

VIRGIN ISLANDS
FINANCIAL SERVICES (TRADE MARKS FEES) REGULATIONS, 2015

ARRANGEMENT OF SECTIONS

Regulation

1. Citation and commencement.
2. Fees

SCHEDULE

VIRGIN ISLANDS

STATUTORY INSTRUMENT 2015 NO. 59

**FINANCIAL SERVICES COMMISSION ACT, 2001
(No. 12 of 2001)**

Financial Services (Trade Marks Fees) Regulations, 2015

[Gazetted 13th August, 2015]

The Cabinet, acting on the advice of the Financial Services Commission and in exercise of the powers conferred by section 62 of the Financial Services Commission Act, 2001 (No. 12 of 2001) and section 131 (1) of the Trade Marks Act, 2013 (No. 9 of 2013), makes these Regulations:

Citation and commencement

1. These Regulations may be cited as the Financial Services (Trade Marks Fees) Regulations, 2015 and shall come into force on the 1st day of September, 2015.

Fees

2. The fees specified in the Schedule shall be paid to the Commission and shall not, unless otherwise specified in the Trade Marks Act, 2015, Trade Marks Rules, 2015 or any other Regulations made under the Act, be refundable.

SCHEDULE

[Regulation 2]

[**Note:** The reference to a specific provision or provisions of the Act and the Rules or to a Form is for guidance only and the inclusion or omission of a section, rule or Form shall not affect the obligation to pay the prescribed fee for the service it relates to.]

(a) **Trade Marks Act (“Act”)**

(b) **Trade Marks Rules (“Rules”)**

Provision of Act	Provision of Rules	Form	Nature of Fee	Fee (USD)
36,75	6, 30	TM1	(a) Application to register trade mark (including certification trade mark and collective trade mark): (i) in 1 class (ii) for each additional class	 200 100

			(b) Application to register a defensive trade mark: (i) in 1 class (ii) for each additional class (c) Application to register a series of trade marks in a single registration (with series comprising no more than 6 trade marks): (i) for the first 2 trade marks (ii) for each additional mark of the series	200 150 250 75
49	15	TM2	Request to amend application for registration of trade mark	100
49	29	TM3	Request to delete a trade mark in a series of trade marks	25
Schedule 1, Paragraph 6 (1),	31	-	Filing copy of regulations in respect of certification mark	100
Schedule 2, Paragraph 6 (2)	32	-	Filing copy of regulations in respect of collective mark	100
Schedules 1 and 2	33	TM4	Request to amend regulations of : (a) certification mark (b) collective mark	50 50
66	24	TM5	Request to divide application for registration (other than for a series of trade marks): (a) for first divisional application (b) for each subsequent divisional application	100 50
	25, 26	TM6	(a) Request to merge separate applications for trade marks into a single application	150

			(b) Request to merge separate trade marks registrations into a single registration	150
	28	TM7	Request to divide application into separate applications in respect of 1 or more of trade marks in a series	150
61, 62, 63, 64, 67, 69, 76, 94	16, 19, 33, 40, 48, 49, 52, 55, 57, 60, 81, 86	TM8	(a) Filing notice of objection	200
			(b) Filing notice of opposition	200
			(c) Filing notice of withdrawal	100
			(d) Application for revocation of registration of trade mark (including defensive trade mark, certification trade mark and collective trade mark)	250
			(e) Application for declaration of invalidity of registration of trade mark (including certification trade mark and collective trade mark)	250
			(f) Application for cancellation or variation of registration of trade mark (including certification trade mark and collective trade mark)	200
			(g) Application for rectification of error or omission in the register:	
			(i) arising from an act of a trade mark agent or other person (other than the Registrar or his or her staff)	25
			(ii) arising from an act of the Registrar or his or her staff	0
53	20, 21, 50, 53, 58	TM9	(a) Filing a counter-statement	100
			(b) Application for leave to file additional evidence in support of opposition or counter-statement	50
59	37, 38	TM11	(a) Renewal of registration of trade mark (including certification trade mark and collective trade mark):	

			<ul style="list-style-type: none"> (i) in 1 class 250 (ii) for each additional class 150 	
			<ul style="list-style-type: none"> (b) Renewal of defensive trade mark: 250 <ul style="list-style-type: none"> (i) in 1 class (ii) for each additional class 150 	
			<ul style="list-style-type: none"> (c) Renewal of series of trade marks in a single registration: <ul style="list-style-type: none"> (i) for the first 2 trade marks 250 (ii) for each additional mark of the series 75 	
			<ul style="list-style-type: none"> (d) Request for restoration and renewal of registration of trade mark 250 plus applicable renewal fee and penalty 	
			<ul style="list-style-type: none"> (e) Penalty for late renewal of registration of trade mark 150 	
59	42	TM12	<ul style="list-style-type: none"> Filing notice of surrender of registered trade mark in respect of: <ul style="list-style-type: none"> (a) all goods or services 30 (b) certain goods or services 20 	
79, 81	61, 63	TM13	<ul style="list-style-type: none"> (a) Application or notice to register particulars of registrable transaction (other than a licence), including assignments and other transmissions in respect of: <ul style="list-style-type: none"> (i) a registered trade mark 100 (ii) an application for registration of a trade mark 100 (b) Request to amend or remove registered particulars of security 75 	

			interest	
81, 87	63	TM14	(a) Application or notice to register a licence (b) Request to amend or remove registered particulars of a licence	100 75
102	64	TM16	Request for a hearing before the Registrar	100
105	80	TM18	Request for a statement of Registrar's reason(s) for decision	0
60	39, 84, 98	TM19	Request for alteration or change of: (a) name, address, address for service or trade mark agent's address (b) any other matter filed or in the register	50 25
92, 93	93, 94	TM20	(a) Request for certified or uncertified copy or extract of document or entry in a register: (i) in electronic copy (ii) in paper copy (b) Request to Registrar for a list of pending applications or registered trade marks in respect of a class or classes in the Nice Classification; (i) for 1 class (ii) for more than 1 class (c) Inspection of register of trade marks	15 25 25 40 20
98	95, 96	TM21	(a) Request for Registrar to cause search of records for goods or services (b) Request for Registrar's opinion	20 50
33	105	TM22	(a) Application to register as trade mark agent (b) Renewal of registration as trade mark agent (annually)	350 250
33	107	TM23	Request for cancellation or revocation of approval as trade mark agent	0
53	114	TM24	Application for extension of time to file	25

			opposition or counter-statement	
Schedule 4, paragraph 10	115	TM25	Notice to the Registrar requesting determination of registrability of trade mark in accordance with the Act	50
-	-	-	For the provision by the Registrar of any other service for which a fee is not prescribed under these Regulations	30

Made by the Cabinet this 12th day of August, 2015.

(Sgd.) Sandra Ward,
Cabinet Secretary.