

**ALERT**  
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**COMING SOON: NO MORE UK RE-REGISTRATIONS IN THE BRITISH VIRGIN ISLANDS**

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The Financial Services Commission, which is responsible for the Registry of Trade Marks recently, released a consultation draft of the Trade Mark Rules, 2014 with the consultation period ending on 30 April 2014. The publication of the consultation draft suggests that the current trademark regime is about to be phased out with the implementation of the Trade Marks Act, 2013, including using a prior UK trademark registration to obtain a trademark registration in the British Virgin Islands.

It has been a staple of the British Virgin Islands' trade mark regime to be able to re-register a prior UK trademark registration, which was cheaper and quicker. There is no need for an examination or publication process and you get a Certificate of Registration within a few weeks. This is all about to change when the Trade Marks Act, 2013 comes into force.

When the Trade Marks Act, 2013 comes into force all trademark applications will have to go through a more rigorous examination process and a long publication process (3 months). Therefore, it is expected to take about 4 – 5 months for a trademark application to be completed under the new regime, and if there are deficiencies in the application you can add a few more months to that process, or if there is an opposition, then you can add another 4 – 5 months. Therefore, it may be possible for a trademark application to take as long as a year to completion under the new regime depending on the complexity involved. While that is not outside the norm in comparative terms from other jurisdictions, this is a huge change from a few weeks if you already have a UK registered trademark.

It is highly recommended that you take advantage of this opportunity before the Trade Marks Act, 2013 comes into force. For now, all a trademark owner needs to re-register a UK trademark is a certified copy of the UK registration and an instrument appointing an agent in the BVI over the trademark. Within a few weeks of the application you will receive your Certificate of Registration, which will continue to be a valid registration in the British Virgin Islands when the new Act 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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