

BERMUDA

GOVERNMENT FEES (TRADE MARKS AND SERVICE MARKS)
AMENDMENT REGULATIONS 2018

BR / 2018

The Minister of Finance, in exercise of the power conferred by section 2 of the Government Fees Act 1965, makes the following Regulations:

Citation

1 These Regulations may be cited as the Government Fees (Trade Marks and Service Marks) Amendment Regulations 2018.

Revokes and replaces Schedule

2 The Schedule to the Government Fees (Trade Marks and Service Marks) Regulations 1993 is revoked and replaced by the Schedule to these Regulations.

Transitional

3 Nothing in these Regulations affects the validity of a fee that is paid before the coming into operation of these Regulations.

Commencement

4 These Regulations come into operation on 1 April 2018.

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SCHEDULE

(regulation 3)

Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
1.	On request for the Registrar's preliminary advice under section 41 of the 1974 Act or the modified 1974 Act and regulation 19, for each trade mark or service mark submitted in respect of one class	\$118	TM-No. 1
2.	For a search under regulation 93(1) in respect of one mark—		-
	Without application for the Registrar's advice under regulation 19	\$65	TM-No. 2
	With application for the Registrar's advice under regulation 19	\$176	TM-No. 2
3.	On application not otherwise charged to register a trade mark or a service mark (section 18(1) of the 1974 Act or the modified 1974 Act and regulation 20(1)) or a series of trade marks or service marks (section 24 of the 1974 Act or the modified 1974 Act and regulation 27) for a specification of goods or services included in one class	\$256	TM-No. 3
4.	On a request to the Registrar to state grounds of a decision relating to an application to register a trade mark or a service mark, and materials used (section 18(5) of the 1974 Act or the modified 1974 Act and regulation 34)	\$321	-
5.	On notice of opposition before the Registrar under section 19 of the 1974 Act or the modified 1974 Act and regulation 39, for each application opposed, by opponent	\$176	-
6.	On lodging a counter-statement in answer to a notice of the opposition under section 19 of the 1974 Act or the modified 1974 Act and regulation 41, for each application opposed, by the applicant; or in answer to an application under any of the sections 29, 30,	\$82	-

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
	34 and 35 of the 1974 Act or the modified 1974 Act, by the proprietor in respect of each trade mark or service mark; or in answer to a notice of opposition under section 37 or 38 of the 1974 Act or the modified 1974 Act, for each application or conversion opposed, by the proprietor		
7.	On the hearing of each opposition under section 19 of the 1974 Act or the modified 1974 Act and regulation 47, by applicant and by opponent respectively; or on the hearing of an application under any of the sections 29, 30, 34 and 35 of the 1974 Act or the modified 1974 Act, by applicant and by proprietor respectively; or on the hearing of an opposition under section 37 or 38 of the 1974 Act or the modified 1974 Act, by proprietor and by opponent respectively	\$120	-
8.	For one registration of a trade mark or a service mark not otherwise charged for a specification of goods or services included in one class	\$256	TM-No. 4
9.	For one registration of a series of trade marks or service marks under section 24 of the 1974 Act or the modified 1974 Act and regulation 27 for a specification of goods or services included in one class—		
	For the first mark	\$256	TM-No. 4
	And for every other mark of the series	\$19	-
10.	For one registration under section 30 of the 1974 Act and regulation 36, of a defensive trade mark for a specification of goods included in one class	\$273	TM-No. 11
11.	On each addition to the registered entry of a trade mark or a service mark as associated with a newly registered mark (section 25 of the 1974 Act or the modified 1974 Act and regulation 54)	\$19	TM- No. 4

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
12.	On an application, under section 25(4) of the 1974 Act or the modified 1974 Act and regulation 54(2), to dissolve the association between registered trade marks or service marks	\$118	-
13.	On application, under section 28 of the 1974 Act or the modified 1974 Act and regulation 62 or 63, to register a subsequent proprietor in a case of assignment or transmission of a single trade mark or service mark—		
	If made within six months from the date of acquisition of proprietorship or the coming into operation of these Regulations	\$206	TM-No. 6 or 7
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship or the coming into operation of these Regulations	\$235	-
	If made after expiration of twelve months from the date of acquisition of proprietorship or the coming into operation of these Regulations	\$265	-
14.	On application, under section 28 of the 1974 Act or the modified 1974 Act and regulation 62 or 63, to register a subsequent proprietor of more than one trade mark or service mark standing in the same name, the devolution of title being the same in each case—		
	If made within six months from the date of acquisition of proprietorship or the coming into operation of these Regulations—		
	For the first mark	\$206	TM-No. 6 or 7
	And for every other mark	\$36	-
	If made after expiration of six months but within twelve months from the date of acquisition of proprietorship or the coming into operation of these Regulations—		

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
	For the first mark	\$235	-
	And for every other mark	\$36	-
	If made after expiration of twelve months from the date of acquisition of proprietorship or the coming into operation of these Regulations—		
	For the first mark	\$265	-
	And for every other mark	\$36	-
15.	On application, under section 26(6) of the 1974 Act or the modified 1974 Act and regulation 70(1), for directions by the Registrar for advertisement of assignment of trade marks or service marks in use, without goodwill—		
	For the first mark	\$118	-
	And for every other mark	\$36	-
16.	On application, under section 26(6) of the 1974 Act or the modified 1974 Act and regulation 70(4), for extension of time for applying for directions for advertisement of assignment of trade marks or service marks in use, without goodwill, in respect of one devolution of title—		
	Not exceeding one month	\$65	-
	Not exceeding two months	\$118	-
	Not exceeding three months	\$183	-
17.	For renewal, under section 23 of the 1974 Act or the modified 1974 Act and regulation 57, of registration of a trade mark or a service mark at expiration of last registration	\$376	TM-No. 9
18.	For renewal, under section 23 of the 1974 Act or the modified 1974 Act and regulation 57, of registration of a series of trade marks or service marks (section 24(3) of the 1974 Act		

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
	or the modified 1974 Act) at expiration of last registration—		
	For the first mark of the series	\$376	TM-No. 9
	And for every other mark of the series	\$19	-
19.	Restoration fee under regulation 59	\$218	TM-No. 9 and TM-No. 10
20.	On application, under section 29, 30, 34 or 35 of the 1974 Act or section 29, 34 or 35 of the modified 1974 Act and regulation 72, for rectification of the register or removal of a trade mark or a service mark from the register	\$189	-
21.	On application, under regulation 74, for leave to intervene in proceedings under section 29, 30, 34 or 35 of the 1974 Act or section 29, 34 or 35 of the modified 1974 Act for rectification of the register or removal of a trade mark or a service mark from the register	\$118	-
22.	For altering, under section 36 of the 1974 Act or the modified 1974 Act and regulation 75, one or more entries of the trade or business address or address for service of a registered proprietor or a registered user of a trade mark or a service mark where the address in each case is the same and is altered in the same way (unless exempted from fee under regulation 71(3))—		
	For the first entry	\$65	-
	And for every other entry	\$36	-
23.	On request, not otherwise charged, for correction of clerical error or for permission to amend application	\$65	-
24.	On application, under section 36 of the 1974 Act or the modified 1974 Act and regulation 75, to change the name or description of a proprietor or a registered user of a single trade	\$65	-

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
	mark or service mark where there has been no change in the proprietorship or in the identity of the user		
25.	On application, under section 36 of the 1974 Act or the modified 1974 Act and regulation 75, to change the name or description of a proprietor or a registered user of more than one trade mark or service mark standing in the same name, where there has been no change in the proprietorship or in the identity of the user, the change being the same in each case—		
	For the first mark	\$65	-
	And for every other mark	\$36	-
26.	For cancelling, under section 36(1)(c) or (d) of the 1974 Act or the modified 1974 Act and regulation 75, the entry or part of the entry of a trade mark or a service mark upon the register on the application of the registered proprietor of the trade mark or service mark	\$65	-
27.	On request, under section 36(1)(e) of the 1974 Act or the modified 1974 Act and regulation 75, by the registered proprietor of a trade mark or a service mark for entry of disclaimer or memorandum in the register	\$65	-
28.	For cancelling or making one or more entries of an address for service of a registered proprietor or a registered user of a trade mark or a service mark where the address in each case is the same, on application made after the registration in each case—		
	For the first entry	\$65	-
	And for every other entry included in the application	\$36	-
29.	For altering one or more entries of an address for service in the register included in one application for alteration, where the address		

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
	and the alteration in each case are the same—		
	For the first entry	\$65	-
	And for every other entry	\$36	-
	Provided that no fee shall be charged if the application for an alteration of an address for service accompanies Forms TM-No. 4, TM-No. 6, TM-No. 7 or TM-No. 12		
30.	On an application to the Registrar, under section 37 of the 1974 Act or the modified 1974 Act and regulation 78, for leave to add to or alter a single registered trade mark or service mark	\$65	-
31.	On an application to the Registrar, under section 37 of the 1974 Act or the modified 1974 Act and regulation 78, for leave to add to or alter more than one registered trade mark or service mark of the same proprietor, being identical marks, the addition or alteration to be made, in each case, being the same—		
	For the first mark	\$65	-
	And for every other mark	\$36	-
32.	On notice of opposition, under section 37(3) of the 1974 Act or the modified 1974 Act and regulation 79, an application for leave to add to or alter registered trade marks or service marks, for each application opposed	\$118	-
33.	On application by registered proprietor, under section 38 of the 1974 Act and regulation 5, for conversion of specification	\$65	-
34.	On notice of opposition, under section 38(3) of the 1974 Act and regulation 6(2), to a conversion of the specification or specifications of a registered trade mark or registered trade marks—		

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
	For one mark	\$118	-
	And for every other mark of the same proprietor having the same specification	\$36	-
35.	On application, under section 30 of the 1974 Act and regulation 36, to register a defensive trade mark for a specification of goods included in one class	\$275	TM-No. 11
36.	On application, under section 31 of the 1974 Act or the modified 1974 Act and regulation 82, to enter a registered user of a registered trade mark or a registered service mark in respect of goods or services within the specification thereof	\$107	TM-No. 12
37.	On application, under section 31 of the 1974 Act or the modified 1974 Act and regulation 82, to enter the same registered user of more than one registered trade mark or registered service mark of the same registered proprietor in respect of goods or services within the respective specifications thereof and subject to the same conditions and restrictions in each case—		
	For the first mark	\$107	TM-No. 12
	And for every other mark of the proprietor included in the application and statement of case	\$36	-
38.	On application by the proprietor of a single trade mark or a single service mark, under section 31(10)(a) of the 1974 Act or the modified 1974 Act and regulation 84, to vary the entry of a registered user thereof	\$153	-
39.	On application by the proprietor of more than one trade mark or one service mark under section 31(10)(a) of the 1974 Act or the modified 1974 Act and regulation 84, to vary the entries of a registered user thereof—		

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
	For the first mark	\$153	-
	And for every other mark of the proprietor for which the same user is registered, included in the application	\$36	-
40.	On application by the proprietor or registered user of a single trade mark or a single service mark, under section 31(10)(b) of the 1974 Act or the modified 1974 Act and regulation 85, for cancellation of the entry of a registered user thereof	\$65	-
41.	On application by the proprietor or registered user of more than one trade mark or service mark, under section 31(10)(b) of the 1974 Act or the modified 1974 Act and regulation 85, for cancellation of the entries of a registered user thereof—		
	For the first mark	\$65	-
	And for every other mark of the proprietor for which the same user is registered, included in the application	\$36	-
42.	On application under section 31(10)(c) of the 1974 Act or the modified 1974 Act and regulation 86, to cancel the entry of a registered user of a single trade mark or a single service mark	\$65	-
43.	On application under section 31(10)(c) of the 1974 Act or the modified 1974 Act and regulation 86, to cancel the entries of a registered user of more than one trade mark or service mark—		
	For the first mark	\$78	-
	And for every other mark of the same proprietor for which the same user is registered, included in the application	\$36	-
44.	On notice under section 31(11) of the 1974 Act or the modified 1974 Act and regulation	\$118	-

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
	88 of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks or service marks		
45.	For endorsement of a certificate under regulation 60 or 68(2)—		
	In respect of a trade mark or a service mark	\$65	-
	In respect of a series of trade marks or service marks	\$78	-
46.	For certificate of the Registrar (other than a certificate under section 21(2) of the 1974 Act or the modified 1974 Act), under regulation 92(2)—		
	In respect of the registration of a trade mark or a service mark	\$65	-
	In respect of the registration of a series of trade marks or service marks pursuant to section 24(3) of the 1974 Act or the modified 1974 Act	\$78	-
47.	For inspecting any document or making a search of the register under regulation 94 (fee is per half hour or part thereof)	\$36	TM-No. 14
48.	For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	\$78	-
49.	On application to the Registrar for an extension of time under regulation 89 to do any act or to take any proceeding (fee is for two-month period or part thereof)	\$36	-
50.	For office copy of entry in the register or of document (fee is for each page or portion of page)	\$25	-
51.	For certifying office copy, or MS or photographic or printed matter	\$36	-

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Made this day of 2018

Minister of Finance