

AS AMENDED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

TRADE MARKS AMENDMENT ACT 2025

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	Government Fees (Trade Marks) Regulations 2025
	SCHEDULE

WHEREAS it is expedient to amend the Trade Marks Act 2023 to insert a definition of the term “transmission” so as to clarify the primary use of the term under the principal Act; to include in the list of registrable transactions under section 34(2) any other transmission of a registered trade mark or any right in or under it; to update Schedule 3 in accordance with the Madrid Protocol; and to provide for the Government Fees (Trade Marks) Regulations;

Be it enacted by The King’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Trade Marks Act 2023 (the “principal Act”), may be cited as the Trade Marks Amendment Act 2025.

Amends section 2

2 Section 2 of the principal Act is amended by inserting in the appropriate alphabetical order the following definition—

“transmission” includes transmission by operation of law, in connection with a merger or sale of a business, devolution on the personal

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representative of a deceased person, and any other mode of transfer of a registered trade mark.”.

Amends section 34

3 Section 34(2) of the principal Act is amended—

- (a) in paragraph (e), by deleting the period at the end of the paragraph and substituting a semicolon;
- (b) by inserting after paragraph (e) the following new paragraph—
 - “(f) any other transmission of a registered trade mark or any right in or under it.”.

Amends Schedule 3

4 Schedule 3 to the principal Act is amended—

- (a) in paragraph 18(2)(c), by deleting the words “all those” and substituting “some or all of those”;
- (b) in paragraph 18(3), by inserting after the words “concurrent registration” the words “, in whole or in part,”;
- (c) in paragraph 21(1)—
 - (i) by deleting “paragraph (e)” and substituting “paragraph (f)”;
 - (ii) by renumbering subparagraphs (f), (g) and (h) as paragraphs (g), (h) and (i).

Government Fees (Trade Marks) Regulations 2025

5 The Schedule has effect with respect to the Government Fees (Trade Marks) Regulations 2025 made under section 2 of the Government Fees Act 1965.

Commencement

6 This Act comes into operation on 1 August 2025.

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SCHEDULE

(section 5)

GOVERNMENT FEES (TRADE MARKS) REGULATIONS 2025

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) Regulations 2025.

Interpretation

2 (1) In these Regulations, unless the context otherwise provides—

“Act” means the Trade Marks Act 2023;

“Registrar” has the meaning given in section 2 of the Trade Marks Act 2023;

“Regulations” means the Trade Marks Regulations 2023.

(2) In the Schedule, a reference to—

(a) a section, is a reference to that section of the Act;

(b) a regulation, is a reference to that regulation in the Regulations; and

(c) a form, is a reference to that form as prescribed.

Fees payable in accordance with Schedule

3 (1) In respect of each of the functions performed by the Registrar specified in the Schedule, there shall be payable a fee as set out in the Schedule in relation to the function.

(2) In all cases, where no fee is specified in the Schedule in relation to an international trade mark (BM) for a function that would otherwise be subject to a fee in respect of a registered trade mark, the fee prescribed for that function in respect of a registered trade mark shall apply in respect of an international trade mark (BM).

(3) Subject to regulation 4, any fee payable pursuant to this regulation shall be payable to the Registrar.

Fees payable by revenue stamps or as determined by the Registrar

4 (1) The fees payable under regulation 3 may be paid—

(a) by any stamp for the time being available for the payment of stamp duty in Bermuda; or

(b) in such other manner as may be determined by the Registrar.

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(2) The Registrar may refuse to accept any form or other document filed pursuant to the Act or the Regulations thereunder unless it is accompanied by the prescribed fee.

(3) Where fees payable under regulation 3 are paid by means of an adhesive stamp—

- (a) the stamp shall be affixed to the form mentioned in the Schedule or other document filed with the Registrar for the purposes of the Act or the Regulations thereunder; and
- (b) it shall be the duty of the responsible officer of the office of the Registrar to ensure that any stamp affixed as provided in paragraph (a) is effectively cancelled so as to render the stamp incapable of being used again for the payment of any fee or for the payment of stamp duty or any postal purpose.

(4) The Accountant-General may, on the recommendation of the Registrar, refund any fee paid in error, or in the event of any stamp being improperly cancelled under this regulation or for any other proper cause.

Disposal of fees

5 All fees collected in accordance with these regulations shall be paid into the Consolidated Fund.

Revocation

6 The Government Fees (Trade Marks and Service Marks) Regulations 1993 are hereby revoked.

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SCHEDULE

(regulation 3)

Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
Application for Registration			
1.	Application for registration of a trade mark under section 41 and regulation 5	\$269	TM 3
2.	For each additional mark in application for registration of a series under regulation 28	\$20	TM 3
3.	For each additional class specified in the application for registration made under section 41 and regulation 8	\$139	TM 3
4.	Administrative fee for excess processing related to deficiencies in application under regulation 13	\$53 (per document)	-
5.	Request for preliminary advice as to distinctiveness under regulation 15	\$192	TM 1
6.	Withdrawal of application under section 48	No Fee	-
7.	Conversion of a pending application for registration under Schedule 4, paragraph 11	\$68	-
Publication, Observations, Oppositions and Registration			
8.	Administrative fee for publication of application for registration under regulation 24 or other publication not otherwise charged	\$40	-
9.	Opposition proceedings: filing a notice of opposition	\$185	TM 10
10.	Request for extension of time to file counter-statement (cooling off period) following agreement by the parties under regulation 18	\$38	TM 10B
11.	Opposition proceedings: filing of counter-statement	\$86	TM 10C

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
12.	Filing with the Registrar observations on application for registration under section 47 or other matter for which observations may be filed	\$38	-
13.	Application for leave to intervene in opposition proceedings under regulation 20	\$124	-
14.	Additional certificate of registration to be issued by the Registrar under regulation 51	\$68	TM 4
15.	Additional certificate of registration (series) under regulation 51	\$82	TM 4
Amendment of Application			
16.	Request to amend an application under section 48 and regulation 23	\$68	TM 2
17.	Request to amend an application under section 48 for each additional mark in series	\$38	TM 2
18.	Request to amend an application after publication under section 48 and regulation 24	\$68	TM 2
19.	Request to amend an application after publication under section 48 and regulation 24 for each additional mark in series	\$38	TM 2
20.	Request to amend class specified in application for registration under section 48 of the Act and regulation 8 (fee per class)	\$68	TM 2
The Register			
21.	Entry in register of particulars of registered trade mark under section 49 and regulation 47	\$269	TM 4
22.	Entry in register of particulars for each additional mark in series under section 49 and regulation 47	\$20	TM 4
23.	Entry in register of each additional class of a registered trade mark	\$139	TM 4

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
24.	Entry in register of particulars of assignments or other registerable transactions under section 34 and regulation 48	No Fee	-
25.	Application to register or give notice of assignment or other registerable transaction under section 34 and regulation 49(1)(a), (d) or (e) (within 6 months of transaction)	\$216	TM 7
26.	Application to register or give notice of assignment or other registerable transaction under section 34 and regulation 49(1)(a), (d) or (e) (after 6 months but before 12 months following transaction)	\$247	TM 7
27.	Application to register or give notice of assignment or other registrable transaction under section 34 and regulation 49(1)(a), (d) or (e) (after 12 months following transaction)	\$278	TM 7
28.	Application to register or give notice of assignment or other registrable transaction for each additional mark under section 34 and regulation 49(1)(a), (d) or (e)	\$38	TM 7
29.	Application to record the grant of a license under section 34 and regulation 49(1)(b)	\$112	TM 11
30.	Application to amend a licence under section 34 and regulation 49(1)(b)	\$161	TM 11
31.	Application to terminate a licence under section 34 and regulation 49(1)(b)	\$82	TM 11
32.	Application to record, amend or terminate a licence for each additional mark	\$38	TM 11
33.	Application to record a security interest under section 34 and regulation 49(1)(c)	\$216	TM 12
34.	Application to amend or terminate a security interest under section 34 and regulation 49(1)(c)	\$105	TM 12

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
35.	Application to record, amend or terminate a security interest for each additional mark	\$38	TM 12
36.	Application to record the transfer of a registered trade mark following a merger or other transfer under section 34 and regulation 49(1)(f)	\$68	TM 6A
37.	Application to record the transfer of a registered trade mark following a merger or other transfer for each additional mark	\$38	TM 6A
38.	Request for certified copy or extract of register entry under section 60 and regulation 51 (each copy)	\$38	TM 1
39.	Request for uncertified copy or extract of register entry under section 60 and regulation 51 (per page)	\$26	TM 1
40.	Request for change of name or address in register in respect of registered trade mark under section 61 and regulation 52	\$68	TM 8
41.	Request for change of name or address in Register for each additional mark under section 61 and regulation 52	\$38	TM 8
42.	Appointment of agent under regulation 60	\$68	TM 13
43.	Appointment of agent for each additional mark under regulation 60	\$38	TM 13
Change of Classification			
44.	Filing a proposal or notice of objection for change of classification under section 62 and regulation 54	No Fee	-
45.	Opposition to proposal for change of classification under section 62 and regulation 55	\$185	TM 10

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
46.	Opposition to proposal for change of classification for each additional mark under section 62 and regulation 55	\$38	TM 10
Division and Merger			
47.	Request to divide an application under regulation 25	\$68	TM 18
48.	Request to divide the registration of a trade mark under regulation 26	\$68	TM 18
49.	Request to merge registrations under regulation 27	\$68	TM 6
50.	Request to merge registration of each additional mark or each additional class under regulation 27	\$38	TM 6
Collective and Certification Marks, Disclaimer, Alteration			
51.	Filing regulations for collective and certification marks under Schedules 1 and 2 and regulation 29	\$38	-
52.	Request for amendment of regulations for collective and certification marks under Schedules 1 and 2 and regulation 30	\$68	TM 5
53.	Registration of disclaimer or limitation under section 19 and regulation 31	\$68	-
54.	Alteration of registered trade mark under section 53 and regulation 32	\$68	TM 5
55.	Alteration of each additional mark under section 53 and regulation 32	\$38	TM 5
56.	Surrender of registered trade mark under section 54 and regulation 33	\$68	TM 19
Renewal of Registration			
57.	Renewal of registration under section 52 and regulation 35	\$395	TM 9

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
58.	Renewal of registration for each additional mark in series under section 52 and regulation 35	\$20	TM 9
59.	Renewal of each additional class under section 52 and regulation 35	\$193	TM 9
60.	Certificate of renewal	\$68	TM 9
61.	Certificate of renewal for series	\$82	TM 9
62.	Delayed renewal of registration under section 52 and regulation 36	\$225	TM 9
63.	Delayed renewal of each additional mark in series under section 52 and regulation 36	\$20	TM 9
64.	Delayed renewal of each additional class under section 52 and regulation 36	\$124	TM 9
65.	Restoration of registration under section 52 and regulation 37	\$229	TM 9
66.	Restoration of registration for each additional mark in series under section 52 and regulation 37	\$20	TM 9
67.	Restoration of registration for each additional class under section 52 and regulation 37	\$38	TM 9
Revocation, Invalidation and Rectification			
68.	Application to revoke a trade mark under section 55	\$198	TM 17
69.	Application for rectification of the register under section 61 and regulation 44	\$198	TM 5
70.	Application for invalidation of registration under section 56 and regulation 41	\$198	TM 20
71.	Filing counter-statement to revocation or invalidation of registration under sections 55 and 56 and regulations 38, 39 or 41	\$86	TM 10C

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
72.	Application to set aside cancellation of application, revocation, invalidation of registration under regulation 43	\$198	TM 17A
73.	Request for leave to intervene in proceedings for revocation or invalidation of registration or rectification of the register under sections 55, 56 and 61 and regulation 45	\$124	-
Request for Information and Inspection of Documents			
74.	Request for information (search by Registry per trade mark) under section 64 and regulations 56 or 58	\$68	TM 1
75.	Request for information (search by Public per trade mark) under section 64 and regulation 56	\$38 (per 1/2 hour)	TM 1
76.	Request for information before publication (search by Registry per trade mark under section 64 and regulation 57	\$68 (per 1/2 hour)	TM 1
77.	Request for information before publication (search by Public per trade mark) under section 64 and regulation 57	\$38 (per 1/2 hour)	TM 1
78.	Inspection of documents by Public (per trade mark) under section 64 and regulation 58	\$86 (per 1/2 hour)	TM 1
Proceedings before Decision of Registrar, Evidence and Costs			
79.	On any hearing in accordance with regulation 63, by each party respectively	\$126	-
80.	Declaration (only to be furnished when requested by Registrar) in support of statement of case	No Fee	TM 10A
81.	Administrative fee on request for Statement of Reasons for Registrar's decision	\$336	-

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
Correction of Irregularities, Calculation and Extension of Time			
82.	Request for leave to rectify irregularity in any procedure or required filing under regulation 69	\$105	-
83.	Request for extension of time before the period has expired (per 2 month period) under regulation 71	\$38	TM 14
84.	Request for extension of time after the period has expired (per 2 month period) under regulation 71	\$105	TM 14
Madrid Protocol (Schedule 3)			
85.	Examination of application for registration of an international trade mark with Registry General as office of origin	\$269	TM 15
86.	For each additional class in an application for international registration	\$132	TM 15
87.	Entry in register of particulars of international trade mark (BM)	\$269	TM 4
88.	Certifying an international application based on single basic application or registration (per class)	\$105	TM 15
89.	Certifying an international application based on more than one basic application or registration (per class)	\$158	TM 15
90.	Transmittal fee for submission of documentation regarding an international application or international registration (including any subsequent designation)	\$68	TM 15
91.	Notice of opposition to the conferral of protection on an international registration	\$185	TM 10
92.	Fee for correcting irregularities in international application	\$68	-

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Column 1 Fee No.	Column 2 Function	Column 3 Amount	Column 4 Form No.
93.	Filing of regulations for international collective or certification marks	\$38	-
94.	Amendment of regulations for international collective or certification marks	\$68	-
95.	Application to revoke protection granted for international trade mark (BM)	\$198	TM 17
96.	Application for invalidation of protection granted for international trade mark (BM)	\$198	TM 20
97.	Renewal of registration of international trade mark (BM)	\$395	TM 9
98.	Application for transformation of an international registration	\$269	TM 16
Trade Marks (Customs) Regulations 2025			
99.	Fee for giving notice to the Collector of Customs under regulation 3 of the Trade Marks (Customs) Regulations 2025	\$262	-

TRADE MARKS AMENDMENT BILL 2025

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Trade Marks Act 2023 (the “principal Act”) to insert a definition of the term “transmission” so as to clarify the primary use of the term under the principal Act; to include in the list of registrable transactions under section 34(2) any other transmission of a registered trade mark or any right in or under it; to update Schedule 3 in accordance with the Madrid Protocol; and to provide for the Government Fees (Trade Marks) Regulations.

Clause 1 provides a citation for the Bill.

Clause 2 amends section 2 of the principal Act to insert a definition of the term “transmission” so as to clarify the primary use of the term under the principal Act.

Clause 3 amends section 34 of the principal Act to include in the list of registrable transactions under subsection (2) the transmission of a registered trade mark or any right in or under it.

Clause 4 amends Schedule 3 to the principal Act to update paragraph 18 of that Schedule in accordance with the Madrid Protocol. An amendment is also made to paragraph 21 of Schedule 3 to reflect the expanded list of registrable transactions under clause 3 (section 34(2) of the principal Act).

Clause 5 provides for the Government Fees (Trade Marks) Regulations 2025 as set out in the Schedule.

Clause 6 provides for the commencement of the Act on 1 August 2025.