

**ALERT**  
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**REGISTRAR ISSUES POLICY STATEMENT ON SERVICE MARKS IN THE BVI**

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In a policy statement issued on 10 June, 2011, the Registrar of Trade Marks indicated that service marks will continue to be registered and renewed in the British Virgin Islands once they have already been registered in the UK.

As a result of this policy statement, all existing applications for registration and renewal of service marks based on prior UK registrations will continue to be processed as normal. However, the policy does not change the existing position, but merely maintains the status quo so that service marks are not capable of registration in the BVI unless they are being re-registered based on an existing UK registration. The Registrar indicated that this policy decision was considered appropriate since draft trade mark legislation is expected to be made public shortly. It is anticipated that the proposed Trade Marks Bill will allow for the registration of service marks independently of a UK registration.

Many trade mark owners who have UK registrations have attempted to register service marks in the BVI. Over the years many such applications have been accepted and service marks registered and renewed despite the provision in the law which does not refer to the protection of services when a trade mark is re-registered in the BVI based on a prior UK registration. Therefore, this policy statement is a welcome relief as trade mark owners await the publication of the draft Trade Marks Bill that was recently considered by the Focus Group on the Review and Revision of Intellectual and Industrial Property Law in the British Virgin Islands established by the Financial Services Commission in January 2010, of which the Founder & Principal of THORNTON SMITH, Jamal Smith, is a member, along with three Queen's Counsels, another private sector attorney and public sector practitioners.

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If you would like more information about intellectual property in the British Virgin Islands, contact Jamal S. Smith.

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