

STATES OF JERSEY



Jersey

DRAFT REGISTRAR OF INTELLECTUAL PROPERTY (JERSEY) LAW 202-

Lodged au Greffe on 29th October 2025
by the Minister for External Relations
Earliest date for debate: 20th January 2026

STATES GREFFE



Jersey

DRAFT REGISTRAR OF INTELLECTUAL PROPERTY (JERSEY) LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Assistant Minister for External Relations has made the following statement –

In the view of the Assistant Minister for External Relations, the provisions of the Draft Registrar of Intellectual Property (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy M.R. Scott of St. Brelade**
Assistant Minister for External Relations

Dated: 27th October 2025

REPORT

Overview

This Proposition brings forward the draft Registrar of Intellectual Property (Jersey) Law 202- (the “**draft Law**”) to which [P.86/2025](#) (draft Trade Marks (Jersey) Law 202-) refers.

To provide general context for the draft Law, on 10 September 2024, at the time of introducing the draft Patents and Registered Designs Law (Jersey) Amendment Regulations 202-, the Assistant Minister for External Relations (as rapporteur for the Minister for External Relations) informed Members of proposed changes in Jersey’s approach to trade mark registration as part of a modernisation programme of Jersey’s intellectual property (**IP**) framework.¹ This included plans to introduce a new, modern and internationally familiar system of primary trade mark registration in Jersey. This work has culminated in the draft Trade Marks (Jersey) Law 202- (the “**draft Trade Marks Law**”) which is due to be debated at the States sitting commencing on 25th November.²

The draft Trade Marks Law sets out the detail of the proposed new system of primary trade mark registration. Broadly, under a system of primary trade mark registration, rightsholders would be able to register their trade marks directly in Jersey with a new Jersey Intellectual Property (**IP**) Office. This would replace the current secondary registration system under the [Trade Marks \(Jersey\) Law 2000](#) which provides for re-registration in Jersey of trade marks, first registered in the United Kingdom (**UK**). Currently, the Judicial Greffier is the Registrar to whom an application for re-registration must be made, with a Register of Rights maintained at the Judicial Greffe.

The draft Trade Marks Law, if adopted, ensures compliance of Jersey law with the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. This important international agreement streamlines the process of registering trade marks in more than 130 countries across the globe.³ Amongst other things, participating in this treaty would benefit local businesses to obtain trade mark protection abroad, and equally make Jersey a more attractive place for foreign investment.

The ambitions in the trade marks space consequently involve a substantially expanded role for the Jersey IP Office, in particular, due to the requirement to conduct a substantive examination of each application under the draft Trade Marks Law, as opposed to checking for a number of formalities as is required under current trade mark legislation and currently conducted by the Judicial Greffier. A primary register of trade marks therefore will necessitate much more technical and administrative work than is within the resources of the Judicial Greffier.

The purpose of the draft Law therefore is to establish a new intellectual property Register in Jersey and the Office of the Registrar of intellectual property rights.

The new Register is to operate under the umbrella of the Jersey Financial Services Commission (the “**Commission**”), in place of the existing registry operated by the Judicial Greffier. The draft Law sets out the basic structures within which the Office of the Registrar must work, including the creation of a seal of office, to be used for the purposes of the functions of the Registrar as set out in the draft Law. Under the draft Law, it will be for the Commission to appoint a person to be the Registrar, who will be an officer of the Commission. Furthermore, anyone will have the right to inspect the new Register, creating transparency, legal certainty and helping businesses to avoid conflicts with existing rights before applying for registration of a trade mark.

In addition to trade marks, the Judicial Greffier currently is also the Registrar to whom an application for registration must be made under the [Registered Designs \(Jersey\) Law 1957](#) (the

¹ Official Report - 10th September 2024. See: [States Assembly | Official Report - 10th September 2024](#).

² P.86/2025.

³ The Madrid Protocol currently has 115 members encompassing 131 countries including Guernsey (through extension of the UK’s ratification). See: [Madrid Agreement \(Marks\)](#).

“**Registered Designs Law**”) and the [Patents \(Jersey\) Law 1957](#) (the “**Patents Law**”), which both provide for re-registration of IP first registered in the UK. There will be no change to the nature of the registration system for these two Laws regarding the link to, and re-registration of, UK rights. However, if the draft Law is approved, the new Registry will also take over the Judicial Greffier’s responsibilities for re-registration of patents and designs to provide rightsholders and businesses a convenient ‘one-stop-shop’ for all these types of registrable IP rights.

Main features of the draft Law

The attention of States Members is drawn to the Explanatory Note, prepared by the Legislative Drafting Office, which accompanies this draft Law, in particular –

- The decision to establish the new Register within the Commission is a deliberate one, taken with regard to the Commission’s status as an independent body, which already holds and maintains various other registers in Jersey, and the need to distinguish between the roles of the Registrar and of the Minister. The Minister is responsible for IP legislation, policy and strategy, whilst the Registrar must establish and maintain the new Register.
- There are, however, a number of provisions which ensure a certain level of Ministerial oversight. In particular, the draft Law, requires that the Minister must be consulted by the Commission in relation to the determination of fees to be paid for applications and registration and other matters under the draft Law, the draft Trade Marks Law, the Patents Law and the Registered Designs Law. The draft Law furthermore contains a broad Order making power for the Minister “generally for regulating practice and procedure under this Law”.
- The fees obtained by the Commission are to be used by it to offset the operational costs of the new Registry (see also the section below on financial and resource implications). In the event that, after payment of the expenses incurred by the Commission in the provision of the functions of the Registrar, there is a surplus, the draft Law requires this surplus to be paid to the Treasurer of the States. This is considered an appropriate solution allowing such funds generated by the Commission to be used by the Government in a way that it sees fit.
- Enacting a new standalone Law for the IP Registry is considered a better approach than including the relevant provisions in each of the draft Trade Marks Law, Patents Law and Registered Designs Law, particularly given that the draft Trade Marks Law, if adopted, would replace and repeal the current [Trade Marks \(Jersey\) Law 2000](#). The proposed standalone law is a simpler and clearer solution, avoiding the level of duplication across the three laws that otherwise would occur. This does mean, however, that a number of amendments are needed to the Patents Law and Registered Designs Law, which are set out in Schedules 1 and 2 to the draft Law.
- The required secondary legislation under the draft Trade Marks Law will make provision to protect the confidentiality of supporting documents filed with the Office of the Registrar.

Financial and staffing implications

If the draft Law is adopted (along with draft Trade Marks Law), the new Registry will become responsible for administering the new primary registration system under the draft Trade Marks Law, and take over the current responsibilities of the Judicial Greffe for administering the Patents Law and Registered Designs Law. This will be a completely new function for the Commission and sufficient and appropriately-qualified staff will need to be employed. Robust and secure

registry software will need to be acquired to ensure a smooth and effective operation of the new Registry.

The long-term aim is that the new Registry should offset its costs as far as possible through application fees. There will be start-up costs and it is expected to take a number of years before any substantial revenue will be generated through the operation of the new Register, after an initial growth period. However, there would be no new or additional resource implications as a result of the adoption of the draft Law, beyond the budget already agreed by the Assembly in the Government Plan 2024-2027. In accordance with the Public Finances Manual, any funds will only be provided on an 'as-needed basis' and any unspent monies must be returned to the Treasurer of the States.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

Human Rights

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

APPENDIX TO REPORT

Human Rights Notes on the Draft Registrar of Intellectual Property (Jersey) Law 202-

These Notes have been prepared in respect of the draft Registrar of Intellectual Property (Jersey) Law 202- (“the draft Law”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“ECHR”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law may engage Article 6(1) of the ECHR which provides –

“Determination of civil rights:

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.”

Article 6(1) of the ECHR applies if the civil rights and obligations of the applicant are in issue, there is a dispute as to those civil rights and obligations, and the proceedings are determinative of those civil rights and obligations. This could arise under Article 8 of the draft Law which makes provision for the correction of clerical errors in the entries in the proposed register of intellectual property. The initial decision in such cases will be taken by the Registrar of Intellectual Property, who (at least arguably) will fulfil the requirements of Article 6 because the Registrar of Intellectual Property, established under Article 2 of the draft Law, will be an officer of the Financial Services Commission, which is a body independent of the States executive.

A key requirement of Article 6 of the ECHR is the need for access to a fair and public hearing within a reasonable time “by an independent and impartial tribunal”. The independence in question here is independence from the executive, the parties and the legislature. Access to an independent and impartial tribunal may be granted in two ways: either the decision-making body itself complies with the requirement of Article 6(1) of the ECHR, which is arguable already the case, as explained above, or the initial decision-making body is subject to control by a body which complies with the requirements of Article 6(1) and which has full jurisdiction.

There are existing rights under the Patents (Jersey) Law 1957 and the Registered Designs (Jersey) Law 1957 to apply to the Royal Court for rectification of entries in the register in respect of those rights; and if enacted, a similar right will be provided for trade marks by Article 16 of the draft Trade Marks (Jersey) Law 202-. In addition, Article 8(5) of the draft Law provides for a right to appeal from decisions of the Registrar to the Royal Court. These procedures will satisfy the requirements of Article 6(1) of the ECHR. In addition, there may in some circumstances be a further appeal to the Court of Appeal.

Accordingly, the process for making decisions under the draft Law is compatible with Article 6.1 of the ECHR.

No other rights guaranteed by the ECHR would be engaged by the draft Law, and therefore, the draft Law is compatible with the Convention rights.

EXPLANATORY NOTE

The Registrar of Intellectual Property (Jersey) Law 202-, if passed, will provide for the appointment of the Registrar of Intellectual Property (“the Registrar”) whose functions will include establishing and maintaining the Jersey Intellectual Property Register (“the Register”). The Register is to be made up of the register of trade marks, the register of patents and the register of designs.

The register of trade marks will be maintained by the Registrar under the Trade Marks (Jersey) Law 202- (“Trade Marks Law”). The register of patents maintained by the Judicial Greffier under the Patents (Jersey) Law 1957 (“Patents Law”) will, after the establishment of the Jersey Intellectual Property Register, be maintained by the Registrar under that Law. The register of designs maintained by the Judicial Greffier under the Registered Designs (Jersey) Law 1957 (“Registered Designs Law”) will, after the establishment of the Jersey Intellectual Property Register, be maintained by the Registrar under that Law.

Part 1 (Article 1) provides for interpretation. “Intellectual property” is defined as a trade mark, patent or design. A reference to registering intellectual property is a reference to entering the intellectual property in the register of trade marks, register of patents or register of designs. “Related enactment” is defined as the Patents Law, Registered Designs Law, Trade Marks Law or any other enactment that gives a power or confers a duty on the Registrar. The “Registrar’s website” is the website maintained by the Registrar under Part 2. “Minister” is defined as the Minister for External Relations.

Part 2 (Articles 2 to 5) makes provision about the Registrar of Intellectual Property.

Article 2 requires the Jersey Financial Services Commission (“the Commission”) to appoint the Registrar, a Deputy Registrar and staff to assist in the exercise of the functions of the Registrar. Persons appointed under this Article are appointed as officers of the Commission.

Article 3 requires the Registrar to create an official seal, in a form approved by the Commission, for the authentication of documents produced in the exercise of the functions of the Registrar.

Article 4 provides that the functions of the Registrar are –

- to establish and maintain the Jersey Intellectual Property Register;
- to advise the Commission in relation to intellectual property matters;
- to maintain a website containing information required to be published by the Registrar or the Commission under this Law or a related enactment;
- to exercise any other function conferred on the Registrar under this Law or a related enactment.

This Article provides that the Registrar is responsible to the Commission for the discharge of the Registrar’s functions, which, for the purpose of Article 5 of the Financial Services Commission (Jersey) Law 1998, are functions conferred on the Commission.

Article 5 provides for disclosure of interests that conflict, to a material extent, with the exercise of the Registrar’s functions in relation to a matter.

Part 3 (Articles 6 to 9) makes provision about the Jersey Intellectual Property Register.

Article 6 provides for the establishment of the Register.

Article 7 provides for public inspection of the Register, and for the Registrar to provide certified or uncertified copies or extracts from the Register. Certified copies or extracts must be signed by the Registrar and sealed with the Registrar’s official seal.

Article 8 provides for correction of clerical errors in the Register. It requires the Registrar to refuse a person's request to correct an entry if it appears to the Registrar that the correction would materially affect the privileges and rights conferred by the registration. There is a right of appeal to the Royal Court against a decision of the Registrar under this Article.

Article 9 provides for the Commission, following consultation with the Minister, to set fees, and requires the Registrar to publish fees on the Registrar's website. Article 9 also provides for the Commission to determine charges payable to it for a service provided by the Registrar, and requires the Commission to pay any surplus income to the Treasurer of the States.

Part 4 (Articles 10 and 11) makes provision for additional functions of the Registrar.

Article 10 provides for the Registrar to give directions specifying hours of business.

Article 11 provides for the Registrar to apply to the Royal Court for directions, or for the determination of a question of fact, law or procedure, if the Registrar believes it would assist in the proper and lawful exercise of the Registrar's functions.

Part 5 (Articles 12 to 17) makes provision about documentation and records.

Article 12 provides for the Registrar or the Commission to publish the form in which a document is to be given to the Registrar. If the form of a document is not published, the document may be given in a form and manner acceptable to the Registrar.

Article 13 provides for the Registrar to require or permit documents to be given to the Registrar in the electronic form and by the electronic means determined by the Registrar. If a determination applies generally, it must be published on the Registrar's website.

Article 14 provides for the recording of information contained in a document given to the Registrar under a requirement of this Law or a related enactment. It requires a record of a document to be kept in a form, approved by the Commission, that is capable of being inspected and copied.

Article 15 provides for the destruction, in certain circumstances, of records kept by the Registrar under Article 14.

Article 16 provides power for the Minister to make an Order providing for the service of documents by the Registrar.

Article 17 provides for proof of documents issued or signed by or on behalf of the Registrar and provides that the Register is *prima facie* evidence of a matter entered in it.

Part 6 (Articles 18 to 23) makes miscellaneous provision.

Article 18 provides power for the States to make Regulations that amend this Law or a related enactment for the purpose of giving effect to this Law or a related enactment. It also provides power for the States to make Regulations that amend any provision of this Law (other than this Article) to make alternative or supplementary provision that appears to the States to be appropriate.

Article 19 provides power for the Minister to make an Order providing generally for regulating practice and procedure under this Law. If an Order is not made, the Registrar may adopt the practice and procedure that the Registrar thinks fit.

Article 20 provides for Rules of Court for the purposes of this Law.

Article 21 provides that Schedule 1 contains amendments to the Patents Law that are consequential on this Law.

Article 22 provides that Schedule 2 contains amendments to the Registered Designs Law that are consequential on this Law.

Article 23 provides for the citation of this Law, and for the commencement of this Law by Order of the Minister.

Schedule 1 contains amendments to the Patents Law consequential on this Law. References to the Judicial Greffier are replaced with references to the Registrar of Intellectual Property. References to a website maintained by the Judicial Greffier or the States of Jersey are replaced with references to the Registrar's website.

Article 1 of the Patents Law is amended to provide definitions of "Registrar", "Jersey Intellectual Property Register" and "Registrar's website". A new definition of "register of patents" is substituted.

Article 3 of the Patents Law is amended to provide that the Registrar must maintain a register of patents. Paragraph (2) is deleted as Article 7 of this Law provides for public inspection of the Register. Paragraph (3) is deleted as Article 17 of this Law provides that the Register is *prima facie* evidence of a matter entered in it.

Articles 4 and 6 of the Patents Law are amended to replace the requirement for the Judicial Greffier to present a statement to the Bailiff for the directions of the court with a requirement for the Registrar to apply to the court for directions.

Article 10 of the Patents Law is amended to provide that a patentee or an aggrieved person may apply to the court for rectification of the register of patents. This aligns with the approach taken in the Registered Designs Law and the Trade Marks Law.

Article 11 of the Patents Law is deleted as Article 8 of this Law makes provision about correcting clerical errors.

Articles 24A(2)(d) and 25 of the Patents Law are deleted as Article 9 of this Law makes provision about fees.

Schedule 2 contains amendments to the Registered Designs Law, consequential on this Law. References to the Judicial Greffier are replaced with references to the Registrar of Intellectual Property. References to a website maintained by the Judicial Greffier or the States of Jersey are replaced with references to the Registrar's website.

Article 1 of the Registered Designs Law is amended to provide definitions of "Registrar", "Jersey Intellectual Property Register" and "Registrar's website". A new definition of "register of designs" is substituted.

Article 3 of the Registered Designs Law is amended to provide that the Registrar must maintain a register of designs. Paragraph (3) is deleted as Article 17 of this Law provides that the Register is *prima facie* evidence of a matter entered in it.

Articles 4, 5 and 6 of the Registered Designs Law are amended to replace the requirement for the Judicial Greffier to present a statement to the Bailiff for the directions of the court with a requirement for the Registrar to apply to the court for directions.

Article 11 of the Registered Designs Law is amended to provide that a registered proprietor or an aggrieved person may apply to the court for rectification of the register of designs. This aligns with the approach taken in the Patents Law and the Trade Marks Law.

Article 12 of the Registered Designs Law is deleted as Article 8 of this Law makes provision about correcting clerical errors.

Articles 20A(2)(d) and 21 of the Registered Designs Law are deleted as Article 9 of this Law makes provision about fees.



Jersey

DRAFT REGISTRAR OF INTELLECTUAL PROPERTY (JERSEY) LAW 202-

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Jersey

DRAFT REGISTRAR OF INTELLECTUAL PROPERTY (JERSEY) LAW 202-

A **LAW** to provide for the appointment of the Registrar of Intellectual Property and the establishment of the Jersey Intellectual Property Register.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

PART 1

INTERPRETATION

1 Interpretation

(1) In this Law –

“authorised officer” means an officer of the Commission authorised by the Registrar under Article 2(4) (appointment of Registrar of Intellectual Property) to sign documents on behalf of the Registrar;

“Commission” means the Jersey Financial Services Commission established under Article 2 of the Financial Services Commission Law;

“design” has the meaning given in the Registered Designs Law;

“Financial Services Commission Law” means the [Financial Services Commission \(Jersey\) Law 1998](#);

“intellectual property” means a trade mark, patent or design;

“maintain” includes keep;

“Minister” means the Minister for External Relations;

“patent” has the meaning given in the Patents Law;

“patentee” has the meaning given in the Patents Law;

“Patents Law” means the [Patents \(Jersey\) Law 1957](#);

“publish” means publish in a manner likely to bring the document or information to the attention of any person likely to be affected by it;

“Register” means the Jersey Intellectual Property Register established under Article 6 (establishment of Jersey Intellectual Property Register);

“register of designs” means that part of the Register maintained under the Registered Designs Law;

“register of patents” means that part of the Register maintained under the Patents Law;

“register of trade marks” means that part of the Register maintained under Part 2 of the Trade Marks Law;

“Registered Designs Law” means the [Registered Designs \(Jersey\) Law 1957](#);

“Registrar” means the person appointed as the Registrar of Intellectual Property under Article 2 (appointment of Registrar of Intellectual Property);

“Registrar’s website” means the website maintained by the Registrar under Article 4;

“related enactment” means –

- (a) the Patents Law;
- (b) the Registered Designs Law;
- (c) the Trade Marks Law; or
- (d) any other enactment that gives a power or confers a duty on the Registrar;

“Rules of Court” means rules made under Article 13 of the [Royal Court \(Jersey\) Law 1948](#);

“trade mark” has the meaning given in Article 2 of the Trade Marks Law;

“Trade Marks Law” means Trade Marks (Jersey) Law 202-.

- (2) In this Law, a reference to registering intellectual property is a reference to entering the intellectual property in –
 - (a) the register of trade marks;
 - (b) the register of patents; or
 - (c) the register of designs.

PART 2

REGISTRAR OF INTELLECTUAL PROPERTY

2 Appointment of Registrar of Intellectual Property

- (1) The Commission must –
 - (a) appoint a person as the Registrar of Intellectual Property;
 - (b) appoint a person as the Deputy Registrar of Intellectual Property;
 - (c) appoint staff to assist the Registrar and Deputy Registrar in the proper and efficient exercise of the functions of the Registrar.
- (2) A person appointed under this Article is appointed as an officer of the Commission.
- (3) A person appointed as the Registrar or Deputy Registrar under this Article must –
 - (a) have relevant experience and expertise; and

- (b) be a fit and proper person to hold the office.
- (4) The Registrar may authorise an officer of the Commission to act on behalf of the Registrar in relation to particular functions.

3 Official seal

- (1) The Registrar must create a seal in a form approved by the Commission for the authentication of documents produced in the exercise of the functions of the Registrar.
- (2) A document is taken to be executed by or on behalf of the Registrar and is effective in law to bind the Registrar if –
 - (a) it has been sealed with the Registrar's official seal; and
 - (b) it has been signed by the Registrar or by an authorised officer.

4 Functions of Registrar

- (1) The functions of the Registrar are –
 - (a) to establish and maintain the Register in accordance with Part 3;
 - (b) to advise the Commission generally in relation to –
 - (i) the registration of intellectual property;
 - (ii) the administration, protection and enforcement of intellectual property rights; and
 - (iii) intellectual property law, practice and procedure;
 - (c) to maintain a website containing –
 - (i) information required to be published by the Registrar or the Commission under this Law or a related enactment; and
 - (ii) any other information that the Registrar thinks fit; and
 - (d) to exercise any other function conferred on the Registrar under this Law or a related enactment.
- (2) The Registrar has the power to do anything that the Registrar considers necessary or expedient for the purposes of exercising the functions of the Registrar, including –
 - (a) the power to request a person to produce a document, accounts and information in a manner that the Registrar considers appropriate;
 - (b) the power to obtain from a person a document, accounts and information in a manner that the Registrar considers appropriate;
 - (c) the power to publish information, a report or a document;
 - (d) the power to appoint a person or body to advise the Registrar in relation to the exercise of the functions of the Registrar.
- (3) The Registrar is responsible to the Commission for the discharge of the functions of the Registrar.
- (4) For the purposes of Article 5 of the Financial Services Commission Law, the functions conferred on the Registrar under this Law or a related enactment are functions conferred on the Commission.

5 Disclosure of interests

- (1) Paragraph (2) applies if –
 - (a) the Registrar has a direct or indirect personal interest in the outcome of a matter with which they are dealing under this Law or a related enactment; and
 - (b) that interest conflicts, to a material extent, with the exercise of the Registrar's functions in relation to that matter.
- (2) The Registrar must disclose the nature of that interest to the Commission who must ensure the matter is appropriately managed.
- (3) If the matter the Registrar is dealing with concerns a body corporate, the requirement under paragraph (2) is satisfied if the Registrar gives a general notice stating that –
 - (a) they are a shareholder in, or a director of, that body corporate; and
 - (b) they are to be regarded as interested in any matter concerning that body corporate.

PART 3

JERSEY INTELLECTUAL PROPERTY REGISTER

6 Establishment of Jersey Intellectual Property Register

- (1) The Registrar must establish and maintain a register of intellectual property known as the Jersey Intellectual Property Register.
- (2) The Jersey Intellectual Property Register is made up of the following registers –
 - (a) the register of trade marks;
 - (b) the register of patents;
 - (c) the register of designs.
- (3) The register of patents maintained before the commencement date by the Judicial Greffier under the Patents Law is maintained under that Law by the Registrar on and after the commencement date.
- (4) The register of designs maintained before the commencement date by the Judicial Greffier under the Registered Designs Law is maintained under that Law by the Registrar on and after the commencement date.
- (5) In this Article, “commencement date” means the date on which this Article comes into force.

7 Inspection of Register

- (1) The Registrar must make the Register available for public inspection free of charge.
- (2) The Registrar must, on request, provide a person with a certified or uncertified copy of, or extract from, an entry in the Register.
- (3) A request under paragraph (2) must –
 - (a) be made in the manner required by the Registrar; and
 - (b) be accompanied by any fee set by the Commission under Article 9 for the provision of a certified or uncertified copy or extract.

- (4) A certified copy or certified extract given under paragraph (2) must be signed by the Registrar and sealed with the Registrar's official seal.

8 Correction of clerical errors in Register

- (1) The Registrar may correct a clerical error in an entry in the Register –
 - (a) on the Registrar's own volition; or
 - (b) on the written request of a person who appears to the Registrar to have a sufficient interest in the entry.
- (2) If the Registrar proposes to make a correction on the Registrar's own volition, the Registrar must –
 - (a) give notice of the proposal to the relevant person;
 - (b) give notice to any other person who appears to the Registrar to have an interest in the entry; and
 - (c) give the persons mentioned in sub-paragraph (a) or (b) an opportunity to be heard before making the correction.
- (3) The Registrar must refuse a request by a person under paragraph (1)(b) if it appears to the Registrar that the correction requested by the person would materially affect the privileges and rights conferred by registration of the intellectual property.
- (4) If the Registrar refuses the request, the Registrar must inform the person of the right to apply for rectification of the Register under –
 - (a) Article 16 of the Trade Marks Law;
 - (b) Article 10 of the Patents Law; or
 - (c) Article 11 of the Registered Designs Law.
- (5) A person may appeal to the Royal Court against a decision of the Registrar under this Article.
- (6) An appeal under this Article must be made –
 - (a) before the end of 28 days beginning with the date of the Registrar's decision; or
 - (b) within any longer period, with the leave of the Court.
- (7) In this Article, "relevant person" means –
 - (a) in relation to the register of patents, the patentee;
 - (b) in relation to the register of designs or the register of trade marks, the registered proprietor.

9 Fees and charges

- (1) The Commission may, following consultation with the Minister, set the fees to be paid –
 - (a) under a related enactment for applications for registration of intellectual property and the registration of intellectual property; and
 - (b) for the exercise of the functions of the Registrar and any other matter under this Law or a related enactment.
- (2) The Commission may provide for –
 - (a) the payment of a single fee in respect of 2 or more matters; and

- (b) the circumstances, if any, in which a fee may be repaid or remitted.
- (3) The Registrar must publish fees on the Registrar's website.
- (4) If a fee set under this Article is payable under this Law or a related enactment, the Registrar is not required to take any action until the fee is paid.
- (5) If a fee is required to accompany a document given to the Registrar under this Law or a related enactment, the Registrar is not taken to have received the document until the fee is paid.
- (6) The Commission may determine the charges payable to it for a service, advice or assistance provided by the Registrar under this Law or a related enactment.
- (7) The Commission must pay to the Treasurer of the States any surplus.
- (8) In this Article –
 - “income of the Commission” includes fees and charges set or determined under this Article;
 - “surplus” means income of the Commission that exceeds the sum of –
 - (a) the amount necessary to meet the Commission's liabilities and cover the Commission's expenses; and
 - (b) the amount necessary to provide a reserve.

PART 4

ADDITIONAL FUNCTIONS OF REGISTRAR

10 Hours of business and business days

- (1) The Registrar may give directions specifying –
 - (a) the Registrar's hours of business for transaction by the public of business under this Law or a related enactment; and
 - (b) the days that are business days for that purpose.
- (2) Business done on a day after the specified hours of business, or on a day that is not a business day, will be taken to have been done on the next business day.
- (3) If the time for doing anything under this Law or a related enactment expires on a day that is not a business day, that time will be extended to the next business day.
- (4) Directions under paragraph (1) may make different provision for different classes of business.
- (5) The Registrar must publish on the Registrar's website any directions given under paragraph (1).

11 Application to Royal Court for directions

- (1) The Registrar may, if they believe that it would assist them in the proper and lawful exercise of their functions, apply to the Royal Court –
 - (a) for directions; or
 - (b) for the determination of a question of fact, law or procedure.
- (2) The application must be made in the manner required by the Royal Court.

- (3) On an application under paragraph (1), the Royal Court may make any order it thinks fit.

PART 5

DOCUMENTATION AND RECORDS

12 Form of documents to be given to Registrar

- (1) The Commission or the Registrar may publish –
- (a) forms to be used for the exercise of the functions of the Registrar;
 - (b) directions about the use of those forms.
- (2) If an enactment requires a document to be given to the Registrar, but the form of the document has not been published by the Commission or the Registrar, a person complies with the requirement if they give to the Registrar a document, or information that must be contained in the document, in a form and manner acceptable to the Registrar.
- (3) The Commission or Registrar may publish details of how a person must authenticate a document that is given to the Registrar.
- (4) Despite any other provision of this Law or a related enactment, or any customary law in relation to the service of documents, a document required to be given to the Registrar under or for the purposes of this Law or a related enactment is not given until it is received by the Registrar.

13 Documents to be given in electronic form

- (1) This Article –
- (a) applies to a document that is required to be given to the Registrar under or for the purposes of this Law or a related enactment; but
 - (b) does not apply to a document for which provision for service is made by Rules of Court.
- (2) The Registrar may require or permit a document to which this Article applies to be given to the Registrar in the electronic form and by the electronic means determined by the Registrar.
- (3) A determination by the Registrar under paragraph (2) may be made in relation to a particular case or class of cases, or may apply generally.
- (4) The Registrar must publish on the Registrar's website a determination –
- (a) that relates to a class of cases; or
 - (b) that applies generally.
- (5) In this Article –
- “document” includes an application, statement, consent, declaration or signature;
- “electronic” has the meaning given in Article 1 of the [Electronic Communications \(Jersey\) Law 2000](#).

14 Keeping of records

- (1) If a document is given to the Registrar under a requirement of this Law or a related enactment, the information contained in that document must be recorded and kept by the Registrar in a form –
 - (a) that is approved by the Commission;
 - (b) that is capable of being inspected; and
 - (c) from which a legible copy can be produced.
- (2) The keeping by the Registrar of a record of a document under paragraph (1) is sufficient compliance with any duty that the Registrar has to keep the document.

15 Destruction of records

The Registrar may destroy a record kept by the Registrar under Article 14 (keeping of records) if –

- (a) the record is an original document and the Registrar, in accordance with Article 14, has recorded and kept the information contained in the original document;
- (b) the record formed part of an application for registration and –
 - (i) the Registrar, in accordance with Article 14, has recorded and kept the information contained in that part of the application; and
 - (ii) the record has been kept for more than 10 years; or
- (c) the record relates to an entry in the Register and the entry has been removed from the Register for at least 10 years.

16 Service of documents by Registrar

- (1) The Minister may by Order provide for the service of documents by the Registrar in the manner specified in the Order.
- (2) If the Minister does not make an Order under paragraph (1), the Registrar may serve a document in the manner the Registrar thinks fit.
- (3) This Article does not apply to a document for which provision for service is made by Rules of Court.

17 Proof of documents and entry in Register *prima facie* evidence of valid registration

- (1) This Article applies in relation to a document purporting to be –
 - (a) issued by or on behalf of the Registrar; or
 - (b) signed by the Registrar or by an authorised officer.
- (2) The document may be received in evidence and is evidence of the matters stated in that document.
- (3) Unless the contrary is proved, the document is taken –
 - (a) to be the document that it purports to be; and

- (b) to be issued by or on behalf of the Registrar or to be signed by the Registrar or authorised officer, without proof of that person's identity, signature or official capacity.
- (4) The Register is *prima facie* evidence of a matter entered in the Register, including the validity of –
 - (a) the original registration of the intellectual property; and
 - (b) any assignment or other transmission of the intellectual property.

PART 6

MISCELLANEOUS

18 Power to make Regulations

- (1) The States may by Regulations –
 - (a) make provision, including by amendment to this Law or a related enactment, that the States consider to be necessary and appropriate for the purposes of giving effect to this Law or a related enactment;
 - (b) amend any provision of this Law (other than this Article) to make alternative or supplementary provision that appears to the States to be appropriate.
- (2) Regulations under paragraph (1) may do any of the following –
 - (a) create offences for the breach of any provision of this Law, a related enactment, or Regulations made under this Law or a related enactment;
 - (b) specify penalties for those offences not exceeding imprisonment for 2 years and a fine;
 - (c) provide for appeals;
 - (d) provide for transitional provisions the States consider to be necessary or appropriate.

19 Power to make Orders

- (1) The Minister may make an Order generally for regulating practice and procedure under this Law.
- (2) If the Minister does not make an Order under this Article, the Registrar may adopt the practice and procedure that the Registrar thinks fit.

20 Rules of Court

The power to make Rules of Court under Article 13 of the [Royal Court \(Jersey\) Law 1948](#) includes the power to make rules for the purposes of this Law.

21 Patents Law amended

Schedule 1 contains amendments to the Patents Law consequential on this Law.

22 Registered Designs Law amended

Schedule 2 contains amendments to the Registered Designs Law consequential on this Law.

23 Citation and commencement

This Law may be cited as the Registrar of Intellectual Property (Jersey) Law 202- and comes into force on a date specified by the Minister for External Relations by Order.

SCHEDULE 1

(Article 21)

PATENTS LAW AMENDED

1 Patents Law amended

This Schedule amends the [Patents \(Jersey\) Law 1957](#).

2 Article 1 (interpretation) amended

- (1) This paragraph amends Article 1.
- (2) After the definition “invention” there is inserted –
 - “Jersey Intellectual Property Register” means the Jersey Intellectual Property Register established under Article 6 of the Registrar’s Law;
- (3) For the definition “register of patents” there is substituted –
 - “register of patents” means that part of the Jersey Intellectual Property Register that is maintained under Article 3;
- (4) After the definition “register of patents” there is inserted –
 - “Registrar” means the person appointed as the Registrar of Intellectual Property under Article 2 of the Registrar’s Law;
 - “Registrar’s Law” means the Registrar of Intellectual Property (Jersey) Law 202-;
 - “Registrar’s website” means the website maintained by the Registrar under the Registrar’s Law.

3 Article 3 (register of patents) amended

- (1) This paragraph amends Article 3.
- (2) For paragraph (1) there is substituted –
 - (1) The Registrar must maintain a register of patents.
 - (1A) The Registrar must enter in the register –
 - (a) particulars of patents;
 - (b) particulars of assignments and transmissions of patents;
 - (c) notice of all matters that are required under this Law to be entered in the register of patents; and
 - (d) other matters that the court or the Registrar thinks fit that affect the validity or proprietorship of patents.
- (3) Paragraphs (2) and (3) are deleted.
- (4) For paragraph (4) there is substituted –
 - (4) The Registrar –
 - (a) is not affected by a notice of trust (express, implied or constructive); and

- (b) must not enter a notice of trust in the register of patents.

4 Article 4 (registration of patents) amended

- (1) This paragraph amends Article 4.
- (2) In paragraph (1), for “Judicial Greffier” there is substituted “Registrar”.
- (3) In paragraph (3) –
 - (a) for “Judicial Greffier may” there is substituted “Registrar may”;
 - (b) for “a website maintained by the Judicial Greffier or the States of Jersey” there is substituted “the Registrar’s website”.
- (4) In paragraph (4), for “submitted in support thereof will be open to public inspection at the Judicial Greffe” there is substituted “accompanying the application are available for public inspection under Article 7 of the Registrar’s Law”.
- (5) In paragraph (5), for “Judicial Greffier” there is substituted “Registrar”.
- (6) For paragraph (6) there is substituted –
 - (6) The Registrar must apply to the court for directions if –
 - (a) a notice of opposition is given under paragraph (5);
 - (b) the Registrar doubts whether an application for registration should be granted; or
 - (c) a question arises in relation to the application for registration.
 - (6A) An application under paragraph (6) must be made in the manner required by the court.
 - (6B) On an application under paragraph (6), the court –
 - (a) may make the orders it thinks necessary relating to the convening of persons, the taking of evidence and the making of enquiries; and
 - (b) must determine, subject to the provisions of this Law and to rules of court whether the patent should be registered and, if so, subject to what conditions.
- (7) In paragraph (7), in both places it occurs, for “Judicial Greffier” there is substituted “Registrar”.

5 Article 5 (registration of extension, additions and amendments and of restoration of lapsed patents) amended

- (1) This paragraph amends Article 5.
- (2) In paragraphs (1), (3) and (4) –
 - (a) for “Judicial Greffier in such manner as the Judicial Greffier” there is substituted “Registrar in the manner the Registrar”;
 - (b) for “a website maintained by the Judicial Greffier or the States of Jersey” there is substituted “the Registrar’s website”.

6 Article 6 (registration of assignments, etc.) amended

- (1) This paragraph amends Article 6.
- (2) In paragraph (1), for “Judicial Greffier” there is substituted “Registrar”.

- (3) In paragraph (2) –
 - (a) for “Judicial Greffier may” there is substituted “Registrar may”;
 - (b) for “a website maintained by the Judicial Greffier or the States of Jersey” there is substituted “the Registrar’s website”.
- (4) For paragraph (3) there is substituted –
 - (3) On receipt of an application under paragraph (1), the Registrar must register the title or interest.
 - (4) But if the Registrar doubts whether the application should be granted or a question arises in relation to the application, the Registrar must apply to the court for directions.
 - (5) An application under paragraph (4) must be made in the manner required by the court.
 - (6) On an application under paragraph (4), the court –
 - (a) may make the orders it thinks necessary relating to the convening of persons, the taking of evidence and the making of enquiries; and
 - (b) must determine, subject to the provisions of this Law and to rules of court, whether the application should be granted.

7 Article 7 (legal presence in Jersey unnecessary for purpose of making applications) amended

In Article 7, for “Judicial Greffier” there is substituted “Registrar”.

8 Article 10 (rectification of register) amended

In Article 10(1), for “the Attorney General or of” there is substituted “a patentee or”.

9 Article 11 (power to correct clerical errors) deleted

Article 11 is deleted.

10 Article 24A (Regulations) amended

- (1) This paragraph amends Article 24A.
- (2) For paragraph (1)(c) there is substituted –
 - (c) giving effect in Jersey to an EU provision that relates to patents;
- (3) Paragraph (2)(d) is deleted.
- (4) After paragraph (2) there is inserted –
 - (3) In this Article, “EU provision” has the meaning given in the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#).

11 Article 25 (powers of States as regards fees) deleted

Article 25 is deleted.

SCHEDULE 2

(Article 22)

REGISTERED DESIGNS LAW AMENDED

1 Registered Designs Law amended

This Schedule amends the [Registered Designs \(Jersey\) Law 1957](#).

2 Article 1 (interpretation) amended

- (1) This paragraph amends Article 1.
- (2) After the definition “International Registration of Industrial Designs Order” there is inserted –
 - “Jersey Intellectual Property Register” means the Jersey Intellectual Property Register established under Article 6 of the Registrar’s Law;
- (3) For the definition “register of designs” there is substituted –
 - “register of designs” means that part of the Jersey Intellectual Property Register that is maintained under Article 3;
- (4) After the definition “registered proprietor” there is inserted –
 - “Registrar” means the person appointed as the Registrar of Intellectual Property under Article 2 of the Registrar’s Law;
 - “Registrar’s Law” means the Registrar of Intellectual Property (Jersey) Law 202-;
 - “Registrar’s website” means the website maintained by the Registrar under the Registrar’s Law;

3 Article 3 (register of designs) amended

- (1) This paragraph amends Article 3.
- (2) For paragraph (1) there is substituted –
 - (1) The Registrar must maintain a register of designs.
 - (1A) The Registrar must enter into the register of designs –
 - (a) the representation or specimen of a design;
 - (b) the name and address of the proprietor of a design;
 - (c) particulars of assignments and transmissions of a registered design; and
 - (d) other matters that the court or the Registrar thinks fit that affect the validity or proprietorship of a design.
- (3) For paragraph (2) there is substituted –
 - (2) A representation or specimen of a design entered in the register of designs may not be inspected by a person under Article 7 of the Registrar’s Law before the date on which it is open to public inspection in the United Kingdom.
 - (2A) Paragraph (2) does not apply to –

- (a) the registered proprietor or a person authorised in writing by the registered proprietor; or
 - (b) a person authorised by the court or the Registrar.
- (4) Paragraph (3) is deleted.
- (5) For paragraph (4) there is substituted –
 - (4) The Registrar –
 - (a) is not affected by a notice of trust (express, implied or constructive); and
 - (b) must not enter a notice of trust in the register of designs.

4 Article 4 (registration of designs) amended

- (1) This paragraph amends Article 4.
- (2) In paragraph (1), for “Judicial Greffier” there is substituted “Registrar”.
- (3) In paragraph (3) –
 - (a) for “Judicial Greffier may” there is substituted “Registrar may”;
 - (b) for “a website maintained by the Judicial Greffier or the States of Jersey” there is substituted “the Registrar’s website”.
- (4) For paragraph (4) there is substituted –
 - (4) On receipt of an application under paragraph (3), together with the documents mentioned in that paragraph, the Registrar must register the design and issue a certificate of registration.
 - (5) But if the Registrar doubts whether the application should be granted or a question arises in relation to the application, the Registrar must apply to the court for directions.
 - (6) An application under paragraph (5) must be made in the manner required by the court.
 - (7) On an application under paragraph (5), the court –
 - (a) may make the orders it thinks necessary relating to the convening of persons, the taking of evidence and the making of enquiries; and
 - (b) must determine, subject to the provisions of this Law and to rules of court, whether the design should be registered.

5 Article 5 (extension and restoration of rights in designs) amended

- (1) This paragraph amends Article 5.
- (2) In paragraph (1) –
 - (a) for “Judicial Greffier in such manner as the Judicial Greffier” there is substituted “Registrar in the manner the Registrar”;
 - (b) for “a website maintained by the Judicial Greffier or the States of Jersey” there is substituted “the Registrar’s website”.
- (3) For paragraphs (3) and (4) there is substituted –
 - (3) On receipt of an application under paragraph (1), the Registrar must register the extension or restoration of the right.

- (4) But if the Registrar doubts whether the application should be granted or a question arises in relation to the application, the Registrar must apply to the court for directions.
- (5) An application under paragraph (4) must be made in the manner required by the court.
- (6) On an application under paragraph (4), the court –
 - (a) may make the orders it thinks necessary relating to the convening of persons, the taking of evidence and the making of enquiries; and
 - (b) must determine, subject to the provisions of this Law and to rules of court, whether the application should be granted.

6 Article 6 (registration of assignments, etc.) amended

- (1) This paragraph amends Article 6.
- (2) In paragraph (1), for “Judicial Greffier” there is substituted “Registrar”.
- (3) In paragraph (2) –
 - (a) for “Judicial Greffier” there is substituted “Registrar”;
 - (b) for “a website maintained by the Judicial Greffier or the States of Jersey” there is substituted “the Registrar’s website”.
- (4) For paragraph (3) there is substituted –
 - (3) On receipt of an application under paragraph (1), the Registrar must register the title or interest.
 - (4) But if the Registrar doubts whether the application should be granted or a question arises in relation to the application, the Registrar must apply to the court for directions.
 - (5) An application under paragraph (4) must be made in the manner required by the court.
 - (6) On an application under paragraph (4), the court –
 - (a) may make the orders it thinks necessary relating to the convening of persons, the taking of evidence and the making of enquiries; and
 - (b) must determine, subject to the provisions of this Law and to rules of court, whether the application should be granted.

7 Article 7 (cancellation of registration, and registration of change of name and address) amended

In Article 7, for “Judicial Greffier” there is substituted “Registrar”.

8 Article 8 (legal presence in Jersey unnecessary for purpose of making applications) amended

In Article 8, for “Judicial Greffier” there is substituted “Registrar”.

9 Article 11 (rectification of register) amended

In Article 11(1), for “Attorney General” there is substituted “registered proprietor”.

10 Article 12 (power to correct clerical errors) deleted

Article 12 is deleted.

11 Article 20A (Regulations) amended

- (1) This paragraph amends Article 20A.
- (2) For paragraph (1)(c) there is substituted –
 - (c) giving effect in Jersey to an EU provision that relates to registered designs;
- (3) Paragraph (2)(d) is deleted.
- (4) After paragraph (2) there is inserted –
 - (3) In this Article, “EU provision” has the meaning given in the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#).

12 Article 21 (powers of States as regards fees) deleted

Article 21 is deleted.