

ALERT
(International Version)
(No. 1 of 2015)

NEW TRADE MARKS RULES FOR THE BRITISH VIRGIN ISLANDS

20 April 2015
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Following a period of public consultation on the draft Trade Marks Rules which began on 10 April 2014 as shown in our Alert No. 4 of 2014 "**PUBLIC CONSULTATION ON DRAFT TRADE MARKS RULES IN THE BRITISH VIRGIN ISLANDS**", the Cabinet has on 15 April 2015, a year later, issued the Trade Marks Rules, 2015. It brings the Trade Marks Act, 2013 one step closer to implantation, which itself was passed by the House of Assembly on 30 April 2013, almost two years ago, and is still awaiting a Proclamation to bring it into force as shown in our Alert No. 3 of 2013 "**NEW TRADE MARKS ACT PASSED IN THE BRITISH VIRGIN ISLANDS**".

The new rules contain 25 new forms, including a new and simpler application form for the registration of trade marks. It also outlines a detailed process for proceedings before the Registrar, such as opposition proceedings. This will allow for the Registrar to case manage such proceedings while anticipating the use of alternative dispute resolution measures for the purpose of achieving settlements to trade mark disputes.

A copy of our **TRADE MARK REGISTRATION PROCESS CHART** under the new rules is now available for easy download and access. However, our **Guide to the Registration of Trade Marks in the British Virgin Islands** will not be available until the new Trade Marks Act, 2013 comes into force.

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If you would like more information about trade marks in the British Virgin Islands, you may contact Jamal S. Smith.

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