

**GUIDE TO THE REGISTRATION OF TRADE MARKS
IN THE BRITISH VIRGIN ISLANDS**

20 August 2015

With effect from 1 September 2015 the Trade Marks Act, 2013 (the “**Trade Marks Act**”) and the Trade Marks Rules, 2015 (the “**Trade Marks Rules**”) will become the sole statutory regime replacing the dual regimes under the old Trade Marks Act (Cap. 158) (the “**Old TM Act**”) and the Registration of United Kingdom Trade Marks Act (Cap. 157) (the “**Old UK TM Act**”) in the British Overseas Territory of the Virgin Islands (the “**British Virgin Islands**” or “**BVI**”). This guide is intended to explore the process of registering a trade mark in the British Virgin Islands as well as the general considerations that would be involved at each stage with specific consideration of the application itself. For this purpose, it should be read in conjunction with our **Trade Mark Registration Process Chart**.

The registration process can be divided into four stages: (i) pre-application stage; (ii) application stage; (iii) publication stage; and (iv) certificate stage.

1. Pre-Application Stage

(a) Inspection of the Register

Before filing the application for registration it is possible to search the register of trade marks by filing **Form TM21** and paying the fee of US\$20.00 during normal business hours.¹

(b) Registrar’s Opinion

In addition to a search of the register before filing an application for registration it is possible to request the Registrar’s Opinion on the registrability of the trade mark prior to filing the application by using **Form TM21**. The Registrar’s Opinion can be used to support the application for registration by completing Part 5 of **Form TM1**.

2. The Application Stage

(a) Trade Mark Owner

The trade mark owner must authorize the filing of the application using **Form TM1**.² However, in the absence of any agreement between the trade mark

¹ Section 92. Currently, the normal business hours for conducting searches are 8:30 am to 4:30 pm on Monday to Friday, except public holidays.

² Section 36(1) and Rule 6(1).

owner, or on behalf of the trade mark owner, and the registered trade mark agent, the trade mark owner should execute the application by signing Part 18 of Form TM1, otherwise it may be executed by a registered trade mark agent. The name of the trade mark owner should be included in Part 1 of Form TM1. The physical address of the trade mark agent should be included in Part 2 of Form TM1. It is possible to change the name and/or address of the trade mark owner after registration by filing **Form TM19** and paying the official fee of US\$50.00, but during the application process it is necessary to file **Form TM2** and pay the official fee of US\$100.00. The trade mark owner may also change by assignment, transfer or other operation of law by filing **Form TM13** and paying the official fee of US\$100.00 and this can also be done before the completion of the application process since the registration will take effect from the date of filing.

If the trade mark owner is a body corporate the application must be signed by a director, secretary or other principal officer of the body corporate unless some other person can satisfy the Registrar that he or she has authority to sign the application.³ The full name and capacity in which that person is signing must be stated beneath their signature along with the date. This may include the corporate seal of the body corporate if in accordance with the laws of the place of incorporation or its constitutional documents the body corporate is required to execute documents using its corporate seal. However, if the body corporate is a BVI company no corporate seal is required.⁴ The same requirement is held for an individual, even an individual acting in an official capacity that is required to have a seal, as long as it is expressed to be executed as a deed or is otherwise clear on its face that it is intended to be a deed,⁵ except that where they would otherwise have needed a seal it must be signed in the presence of a witness.⁶ For any other trade mark owner, no special requirements would apply.

(b) Trade Mark Agent

The application must be filed by a registered trade mark agent.⁷ There is no statutory requirement for an instrument of appointment such as a power of attorney or authorization of agent and the relationship is one of agreement between the trade mark owner and the registered trade mark agent. However, unlike a registered trade mark agent in the United Kingdom, a BVI registered trade mark agent is not exempt from the statutory prohibition against drawing or preparing any legal instrument, including relating to any

³ Rule 112(b).

⁴ Section 103(3), BVI Business Companies Act, 2004 (No. 16 of 2004).

⁵ Section 2(2), Property (Miscellaneous Provisions) Act, 2003 (No. 12 of 2003).

⁶ Section 2(3), Property (Miscellaneous Provisions) Act, 2003 (No. 12 of 2003).

⁷ Section 33(1).

trade mark.⁸ Any registered trade mark agent that is not also qualified to practice law in the British Virgin Islands can only file the statutory forms and serve as liaison between the Registrar and the trade mark owner but cannot prepare any trade mark document or give legal advice on the statutory forms or other trade mark document. The name and physical address of the trade mark agent should be included in Parts 3 and 4 of Form TM1, while the full address and contact details of the trade mark agent should be included in Part 12 of Form TM1.

It is possible to change a trade mark agent at any time by filing **Form TM19** and paying the official fee of US\$50.00, but during the application process it is necessary to file **Form TM2** and pay the official fee of US\$100.00. However, where the change of trade mark agent takes place as a result of a change of ownership of the trade mark by assignment, transmission or other operation of law, the change of trade mark agent can take place by filing **Form TM13** without the need to do anything further. While it is a matter for agreement between the trade mark owner and the trade mark agent whether there will be any fee associated with the change of trade mark agent, it is expected that no professional fee will be charged by the new trade mark agent to file Form TM19 as long as it is confirmed that all fees owed to the previous trade mark agent has been paid.

(c) Non-English Characters

It will be possible to register trade marks using non-English words, letters or characters such as Arabic, Chinese, Devanagari or Cyrillic characters. When foreign numerals and foreign script are used in a trade mark, the application for registration does not need to be accompanied by a certified translation into, or equivalent meaning or transliteration in, the English language of those foreign numerals or foreign script.⁹ Additionally, there is nothing preventing a trade mark that uses Latin characters similar to the English alphabet such as Spanish, Portuguese, French and Italian to require translation or transliteration. It is only where documents submitted in support of the application use non-English words, letters or characters or even Latin characters will there be a need for translation into the English language.¹⁰ If translation or transliteration of the trade mark is required this should be included in Part 6 of Form TM1.

(d) Representation

A trade mark would include a brand, color, device, figurative element, heading, label, letter, name, numeral, shape, signature, smell, sound, taste,

⁸ Section 74, Eastern Caribbean Supreme Court Act (Cap. 80).

⁹ Rule 113(5).

¹⁰ Section Rule 113(2)

ticket or word, or any combination of signs.¹¹ Regardless of the form it takes, the trade mark must be capable of being represented graphically. This would be fairly straightforward for word marks, or a device or figurative mark which can be represented by a picture or drawing. However, with respect to olfactory marks it is expected that there will be guidelines issued by the Registrar to allow the representation of smells by some special mechanism since providing a graphic representation through chromatography, for example, has not been acceptable elsewhere, and the position would have to be the same for any gustatory mark that attempts to depict a taste. The same would not be true of sound marks, since it is quite possible to produce a musical notation or score to satisfy the requirement of graphical representation, and a sound spectrograph can depict pitch, progression and volume, and therefore, be capable of graphically representing the sound for purpose of registration. As a result, it is quite possible to register jingles.

The list expressly allows the registration of shape marks, which was not previously possible in the British Virgin Islands except by virtue of the re-registration of a UK trade mark. However, a shape mark cannot be registered as a trade mark if it consists exclusively of a shape which results from the nature of the goods themselves, is necessary to obtain a technical result or gives substantial value to the goods.¹² A shape mark may also cover packaging that has no intrinsic shape of its own, like liquids or pellets.¹³

Although a color can itself be registered as a trade mark, the color of the trade mark would normally be used to determine the distinctive character of a trade mark.¹⁴ Limiting a trade mark to a particular color or specific colors may help to determine the distinctive character of the trade mark. A trade mark that is registered without limitation of color is registered for all colors.¹⁵

The representation of the trade mark should be included in Part 7 of Form TM1. Where the trade mark is other than mere words then the representation should be included in two (2) additional sheets of paper which should be numbered sequentially and included in Part 13 of Form TM1. If the trade mark is limited to a color or colors that should be included in Part 17 of Form TM1.

(e) Priority

Although the British Virgin Islands is not a Paris Convention Country as the Paris Convention has not been extended to it by the United Kingdom, like all

¹¹ Section 2(1).

¹² Section 16(a).

¹³ See, *Henkel's Application*, Case C-218/01 (12 Feb. 2004), ECJ.

¹⁴ Section 15(3).

¹⁵ Section 15(4).

other British Overseas Territories and the Crown Dependencies except the Isle of Man, it is possible to claim priority based on an application filed in a Paris Convention Country or a WTO Member within six (6) months of the first application.¹⁶ This means that a trade mark owner can “leapfrog” any application made by third parties within the six (6) months grace period following the initial application almost anywhere in the world.¹⁷

It is possible to claim a different priority date for different goods based on different applications. However, the Registrar may at any time issue a notice requiring the applicant to file documentary evidence to verify the claim to priority. If the Registrar issues such a notice then the applicant has sixty (60) days to file the required documentary evidence,¹⁸ and the allowance for extension of time does not apply to priority applications.¹⁹ Failure to provide the Registrar with the requested documentary evidence will result in the priority claim being treated as abandoned. To pre-empt the issuing of such notice, or otherwise delaying the registration, it is advisable that whenever claiming priority to provide a certified copy of the application on which priority is being claimed. However, the trade mark application can be submitted pending receipt of the certified copy of the application as long as it is received within sixty (60) days of the date of the notice issued by the Registrar. If priority is to be claimed this should be included in Part 9 of Form TM1. If the certified copy of the priority application is attached to the application each sheet of paper should be numbered sequentially and included in Part 13 of Form TM1.

(f) Classification

The application mark must include a statement of the goods and/or services in relation to which it is sought to be registered.²⁰ This statement must indicate the goods and/or services by their names grouped according to the class of goods and/or services.²¹ In the absence of any Order published by the Financial Services Commission, the classification system must be in accordance with the Nice Agreement concerning the international classification of goods and services adopted on 15 June 1957 as subsequently amended or revised (the “**Nice Classification**”).²² The current

¹⁶ Section 43.

¹⁷ Currently the only countries and territories which cannot be used to originate a priority application are Afghanistan, Anguilla, British Antarctic Territory, Bermuda, British Indian Ocean Territory, Cayman Islands, Channel Islands, Eritrea, Ethiopia, Falkland Islands, Gibraltar, Kiribati, Marshal Islands, Micronesia, Montserrat, Nauru, Palau, Pitcairn Island, Somalia, South Georgia and South Sandwich Islands, South Sudan, Sovereign Base Areas on Cyprus, St. Helena, Timor-Leste, Turks and Caicos Islands, and Tuvalu.

¹⁸ Rule 10(3).

¹⁹ Section 46(4).

²⁰ Section 36(2)(c).

²¹ Section 39(1).

²² Section 2(1).

version is the tenth (10th) edition of the Nice Classification which came into force on 1 January 2013. In the event there is any change to either the current version or edition of the Nice Classification the Registrar may amend the existing entries on the register to accord with the new classification.²³ Before making the amendment, the Registrar will issue a proposal to which the trade mark owner can enter objections.

It is possible to make a single application with respect to several classes.²⁴ The classes should be included in Part 9 of Form TM1. Where additional sheets of paper is necessary for the length and/or number of classes used, each sheet of paper should be numbered sequentially and included in Part 13 of Form TM1. It is possible to amend the classifications before registration by filing Form TM2 and paying the official fee of \$100.00.

(g) Intention to use the Trade Mark

The applicant must give a declaration of use of the trade mark in relation to the goods or services in respect of which it is sought to be registered or there is an honest intention to use the trade mark, or allow it to be used, in relation to the goods or services concerned.²⁵ The Registrar must not register a trade mark if the application to which it relates is, in the opinion of the Registrar, made in bad faith.²⁶ If the declaration is made in the application and there is no such honest intention then the declaration is dishonest and the dishonesty taints the application.²⁷ If there is no evidence that the trade mark has been used in the British Virgin Islands before the date of the application, the trade mark owner may need to provide information to the Registrar of its honest intention to use it in the British Virgin Islands either during examination of the application (as discussed below) or in opposition proceedings (as discussed below) or during invalidity or revocation proceedings. The declaration of use should be included in Part 11 of Form TM1.

(h) Pending Applications

Applications for registration which were filed before 1 September 2015 would continue to be treated as applications under the Old TM Act.²⁸ However, an application for registration under the Old TM Act is only valid for twelve (12) months, unless after fourteen (14) days notice is given the trade mark owner completes the application, or after a further fourteen (14) days, or such

²³ Section 95(1)

²⁴ Section 40.

²⁵ Section 36(3).

²⁶ Section 15(1)(f).

²⁷ *Demon Ale Trade Mark* [2000] RPC 345.

²⁸ Paragraph 9(1), Sch. 4.

further period as the Registrar may permit in special cases.²⁹ Therefore, it is likely that all pending applications will be deemed abandoned by 28 September 2016 and, unless there is a special case, the provisions applicable to pending applications will no longer be relevant.

It is possible to convert a pending application for registration under the Old TM Act to an application for registration under the Trade Marks Act once it has not been advertised.³⁰ However, this irrevocable application³¹ must be filed by 1 March 2016 in the prescribed form, accompanied by the prescribed fee,³² which would be US\$30.00. In the absence of any rules providing the form, the Registrar may require the use of a form for this purpose,³³ which must be published in the Gazette.³⁴

(i) Examination

After the Registrar receives an application he or she must examine the application in order to ensure that it meets all the requirements for registration, including any requirements that may be prescribed by rules.³⁵ The examination process will include: (a) a review of the application for compliance with all the above requirements of the application, (b) any grounds that may prevent the registration of the trade mark, and (c) the fees prescribed have been paid.³⁶

The starting point to determine whether there are any grounds that may prevent the registration of the trade mark is to consider what may be protected as a sign under the Trade Marks Act, which provides a non-exhaustive list of the types of signs that may be registered as trade marks.

Another ground on which a trade mark application may be refused by the Registrar is where it is devoid of any distinctive character.³⁷ This requirement is identical to the UK Trade Marks Act 1994³⁸ and, therefore, the UK law relating to distinctiveness would be highly persuasive authority and likely to be followed by a BVI court. However, the Trade Marks Act makes it clear that a trade mark cannot be registered if it consists exclusively of letters, numerals or numbers or a combination of letters, numerals or numbers which

²⁹ Section 4 of the Old TM Act.

³⁰ Paragraph 10(1), Sch. 4.

³¹ Paragraph 10(3), Sch. 4.

³² Paragraph 10(2), Sch. 4.

³³ Section 97(1).

³⁴ Section 97(2).

³⁵ Section 45(1).

³⁶ Section 12.

³⁷ Section 15(1)(b).

³⁸ See, section 3(1)(b) of the UK Trade Marks Act 1994.

are not defined in any manner as to give them a distinctive character.³⁹ While the full name of a famous personality would normally be devoid of distinctive character,⁴⁰ the Trade Marks Act allows for a person's name or representation to be registered as long as the person, or their legal representative, gives written consent, unless the person died ten (10) years or more prior to the trade mark application, or where the Registrar considers that the person's consent cannot be obtained for any reason in the case of a person who has died less than ten (10) years prior to the trade mark application.⁴¹ This is also important, since it means that where the trade mark application contains the name of a company, which is an artificial person in law, the Registrar may also require the written consent of the company before it registers the trade mark. It is not necessary for the Registrar of Corporate Affairs to take into account any trade mark, or equivalent right, when incorporating a company in the British Virgin Islands.⁴² However, this does not prevent the Registrar from taking a well-known trade mark into consideration on the basis that the company name is, or would be, objectionable or contrary to public policy or to the public interest.⁴³ Although, it is clear that a company name does not give the company any interest in, or rights over, the name,⁴⁴ it becomes important for trade mark owners to seek to register their trade marks and take action to ensure that it becomes well known in the British Virgin Islands⁴⁵ since that may be the only real basis to take action against a BVI company using its name and doing business in actual or potential markets for the trade mark.

Descriptive marks generally fall within another ground on which a trade mark application may be refused by the Registrar where they consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, time of production of goods or of rendering of services, or other characteristics of goods or services.⁴⁶ Additionally, generic marks may also fall within another ground on which a trade mark application may be refused by the Registrar where they consist exclusively of a sign or indication which has become customary in the current language or in the bona fide and established practices of trade.⁴⁷ Also, marks prohibited by law would also be refused by the Registrar.⁴⁸ There

³⁹ Section 16(b).

⁴⁰ See, Elvis Presley Trade Marks [1999] RPC 567 and Corsair Toiletries' Application (Opposition by Jane Austen Memorial Trust) [1999] ETMR 1038.

⁴¹ Section 26.

⁴² Section 26A(1)(b) of the BVI Business Companies Act, 2004.

⁴³ Section 26A(2) of the BVI Business Companies Act, 2004.

⁴⁴ Section 26A(3) of the BVI Business Companies Act, 2004.

⁴⁵ Section 7(1)(a).

⁴⁶ Section 15(1)(c).

⁴⁷ Section 15(1)(d).

⁴⁸ Section 15(1)(e).

is a specific provision prohibiting the registration of a trade mark that contains a protected geographical indication and relates to specified goods that do not originate from that particular place or region.⁴⁹

A generic mark, descriptive mark, or a non-distinctive trade mark cannot be refused if before the date of the application for registration it has in fact acquired a distinctive character as a result either the use made of it or of any other circumstance.⁵⁰ It is for this reason that the declaration of use becomes critical as noted earlier. Although any trade mark that escaped the examination process and would otherwise have been refused registration can be declared invalid, a generic mark, descriptive mark, or a non-distinctive trade mark that escaped the examination process would not be declared invalid if it similarly has acquired a distinctive character since registration.⁵¹ However, if on the application the declaration of use was untrue then the Registrar can find that there was no honest intention to use the trade mark and declare it invalid.

A trade mark application may also be refused by the Registrar if it is contrary to public policy or to accepted principles of morality.⁵² However, it should be noted that before the Registrar can refuse an application based on public policy he or she must refer the matter to the Financial Services Commission whose opinion on the matter is conclusive, but the Registrar's opinion of what constitutes accepted principles of morality is conclusive.⁵³ Additionally, deceptive marks may also fall within another ground on which a trade mark application may be refused by the Registrar where they are of such a nature as to deceive the public (for instance with regard to the nature, quality or geographical origin of the goods or services).⁵⁴ This would generally cover those cases where although the trade mark meets the distinctiveness test it contains a real risk that the consumer will be deceived, such as suggesting official approval, or that goods are made from particular materials or come from particular locations.

The fees set by the Financial Services Commission must also be paid. For a description of official fees and professional charges, please see our **Fee Schedule (Intellectual Property) 2015**.

If the Registrar is satisfied that all the requirements for registration have been met then the application will be accepted.⁵⁵ Alternatively, if the

⁴⁹ Section 18(1).

⁵⁰ Section 15(2).

⁵¹ Section 69(4).

⁵² Section 17(1)(a).

⁵³ Section 17(2).

⁵⁴ Section 17(1)(b).

⁵⁵ Section 46(1).

Registrar is not satisfied that all the requirements for registration have been met then the Registrar must issue a notice (a “**Defective Notice**”) to the applicant.⁵⁶ From the date of filing of the application to the date the Registrar issues the acceptance or Defective Notice cannot be brief since the examination process must be stringent and thorough to avoid trade marks being inappropriately registered.⁵⁷ However, the examination process usually takes approximately two (2) weeks.

The Defective Notice will provide the period in which the applicant must respond which must be between 14 – 60 days,⁵⁸ although that period may be extended by the Registrar for an additional sixty (60) days.⁵⁹ To obtain an extension of time, the applicant must file **Form TM24**. If the applicant fails to respond to the application within the time required or the extended time granted or fails to amend the application or otherwise satisfy the Registrar that the requirements for registration have been met, then the application may be treated as being abandoned and once it is treated as abandoned the Registrar must refuse to accept the application,⁶⁰ and notify the applicant.⁶¹ If the applicant intends to amend the application **Form TM2** must be filed otherwise a hearing may be requested by filing **Form TM16**.

3. The Publication Stage

Once the application has been accepted by the Registrar there is no notice of acceptance given by the Registrar and it is merely published in the Gazette⁶² and in such other manner as may be prescribed.⁶³ Even after publication of the application, the applicant can still either withdraw or amend the application to correct the name and address of the applicant, an obvious mistake or an error or omission that in the opinion of the Registrar does not materially alter the meaning or scope of the application,⁶⁴ but once the application has been published any amendment or withdrawal of the application must also be published.⁶⁵

Anyone may provide written observations to the Registrar before the trade mark is registered.⁶⁶ After receipt of the written observations the Registrar

⁵⁶ Section 46(2).

⁵⁷ *Nichols v. Registrar of Trade Marks*, Case C-404/02 (January 2004), ECJ

⁵⁸ Section 46(3).

⁵⁹ Section 46(4).

⁶⁰ Section 47(1).

⁶¹ Section 47(3).

⁶² Section 48.

⁶³ Section 2(5).

⁶⁴ Section 48(1).

⁶⁵ Section 48(2).

⁶⁶ Section 52(1).

shall inform the applicant of those observations.⁶⁷ However, the observations may prompt the Registrar to reconsider whether or not the requirements for registration had been met and rescind the acceptance of an application,⁶⁸ and it will be as though the application was never accepted and it returns to the examination stage.⁶⁹ It should be noted that the rules does not provide any procedure for providing written observations, but **Form TM8** includes a provision for objections to be made by any person claiming to be affected by amendments to an application that has already been published.⁷⁰

Alternatively, anyone with an interest may give a notice of opposition in **Form TM8** to the Registrar within the prescribed period following publication of the application.⁷¹ The notice of opposition must include a statement of the grounds of opposition and if it does not contain those grounds the Registrar cannot consider the notice of opposition.⁷² A person filing a notice of opposition must demonstrate that they meet the requirements for having an interest in the application.⁷³ Once the notice of opposition states the grounds of opposition, the Registrar must send a copy to the applicant with an invitation to file a counter-statement in **Form TM9** within such period as the Registrar may specify,⁷⁴ which shall be between 21 – 60 days which may be extended by the Registrar on the application of the applicant up to a further thirty (30) days.⁷⁵ If the applicant for registration of the trade mark does not file the counter-statement with the Registrar within the specified or extended period, the application is deemed to have been abandoned.⁷⁶ However, if the applicant submits the counter-statement within the specified or extended period, the Registrar then sends a copy to the third party who filed the notice of opposition.⁷⁷ Although there are no specific alternative dispute gateways built into the Trade Marks Act, the length of time is structured to allow parties to reach an amicable settlement since it also allows for the person filing the notice of opposition to withdraw the notice of opposition by filing **Form TM8**,⁷⁸ but failing this the Registrar may rely on the notice of opposition and the applicant's counter-statement, as well as the application, to make a decision, or may, unless a party requests a hearing using **Form TM16** the Registrar must⁷⁹ have a hearing and then make a decision.⁸⁰ If

⁶⁷ Section 52(2).

⁶⁸ Section 50(1).

⁶⁹ Section 50(2).

⁷⁰ Section 49(3)(b).

⁷¹ Section 51(1).

⁷² Section 51(2).

⁷³ Section 51(3).

⁷⁴ Section 53(1).

⁷⁵ Section 53(5).

⁷⁶ Section 53(2).

⁷⁷ Section 53(3).

⁷⁸ Section 54(2).

⁷⁹ Section 105(2).

there is a hearing then the Evidence Act, 2006,⁸¹ or the common law rules of evidence, does not apply.⁸² If there is to be a hearing the Registrar must give the parties at least fourteen (14) days notice of the hearing.⁸³ The Registrar may summon witnesses, take oral evidence on oath or affirmation, require the production of documents or articles for inspection and receive expert evidence.⁸⁴ The Registrar also has the power to award costs in opposition proceedings.⁸⁵

A decision of the Registrar is subject to appeal to the High Court.⁸⁶ An appeal must be served on the Registrar and all other parties to the opposition proceedings⁸⁷ within twenty eight (28) days of the date on which notice of the decision was given by the Registrar.⁸⁸ The first hearing following the filing of the appeal must be held between 28 – 56 clear days after the filing of the fixed date claim form.⁸⁹ The appeal does not operate as a stay of proceedings on the decision of the Registrar unless the High Court or the Registrar so orders,⁹⁰ and so the High Court may order that a costs award be recoverable by execution as if the costs were payable by an order of the High Court notwithstanding an appeal has been filed.⁹¹

4. The Certificate Stage

If after publication there have been no successful written objections or oppositions, the trade mark will be registered as of the filing date of the application. The Registrar will enter it on the register, issue a certificate of registration, which is prima facie evidence of the registration,⁹² and publish notice of the registration.⁹³

ABOUT US: THORNTON SMITH is a full service law firm based in the British Virgin Islands that provides practical solutions for complex legal and business transactions with a suite of value-added services to clients. With a genuinely intimate connection to the local community, the firm represents anyone interested in doing business in or from the British Virgin Islands. Through its affiliated charitable organization, *The William Thornton Foundation*, it is committed to finding practical solutions for the communities in which it operates.

⁸⁰ Section 54(1).

⁸¹ No. 15 of 2006.

⁸² Section 104.

⁸³ Section 105(3).

⁸⁴ Section 106(1).

⁸⁵ Section 107(1).

⁸⁶ Section 119(1).

⁸⁷ CPR 60.4.

⁸⁸ CPR 60.5.

⁸⁹ CPR 60.2(3).

⁹⁰ CPR 60.3.

⁹¹ Section 107(2).

⁹² Section 101(2).

⁹³ Section 55(2).