- Community designs registered at the Office of Harmonisation for the Internal Market (“OHIM”) (as OHIM is a designated office).

Community registered designs are therefore capable of protection in the Bailiwick, provided that they are re-registered with the intellectual property office. The issue is whether these rights should be recognised and protected *without* the need for re-registration in the Bailiwick.

(ii) Unregistered designs

Unregistered designs that satisfy certain criteria (i.e. are of an original and individual character) qualify for protection in Guernsey under the Unregistered Designs (Bailiwick of Guernsey) Ordinance 2005 (**“Unregistered Designs Ordinance”**).

Design right protection is available to designers who reside in the Bailiwick of Guernsey, the Bailiwick of Jersey, an EEA State or another designated country, or if the first marketing of the products is made in the Bailiwick of Guernsey, the Bailiwick of Jersey, an EEA State or another designated country.

Community designs may therefore qualify for protection under the Unregistered Designs Ordinance, irrespective of the fact that they are not registered in Guernsey.

Ultimately whether a design is protected will depend on the facts surrounding the individual design in question and will need to be looked at on a case by case basis, to verify whether the criteria for protection under Guernsey's legislation have been satisfied.

3.3 Proposed amendments

The proposal is to draft legislation so as to automatically recognise Community Designs and Trade Marks in the Bailiwick. The Department wishes to consider whether it is appropriate to do so.

3.4 Policy issues:

- i) Consideration should be given to what the implications are of not recognising Designs and Trade Marks registered in other jurisdictions. Will the Bailiwick be considered to be less attractive than other jurisdictions where Community marks or designs are recognised? For example, it is understood that Jersey has enacted legislation to extend Community Trade Marks locally.
- ii) Operational and resourcing issues arise if Guernsey were to recognise Community Designs and Trade Marks. The IPO does not currently need to consider the existence of these rights during the local examination process. Additional resources would likely be required in order to do so.
- iii) The ability for larger companies to exert greater pressure over smaller local companies with regard to registration and enforcement of their rights is of consideration.
- iv) It is likely that there would be a reduction in the number of Designs and Trade Marks registered, and fees generated, if Community rights were recognised in Guernsey. Additional local registration may no longer be considered necessary. There may however be an increase of economic activity in other areas, for example legal action for intellectual property infringement, if these rights were automatically protected in Guernsey.
- v) Consideration should be given to the extent to which IP rights are protected when dealing with imports and exports of IP infringing goods. Currently, Community Trade Marks and Designs are not automatically protected domestically; the rights will need to be re-registered in Guernsey if protection locally is required. Infringing intellectual property containing Community Trade Marks and Designs, which have not been re-registered in Guernsey, cannot therefore be seized under current customs and import export legislation, including under the provision of EU Regulation 608/2013 (the appropriate EU control measure for dealing with imports and exports of IP infringing goods).

Question for consultation: Community Marks

5. If Community Designs and Trade Marks are automatically recognised in the Bailiwick, what are the advantages/disadvantages of doing so?
6. What are the expected commercial implications of automatically recognising and protecting Community Designs and Trade Marks locally?
7. What are the perceived implications of not automatically recognising and protecting Community Designs and Marks locally, including attractiveness of Guernsey as a jurisdiction for filing?

4 TEMPORARY PROTECTION IN RELATION TO EXHIBITED GOODS

4.1 *The Paris Convention for the Protection of Industrial Property (Paris Convention)*

Article 11(1) of the Paris Convention states that “*Member countries shall, in conformity with their domestic legislation, grant temporary protection to patentable inventions, utility models, industrial designs, and trademarks, in respect of goods exhibited at official or officially recognised international exhibitions held in the territory of any of them*”.

4.2 *Provisions of Guernsey IP laws*

The provisions of Article 11(1) are not directly relevant for Patents or registered Designs in Guernsey, where re-registration systems are operated. The novelty issue raised by that article will instead be dealt with by the country of original grant. As such no amendments to the Patents Ordinance or Registered Design Ordinance are being considered by the Department.

Equally, it is considered that express provision is not required in the case of unregistered Designs. Legal protection of unregistered Designs subsists in ‘original designs’, interpreted in a copyright law sense, of not having been copied from another work. Therefore, as long as the Designs are not common-place in the design field in question at the time of their creation, there is no requirement of novelty as such.

Amendments to The Trade Marks Ordinance may however be appropriate. The Ordinance does not currently allow for temporary protection for exhibited goods.

4.3 *Proposed amendments*

Amendments to the Trade Marks Ordinance are proposed, to provide that a right of priority shall apply for a 6 month period from the day on which the subject concerned was introduced at the exhibition. Such right will expire if such an application for protection is not filed within 6 months following the exhibition.

It should be noted that Article 11 of the Paris Convention provides for the following interpretations:

- an exhibition shall be considered “official” if it is organised by a State or other public authority.

- an exhibition shall be considered “official” if it is organised by a State or other public authority.
- an exhibition shall be “officially recognised” if it is not official but has at least been organised as official by a State or other authority.
- an exhibition shall be “international” if goods from various countries are exhibited.

4.4 *Policy issues*

- i) It is understood that, where prejudice is suffered by exhibiting at an international exhibition, it would be open for an exhibitor applicant to rely on section 3(6) of the Trade Mark Ordinance (bad faith absolute ground for refusal). There is however a relatively high hurdle of proving bad faith.
- ii) From a legal perspective express provision for Trade Marks may not be required for compliance with Article 11(1) of the Paris Convention. Nevertheless, there may be benefit to Guernsey exceeding its obligations and aligning this right to the European position.
- iii) The Community Trade Mark Regulation (Article 33) provides up to six months priority protection for applicants who have exhibited at an international exhibition. This is unlike the position under the UK Trade Marks Act, which does not afford temporary protection (since express provision may not be required in order to comply with the Paris Convention).
- iv) Priority can be claimed for Community Design registrations from the date of an international exhibition officially recognised under the 1928 Convention on International Exhibitions, EU Regulation 6/2002. Again this is unlike the position for UK registered Designs, which does not afford temporary protection (for reasons similar to Trade Marks).

Question for consultation: Temporary protection for exhibited goods

8. Should temporary protection for goods exhibited at exhibition be introduced for Trade Marks, what do you perceive to be the commercial advantages/disadvantages of doing so?
9. If you consider that temporary protection should be provided, please provide your comments on the proposal to permit a right of priority for a 6 month period from the date of the exhibition.

Question for consultation: Development of IP

10. Your general comments on potential areas of development for IP legislation and policy are invited.

B) IPO operational issues

This section deals with a number of operational issues which are under consideration by the IPO.

1 PAYMENT METHODS

1.1 Current system

The IPO has historically (since 2008) offered the following methods of payment, for all intellectual property filings:

- a) Cash
- b) Cheque
- c) Credit / Debit Card
- d) Bank transfer

A Credit Policy has also been operated by the IPO, whereby clients could choose to assign payment for filings to an account, subject to the terms and conditions of the Registry's 'Credit Control Policy'. Payment of the account can be settled using any of the methods listed in (a) to (d) above.

The practice of allowing payment on account was designed to facilitate modern business practice, in line with a fully operating online registry.

To align with the practices of intellectual property offices in other jurisdictions, the IPO considers that it would be appropriate to change its policy so as to restrict payment methods to pre-paid accounts and immediate payment, rather than continuing to allow payment on account.

1.2 Proposed change

It is proposed to withdraw credit account facilities for all IP products, and to instead offer debit accounts for anyone who regularly does business with the Registry. It is envisaged that clients could open more than one account if they chose. It would be for clients to manage their accounts and ensure that there were sufficient funds on the account at the time that filings were submitted. Accounts would not be permitted to go overdrawn.

No change is proposed for payment methods for the Guernsey Registry in relation to non IP matters.

The IPO understands that it would not be appropriate for all clients to operate debit accounts, for example clients with only 1 or 2 registrations. Those clients would continue to be able to make payment at the time of filing using the methods listed in 1.1 above ((a) to (d)).

Question for consultation: Payment methods

11. Your comments are invited on the proposed withdrawal of credit accounts and the introduction of debit accounts as payment methods by the IPO. Please confirm any issues you anticipate that may arise from this proposed change.

2 WITHDRAWAL OF PAPER APPLICATIONS FOR TRADE MARKS

2.1 *Current system*

The IPO currently accepts both paper and online applications for the following trade mark applications:

- registration application;
- change of proprietor name/address; and
- renewal

These online forms are available through the greg.gg online services portal.

A limited number of online forms are also available for image rights through the www.ipo.guernseyregistry.com website. There are currently no online forms available for patents or designs. The use of online forms is much more efficient, eliminating the need for printing and also reducing the handling of information. It is anticipated that additional forms may be available at a future date, although this is not an active work stream for the Registry.

2.2 *Proposed change*

It is proposed that paper applications for trade marks only shall no longer be accepted by the IPO, where online applications are available.

Paper applications would continue to be accepted for all other IP applications and filings.

Question for consultation: Paper applications

12. Your comments are invited on the proposal that paper applications for trade marks only shall no longer be accepted by the IPO, where online applications are available. Please confirm any issues which you anticipate that may arise from this proposed change.

3 PRIMARY AND SUPPORTED TRADE MARK REGISTRATIONS

3.1 *Current position*

The IPO currently offers the option for proprietors to register either a Primary Trade Mark or a Supported Trade Mark in Guernsey.

A primary registration will be appropriate where there is no existing Trade Mark in a recognised jurisdiction, or where the applicant wishes to apply for different classes to those registered in a recognised jurisdiction.

A supported Trade Mark registration may be applied for where there is a registration in another recognised jurisdiction, and support for the Guernsey application is claimed from the earlier registration.

The IPO fee for filing a supported Trade Mark registration is £120 less than the fee for filing a primary registration.

3.2 *Proposed amendments*

It is proposed that a single trade mark application be offered (with a single registration fee) which would include the ability to claim priority for an earlier mark. It is also proposed to update all IP fees, to remain competitive with the UK.

Annexed at appendix 2 is a schedule of proposed costs.

3.3 *Policy issues*

- i) The dual registration system was introduced at the time of change from the court process to applications being dealt with by the Registry. It was aimed at dealing with proprietors wishing to claim priority for an earlier mark. This can however be dealt with in the application form.
- ii) The current system appears to be unique to Guernsey. The Registry is aware that this can cause confusion, as proprietors and agents do not understand why there is a difference and the protection afforded under each.
- iii) It may be perceived that a supported application would be processed quicker by the IPO. In practice, the processing period by the IPO is the same for both primary and supported applications, since the IPO needs to examine the application and ensure that registration is permitted under the local IP laws.

Question for consultation: Primary and supported Trade Mark applications

13. Your comments are invited on the proposal that the IPO move to offer a single application system for Trade Marks. Please confirm any issues which you anticipate may arise from this proposed change.
14. Please provide any comments on the schedule of proposed costs.

Next steps

Responses will be collated and a summary made public.

Responses will be considered by the Department to inform a policy decision on the proposed changes outlined in this consultation document.

How to respond:

PLEASE SEND COMMENTS, PREFERRABLY BY EMAIL, TO:

Miss Liz Hodder – Business Executive, Finance Sector Policy Unit Commerce and Employment Department Guernsey Registry PO Box 451 Fountain Street St Peter Port GY1 3GX	Telephone: (01481) 743813 Email: liz.hodder@gov.gg
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THE CLOSING DATE FOR REESPONSES IS 31 July 2015.

Disclaimer

**Please note that consultation responses may be made public.*

(sent to other interested parties on request, quoted in a published report, reported in the media, published on www.gov.gg, listed on a consultation summary etc.)

**Please indicate in your response how the Department should treat your response, the options available include:*

I agree that my comments may be made public and attributed to me

I agree that my comments may be made public but not attributed (i.e. anonymous)

I don't want my comments made public

Name:	<hr/>
Address:	<hr/>

Summary of consultation questions

Respondents are invited to comment on the specific questions which appeared in the main text and are repeated below.

1. Whether a register of agents should be established in Guernsey for:
 - a. Trade Marks
 - b. Design Rights
2. If established, should the registers should be restricted to Guernsey resident agents only?
3. Please provide your comments on proposals for introducing registration and annual renewal fees for Registered Trade Mark and Design Agents, including a reduced fee for registration across all of the IP products.
4. Should a code of conduct be implemented for Registered Agents, for each of the intellectual property rights? What, if any, issues do you foresee?
5. If Community Designs and Trade Marks are automatically recognised and protected in the Bailiwick, what are the advantages/disadvantages of doing so?
6. What are the expected commercial implications of automatically recognising and protecting Community Designs and Trade Marks locally?
7. What are the perceived implications of not automatically recognising and protecting Community Designs and Trade Marks locally, including attractiveness of Guernsey as a jurisdiction for filing?
8. Should temporary protection for goods exhibited at exhibition be introduced for Trade Marks, what do you perceive to be the commercial advantages/disadvantages of doing so?
9. If you consider that temporary protection should be provided, please provide your comments on the proposal to permit a right of priority for a 6 month period from the date of the exhibition.
10. Your general comments on potential areas of development for IP legislation and policy are invited.
11. Your comments are invited on the proposed withdrawal of credit accounts and the introduction of debit accounts as payment methods by the IPO. Please confirm any issues you anticipate that may arise from this proposed change.
12. Your comments are invited on the proposal that paper applications for trade marks only shall no longer be accepted by the IPO, where online applications are available. Please confirm any issues you anticipate that may arise from this proposed change.

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13. Your comments are invited on the proposal that the IPO move to offer a single application system for Trade Marks. Please confirm any issues which you anticipate may arise from this proposed change.

 14. Please provide any comments on the schedule of proposed costs.

Appendix

Appendix 1 – List of historic filings for Trade Marks and Designs (1989 to 2014)

Appendix 2 –Schedule of proposed costs

IP CONSULTATION PAPER

APPENDIX 1

List of historic filings for Trade Marks and Designs (1989 to 2014)

Trade Mark Applications		Design Applications	
Year	No. of applications	Year	No. of applications
1989	36	1989	7
1990	73	1990	2
1991	108	1991	2
1992	201	1992	8
1993	243	1993	1
1994	340	1994	3
1995	148	1995	0
1996	283	1996	3
1997	340	1997	0
1998	270	1998	0
1999	249	1999	1
2000	246	2000	2
2001	233	2001	2
2002	223	2002	0
2003	166	2003	0
2004	177	2004	2
2005	179	2005	1
	(IPO opened 2006)		(IPO opened 2006)
2006	168 (approx)	2006	0
2007	216 (approx)	2007	2
2008	258 (approx)	2008	1
2009	123	2009	2
2010	204	2010	1
2011	171	2011	0
2012	216	2012	0
2013	188	2013	0
2014	206	2014	2

Schedule of proposed costs

Trade Marks			
Service	Current Gsy Fee	Current UK Fee	Proposed Guernsey fee
Applications			
Primary trade mark registration	£300 (NPO - £100, Charity - free)	£170 (online) £200 (paper)	£200 (NPO - £100, Charity - free)
Supported trade mark registration	£180	n/a	£200
Additional Nice classes	£20 each	£50 each	£20 each
Request to divide application for registration	£100	£100	£100
Filing of regulations regarding the use of a collective or certification mark	£200	£200	£200
Maintenance			
Alteration of registered trade mark	£100	?	£100
Amendment to an application	£25	free	free
Change of agent	£5	free	free
Change of proprietor name/address	£25	free	£10
Full/partial surrender	£25	free	£10
Rectification of the Register	£25	free	£10
Renewal of trade mark	£150 (+ £20 for additional class)	£200 (+ £50 for additional class)	£200 (+ £20 for additional class)
Renewal late filing fee	£10 per month	£50 fixed fee	£10 per month
Restoration of a trade mark	£150 + renewal fee	£100 + renewal fee	£150 + renewal fee
Rights Management			
Assignment (change of ownership)	£50	£50	£50
Declaration of invalidity	£200	£200	£200
Filing document in support of an application or request made to Registrar	£10	?	free
Merger of two separate applications or registrations	£50	free	£50
Registration of a licensee	£50	£50	£50
Application to remove or amend the registration of a licensee	£50	£50	£50
Revocation of a trade mark	£200	£200	£200
Search and Information services			
Certified copy of the entry of a submission in the Register	£25	£20	£25
Copy certificate of registration	£25 (replacement) £50 (certified)	n/a	£10 (uncertified) £25 (certified)
Copy of an entry on the Register	£25 (uncertified) £50 (certified)	£20 (Certified) £5 (Post) £1.20 (Email)	£10 (uncertified) £25 (certified)
Copy of a file document	£10 (electronic) £20 (paper)	£5	£2 (uncertified) £12 (certified)
Uncertified trade mark profile or extract of the Register	£50	£5	£10
Request for proof of priority	£25	n/a	£25
Search report	£25	n/a	£25
Exceptional services			
Refund administration fee	£20	n/a	free
Appearance of the Registrar in the Ordinary Court	£100/hour	n/a	£100/hour
Extension of time request	£25 (1 month)	£100	£25 (1 month)
Statement to the Ordinary Court by the Registrar	£100/hour	n/a	£100/hour
Opposition			
Filing notice of opposition	£250	£100-£200 (dependant on type)	£250

Schedule of proposed costs

Registered Designs

Service	Current Gsy Fee	Current UK Fee	Proposed Guernsey fee
Registration of design	£100	£60 (single design, published) £40 (single design, deferred)	£100
Assignment (change of ownership)	£50	free	£50
Change of agent	£25	free	free
Change proprietor name/address	£25	free	£10
Copy certificate of registration or copy of registration record	£5	£22	£10 (uncertified) £25 (certified)
Extension of period of protection	£100	£130 - 2nd period £210 - 3rd period £310 - 4th period £450 - 5th period	£100
Formal extract of the Register	£25	£22	£25
Late renewal filing fees	10% per annum from due date to payment date	1st month - free each succeeding month - £24	£10 per month
New certificate of registration (where original is lost or destroyed)	£25	n/a	£25
Notice of a dispute challenging the validity of a design	£250	£50	£250
Other request to the Registrar (which is not otherwise specified)	£25	n/a	£10
Rectification of Register	£25	free	£10
Registration of a licensee	£25	free	£50
Restoration of a registered design	£120	£120	£150
Search report request	£25	£25	£25

Schedule of proposed costs

Patents			
Service	Current Gsy Fee	Current UK Fee	Proposed Guernsey fee
Patent applications			
Registration of a patent	£200	Varies dependent on stage of process	£200
Registration of 'patent of addition' in the Bailiwick of Guernsey	£100	n/a	£100
Patent maintenance			
Assignment (change of ownership)	£50	£50	£50
Change proprietor name/address	£25	?	£10
Extension of term of patent - unreasonable delay	£500		£500
Extension of term of patent - qualifying medicinal product or plant protection product	£100		£100
Entry of licence of right	£25	free	£10
Cancellation of licence of right	£100	free	£50
Modification of particulars of a patent registration	£25		£10
Notice of appeal in overseas country	free		free
Notice of limitation to a patent as attached to the registration of the patent in the designated country	£25		£10
Notice (in the Bailiwick of Guernsey) of an order in an overseas country for restoration of the right in an overseas registered patent	£50		£50
Notice of revocation, cancellation, invalidity or expiry of registration in overseas jurisdiction	free		free
Notice of a right as an inventor to be registered in the Register	free		free
Recordal of licensee or other interest	£25		£10
Rectification of the Register/correction of an application	£25		£10
Renewal of extension certificate (supplementary protection)	£100		£100
Renewal of patent registration	£100	£70-£600	£100
Renewal late fee	£10/month		£10/month
Request to prohibit or restrict the publication or communication of information	£100		£100
Restoration of a patent	£150 + renewal fee	£135	£150 + renewal fee
Withdrawal of an application for patent registration	free	free	free
Search and information services			
Copy of extract of patent document	£25 (uncertified) £50 (certified)	£5 (uncertified) £20 (certified)	£10 (uncertified) £25 (certified)
Copy of lost/destroyed certificate (uncertified)	£25		£10
Copy certificate (certified)	£50		£25
Novelty search of Bailiwick Register	£100		£100
Purchase of public documents (per document)	£5		£2
Opposition and observation			
Notice of observation in relation to a patent application	free		free
Notice of opposition to the cancellation of an entry of a licence of right in the Register	£100		£100
Exceptional services			
Any other service or request to the Registrar	£100		£100