



Consultation Paper: Draft Trade Marks (Jersey) Law 202-

Consultation Paper

Contents:

1. Introduction	2
2. Background	2
3. Approach	3
4. Move to a System of Primary Trade Mark Registration	3
5. New Registry held by the Jersey Financial Services Commission	3
6. Madrid Protocol Extension	4
7. Transitional Provisions	4
8. Conclusion and next steps	6
9. How to respond to this consultation	7

1. **Introduction**

- 1.1 Following a [consultation](#) in 2023 (the **2023 consultation**), the Government of Jersey is now seeking views on the draft Trade Marks (Jersey) Law 202- (the **draft Law**) which, if approved, will replace the [Trade Marks \(Jersey\) Law 2000](#) (the **2000 Law**).

2. **Background**

- 2.1 Intellectual property (**IP**) protection is a key part of modern economic policy which is increasingly driven by the value of innovation and intangible assets. IP rights support innovative activity and can lead to increases in the profitability of a business investing in such activity. Products and services protected by IP rights ensure a reward for investment in innovation. IP rights are therefore a valuable business asset.
- 2.2 Ensuring that Jersey's legislation for IP is modern and consistent with international standards is an important policy objective for the Government to enhance Jersey's investment climate and encourage businesses of many types to locate and invest in the Island.
- 2.3 The 2023 consultation invited views, most notably, on the introduction of a system of primary trade mark registration in Jersey, the extension of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (the [Madrid Protocol](#)) to Jersey, and proposed transitional arrangements to replace the current system of secondary registry (otherwise known as re-registration) with the proposed new system of primary registration.
- 2.4 After careful consideration of the input received, the Government published a [response paper](#) on 17 April 2024 summarising the feedback received and outlining which legislative proposals it intends to take forward. In particular, there was broad support for the introduction of a system of primary trade mark registration in Jersey and extension of the Madrid Protocol, establishing a familiar and internally well-understood framework for businesses and other rights holders in Jersey.
- 2.5 This consultation now seeks feedback on the draft Law which has been prepared with regard to input received in the 2023 consultation. The following sections of this consultation paper provide some further information on the proposed approach and changes; the exact legal detail of the proposed amendments can be found in the draft Law attached as Appendix A.

3. Approach

- 3.1 In line with the Government’s intention, outlined in the 2023 consultation, the draft Law has, to a large extent, been modelled on the framework set out in the UK Trade Marks Act 1994 (as amended), which is internationally highly regarded and well-understood. Building on UK precedent is furthermore considered sensible as local trade mark owners and practitioners likely already are familiar with the UK trade marks regime
- 3.2 However, each and every provision of the draft Law has been reviewed carefully through the ‘Jersey lens’ to ensure that it is appropriate and works well in Jersey. The following sections set out further detail on how the key aspects of the 2023 consultation have been taken forward, including the transitional provisions required.

4. Move to a System of Primary Trade Mark Registration

- 4.1 The 2000 Law sets out the current framework for trade mark registration and protection in Jersey. The 2000 Law provides for secondary registration in Jersey of trade marks first registered in the United Kingdom. Secondary registration of a trade mark in Jersey essentially gives the trade mark owner, the same rights and equivalent remedies in Jersey as exist in the UK. Additionally, so-called ‘International Trade Marks’ obtained via the Madrid Protocol with effect in the UK automatically apply in Jersey and, in these cases, there is no need for re-registration in Jersey in order to obtain protection locally.
- 4.2 As outlined for the 2023 consultation, the Government’s overarching policy intention in relation to intellectual property is to build on Jersey’s strong foundations as an international financial, legal and business centre and complement this with a new, modern and digital system of primary trade mark registration. This would, in particular, enable Jersey to seek extension of the UK’s ratification of the Madrid Protocol, which is designed to simplify the registration process of trade marks in a large number of jurisdictions and is expected to offer a variety of benefits to multiple areas of the Jersey economy. As outlined in the Government’s Response Paper, the proposals to modernise Jersey’s trade marks legislation and registry infrastructure received wide support.
- 4.3 In light of the generally supportive response to the previous consultation, the process of drafting the new Law commenced. As outlined, the overall ambition is to create a new framework for primary trade mark registration in Jersey, modelled broadly on the UK Trade Marks Act 1994, but carefully tailored and developed to suit Jersey’s specific needs. In particular, the draft Law sets out provisions for applications, registrations, and maintenance of trade marks registered under Jersey’s proposed new primary system of registration. In addition, the primary registration for trade marks will allow for Jersey to be designated on an international registration via the Madrid Protocol – detailed in Part 7 of the draft Law.

5. New Registry held by the Jersey Financial Services Commission

- 5.1 Under the existing 2000 Law framework, the Judicial Greffier is the Registrar to whom an application for registration must be made, with a Register of Rights maintained at the Judicial Greffe.
- 5.2 However, as the operation of a system of primary trade mark registration requires additional resource, expertise and enhanced digital infrastructure, in agreement with the Judicial Greffier, a decision has been made to relocate the IP Registry.
- 5.3 Government is pleased that the Jersey Financial Services Commission (the **JFSC**) has agreed to take on the new primary trade marks registry. The JFSC already holds and services 15 registries, including

those for Jersey companies, business names, foundations, partnerships and security interests. The addition of the new trade marks registry will provide rightsholders and investors with one comprehensive suite of registries, held in a modernised digital system.

- 5.4 The JFSC will also take on the existing patents and registered designs registries. The secondary character of the two registries will remain unchanged; however, both will be modernised and digitised.
- 5.5 A separate new law will be required, setting out the powers of the registrar to allow the JFSC to exercise the required functions in relation to trade marks, patents and designs. A proposed draft will be prepared with a view to bringing it to the States Assembly in tandem with the draft trade mark law.

6. *Madrid Protocol Extension*

- 6.1 As outlined, one of the key objectives of the draft Law is to enable Jersey to seek extension of the UK's ratification of the Madrid Protocol.
- 6.2 The Madrid Protocol is an international agreement designed to simplify the registration process of trade marks worldwide. Currently, trade mark owners in Jersey who want to obtain protection for their trade marks in other jurisdictions must do so by filing individual applications in each of these countries separately and pay the applicable fees in the local currency.
- 6.3 However, on extension of the Madrid Protocol, trade mark owners in Jersey would be able to file a single international trade mark application in Jersey and pay a single set of fees to obtain trade mark protection in up to 130 countries. Similarly, trade mark owners in other Madrid Protocol contracting parties can specifically 'designate' Jersey in an international trade mark registration to obtain protection in the Island. As such, the Madrid Protocol offers a convenient and cost-effective 'one-stop-shop' solution for registering and managing trademarks both in Jersey and globally.
- 6.4 The previous consultation provides more detail on the anticipated benefits of participation in the Madrid Protocol.
- 6.5 Having regard to the generally positive feedback on the proposed extension of the UK's ratification of the Madrid Protocol to Jersey, the draft Law makes the necessary provision to ensure Jersey's legislation complies with the requirements set out in this international agreement. In particular, the contents of Part 7 - International Registration - of the draft Law reflect the provisions as required by the World Intellectual Property Organization (**WIPO**) to ensure Jersey's full compatibility with the Madrid Protocol. The provisions in Part 7 set out the role of the Island's registry in the process of registering a local trade mark on WIPO's International Register. Part 7 also sets out the process that applies when the Island's registry receives a request from the International Bureau of WIPO for territorial extension to Jersey of an international registration.

7. *Transitional Provisions*

- 7.1 A key consideration is to ensure the draft Law works for Islanders and current trade mark owners who have protection in Jersey. Therefore, the draft Law includes a set of bespoke transitional provisions to ensure a smooth switch from a system of secondary to a new system of primary registration.
- 7.2 The 2023 consultation set out proposals for the transitional provisions to facilitate the move from the existing re-registration system to the new primary registration system. Helpful feedback was received from stakeholders on how this could be achieved in a more streamlined and succinct way. The Response Paper acknowledged the feedback on this point and the draft Law includes a number of bespoke transitional provisions to incorporate this.

International Trade Marks (UK)

- 7.3 For existing “protected international trade marks”, as defined in the 2000 Law the draft Law sets out continued automatic protection until the next point of renewal currently available to them. This is intended to ensure that current right holders continue to enjoy protection without the need for any action on their part up until the point of renewal and to provide for a smooth transition. Those trade mark owners will be able to separately designate Jersey in their international trade mark application to extend the geographical scope of the international trade mark, or (alternatively) to file a local Jersey registration under the new system of primary registration, at the time of completing their normal renewal cycle. If no action is undertaken then, protection of the international trade mark in Jersey will cease at the next point of renewal following commencement of the new legislation.

Existing Local Registrations

- 7.4 The current registry broadly contains three types of local trade mark;
- validly registered local trade marks;
 - local trade marks that are up for renewal in the UK – and therefore Jersey too – within the 6 months prior to the new law entering into force, but that have not yet been renewed in Jersey
 - local trade marks which expired in Jersey and in the UK more than six months prior to the date of the new law entering into force and therefore cannot be renewed in the UK or in Jersey; and
- 7.5 For the first category, those local trade marks which are registered on the date the draft Law comes into force, protection will continue to be maintained, and the local trade mark will automatically transition to the new system of primary trademark registration. Any renewal will then need to be processed in line with Articles 86 & 87 of the draft Law to maintain protection moving forward.
- 7.6 In addition, to support those IP owners who have registered local trade marks that expire shortly after the draft Law comes into force, the proposed transitional provision gives owners of such trade marks until the end of the first 6 months after entry into force of the new legislation to complete the renewal, should the IP owner wish to continue protection.
- 7.7 For the second category, in relation to local trade marks that are up for renewal in the UK – and therefore Jersey too – within the 6 months prior to the new law entering into force, but that have not yet been renewed in Jersey, these trade marks will not be automatically moved onto the new system of primary registration. However, IP owners will still be able to request their trade marks are added to the new register of primary trade marks, subject to payment of the relevant renewal fee in Jersey under the new draft law. To be able to make this request, the Trade Mark owner must have first, in the UK, renewed their UK Trade Mark. The request must be made to the registrar to add it to the new primary register of trademarks within 12 months of its original renewal date.
- 7.8 The third category concerns those trade marks that have expired in Jersey and in the UK more than six months prior to the date of the new law entering into force and therefore cannot be renewed in the UK or in Jersey. For any such trade marks currently still listed on the Jersey register at the point at which the draft Law comes into force, renewal will no longer be possible, and those marks will not be transferred onto the new register for primary trade marks. Any future protection will be subject to the requirements under the draft Law, as if it were a new application.

7.9 To summarise, in all transitional scenarios, if protection is maintained, the mark will continue to be protected in Jersey without the need for any further examination. Some example scenarios are outlined below.

Example Scenarios

In all the below examples, the intended new system of primary trade mark registration would take effect in Jersey on 1 August 2026.

Example 1

Scenario: Your locally registered trade mark is due for renewal on the 27th October 2026.

Outcome: Your local Jersey trade mark will automatically be moved on to the new system of primary registration in Jersey on the 1st August 2026. Given your registration is due for renewal in the first six months of the new systems of primary registration being introduced, you would have up until the 28th February 2027 (i.e. 6 months after the date the new registry was introduced) to complete the renewal of your existing trade mark. This will need to be completed in Jersey and would be subject to the process for renewal under Articles 86 and 87 of the draft Law, not the 2000 Law.

Example 2

Scenario: You currently hold a “protected international trade mark”, as defined in the 2000 Law which receives automatic protection in Jersey under the 2000 Law, and is due for renewal with WIPO on the 4th November 2029.

Outcome: Your International (UK) trade mark will continue to be protected until the next point of renewal after the new system of primary registration comes into effect. This means that if the new system of primary registration comes into effect on the 1st August 2026, and your International (UK) trade mark is due for renewal on the 4th November 2029, it will continue to have automatic protection in Jersey until the 4th November 2029 as long as it remains valid.

However, action would be required if you wish to maintain protection of your International (UK) trade mark in Jersey after the next renewal date of the 4th November 2029. You would need to either separately and freshly designate Jersey as a separate jurisdiction under your current internationally protected trade mark, or you will need to file a local application to protect your trade mark in Jersey ahead of this date. If no actions were to be taken, then automatic protection of your International (UK) trade mark would cease on the 4th November 2029.

Example 3

Scenario: You have a previously locally registered trade mark that expired on the 25th May 2026.

Outcome: As it has expired, your trade mark will not be automatically moved on to the new system of primary registration. However, as it has expired less than 6 months before the new legislation enters into force, you do have the ability to request it is added by the registrar to the register. In order to do this, you must have renewed your trade mark in the UK (even if that is done in the 6 months following its expiry as is possible under UK legislation). You can then request it is added to the register by the registrar in Jersey and pay the relevant renewal fee in Jersey under the new law. This must be done by the 24th May 2027 – 12 months from the original date of expiry.

Example 4

Scenario: You have a trade mark which is locally registered and will expire on the 17th June 2031.

Outcome: The registered trademark will automatically be moved on to the new system of primary registration in Jersey on 1st August 2026. To maintain protection in Jersey after 17th June 2031 the trade mark will need to be renewed in accordance with the requirements of the new trade mark Law.

Example 5

Scenario: The new system of primary registration for trade marks in Jersey begins on the 1st August 2026. You own a trade mark that is still listed locally on the current Jersey system of secondary registration but expired on the 24th April 2021.

Outcome: The trade mark has expired and there is no route to renew the trade mark. Despite still being listed on the register, the trade mark is no longer protected in Jersey. Therefore, under the proposed transitional provisions in the draft Law, on commencement of the new system of primary registration, the trade mark would not be moved onto the new register. If future protection was sought, then a new application for primary registration in Jersey would need to be made under the new Law.

8. Conclusion and next steps

- 8.1 The Government welcomes feedback to this consultation on the draft Law and is grateful for the support in developing the approach to intellectual property law in Jersey.
- 8.2 Upon consideration of responses, the draft Law will be finalised for lodging and subsequent States Assembly debate later this year.

9. How to respond to this consultation

Question: **Please provide comments on the draft Law attached per Appendix A.**

Responses to the question above can be submitted no later than 18th July 2025:

- a) by email to L.Ament@gov.je with the subject line “Trade Mark Law Consultation”
- b) in writing to:

FAO Lukas Ament, Head of Competition and Intellectual Property
Department for the Economy
Government of Jersey
Union Street
St. Helier
JE2 3DN