

STATES OF JERSEY



DRAFT TRADE MARKS (JERSEY) LAW 202- (P.86/2025): COMMENTS

**Presented to the States on 21st November 2025
by the Economic and International Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

Background

Draft Trade Marks (Jersey) Law 202- [\[P.86/2025\]](#) (hereafter “the draft Law”) was lodged *au Greffe* on 14th October 2025 by the Minister for External Relations (hereafter “the Minister”) and is scheduled for debate at the States’ sitting commencing 25th November 2025.

The Economic and International Affairs Scrutiny Panel (hereafter “the Panel”) received briefings from Government of Jersey Officers on 10th April 2024 and 5th November 2025. These briefings provided the Panel with an overview of the current [Trade Marks \(Jersey\) Law 2000](#) as well as a summary of the key changes being proposed within the [Draft Trade Marks \(Jersey\) Law 202-](#). The Panel has also questioned the Minister for External Relations during Quarterly Hearings on 26th April 2024 and 18th September 2025. The Panel has agreed to present these Comments in order to aid States Members in their consideration of the draft Law.

The Draft Law

The Draft Trade Marks (Jersey) Law 202 will introduce a primary trade mark registration system, replacing and repealing the current Trade Marks (Jersey) Law 2000. The Panel understands that the proposed draft Law Proposed Draft Trade Marks (Jersey) Law 202- has gone through two consultations, the first named [Intellectual Property: proposal for a Primary Trade Mark Registration](#), concluded in early 2024 with a response paper published on 17 April 2024. The Panel was advised during its hearing with the Minister on the 26th April 2024 that there was support for a change to system and that consultation had been positive:

Head of Competition and Intellectual Property:

“We did a consultation on trademarks towards the end of last year, to seek views from stakeholders on the proposed change to a system of primary registration. The response was very good, very positive, very helpful as well. Some useful insights from industry, which we are taking forward.”¹

The second consultation was the [Intellectual Property: Trade Marks Consultation](#) which concluded in July 2025 with a response paper published on [13th August 2025](#). During the hearing on the 18th September 2025 the Panel was advised that the consultation had been useful, and the Panel was alerted to a change made following feedback received through the consultation regarding the amount of time given to file a notice of opposition with the Registrar:

Assistant Minister for External Relations:

“That has been quite useful because it is a very technical area and there have been some technical changes to the law. If I start talking about things like period of opposition you might not know quite what I am talking about, but basically when you are in need of intellectual property rights there is a period where people might object. There has been more alignment. We originally were aligned with Guernsey, 20 days to allow people to oppose. Now we are going for 60 days, which is more aligned with the U.K. We felt it

¹ [Transcript - Quarterly Hearing - Minister for External Relations -26th April 2024](#)

was better to go for the international best practice and get that balance between being agile while giving people the right to exercise those rights.”²

The Panel has been informed that the draft Law is largely shaped on the structure provided by the [UK Trade Marks Act 1994](#) and that the draft Law will replace the current re-registration system. Under the current re-registration system, UK-registered trademarks are recognised in Jersey, with a system of primary registration allowing applications to be filed directly in the Island. The Panel was told during the hearing on the 26th April 2024:

Head of Competition and Intellectual Property:

“We have got trademarks which the Minister just referred to, where we have a system of secondary registration, which we are looking to replace by a system of primary registration so that rights holders can come directly to Jersey and register their trademark here in the Island, rather than having to go first to the U.K. and then re-registering here.”³

Another key rationale for the draft Law being updated is that it would allow Jersey to seek extension of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks ([the Madrid Protocol](#)). Furthermore, the proposed draft Law will enable Jersey to be part of the trade mark classification system under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks ([the Nice Agreement](#)). The Panel understands that inclusion in the Madrid Protocol would also simplify the registration of trade marks internationally as under the protocol by filing a single application and paying one set of fees, protection can be sought in up to 131 countries. The Panel was informed that this is considered a positive development for Jersey, as the simplified process could lead to an increase in local registrations.

The Panel was also informed that at present, Jersey already automatically recognises international trade marks that designate the UK through the Madrid Protocol. If the draft Law is adopted and the Madrid Protocol is extended, Jersey will become its own designation and would be entitled to part of the fee when selected. Therefore, the Panel understands that the inclusion of Jersey in these treaties could result in the Island becoming more attractive for foreign trade mark registration and assist local businesses seeking trade mark protection abroad:

Assistant Minister for External Relations:

“If you had an international business, you started it here and you had a trade mark, you would have to go to all these different countries to register that trade mark because they are not part of the treaty. We are very much hoping that we are going to support the extension of that treat.....It is basically if you have got a German business that wants to protect its trade mark in Jersey, it can go to any of the offices in the jurisdiction that is part of the treaty network and, again, fill in one of these forms and say: “I want it protected here and there”, and Jersey may well be on the form. Jersey will get a part of the fee.”⁴

² [Transcript - Quarterly Hearing - Minister for External Relations -18th September 2025](#)

³ [Transcript - Quarterly Hearing - Minister for External Relations -26th April 2024](#)

⁴ [Transcript - Quarterly Hearing - Minister for External Relations -18th September 2025](#)

The draft Law contains transitional provisions to ensure a smooth transition from the current system of secondary registration to a system of primary registration. This will ensure that existing rights on the current register are transferred onto the new Register and continue until the date of their renewal, at which point renewal will need to be done on the new system. The Panel understands that the draft Law makes provision for international trade marks which currently take effect in Jersey through their designation of the UK will be automatically recognised as designating Jersey directly once the new Law is implemented. There is also transitional provisions for pending applications, trademarks that expire in the first 6 months before or after the new system.

The Panel was advised that the draft law includes provisions relating to the infringement of a registered trade mark and the corresponding proceedings. Among other matters, it outlines the rights of the registered proprietor to initiate proceedings before the Royal Court to prevent such infringement:

Assistant Minister for External Relations:

"I think that is a court matter because we are talking about infringement proceedings at that point. That is a court matter...."

Head of Competition and Intellectual Property:

"There is the work of Trading Standards when it comes to infringing goods entering into the Island but, as the Minister rightly pointed out, if a person believes that someone else is using their mark without authorisation, that person can start private action through the courts."

Assistant Minister for External Relations:

*"It is evidence. It is evidence of a property right. Just as if you have got a house or something and somebody has breached your rights, you go to the court."*⁵

Conclusion

The Panel recognises the importance of updating Jersey's trade mark framework to align with modern practice and facilitate participation in international agreements. Following the briefings and questions raised during hearings with the Minister, the Panel is supportive the draft Law as proposed.

⁵ [Transcript - Quarterly Hearing - Minister for External Relations -18th September 2025](#)