

ORDER IN COUNCIL

XVII
1995

ratifying a Projet de Loi

ENTITLED

The Patents, Designs and Trade Marks (Amendment) (Bailiwick of Guernsey) Law, 1995

.....
(Registered on the Records of the Island of Guernsey
on the 22nd January, 1996.)
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1995

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of January, 1996 before Sir Graham Dorey, Bailiff; present:—Stanley Walter John Jehan, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe, John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille and Stephen Edward Francis Le Poidevin, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 13th December, 1995, approving and ratifying a *Projet de Loi* entitled “The Patents, Designs and Trade Marks (Amendment) (Bailiwick of Guernsey) Law, 1995”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED:—

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney and to the SÉNÉSCHAL of Sark for registration on the records of those Islands respectively of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 13th day of December, 1995

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS, there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 5th day of December 1995 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

‘1. That, in pursuance of their Resolution of the 29th day of September 1994, the States of Deliberation at a meeting held on the 25th day of January 1995 approved a Bill or “Projet de Loi” entitled “The Patents, Designs and Trade Marks (Amendment) (Bailiwick of Guernsey) Law, 1995”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 5th day of April 1995, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 19th day of April 1995, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or “Projet de Loi” is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Patents, Designs and Trade Marks (Amendment) (Bailiwick of Guernsey) Law 1995”, and to order that the same shall have force of law in the Bailiwick of Guernsey.”:

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. H. Nicholls

PROJET DE LOI

ENTITLED

The Patents, Designs and Trade Marks (Amendment) (Bailiwick of Guernsey) Law, 1995

THE STATES, in pursuance of their Resolution of the 29th day of September, 1994(a), have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Amendments to Law of 1922

1. (1) In section 1 of the "Loi ayant rapport aux Patentes, Dessins et Marques de Fabrique" of 1922, as amended(b) ("the principal Law"):-

(a) for the definition of "Trade Mark" there is substituted:-

" **"Trade Mark"** means:-

(a) except in relation to a certification mark or a collective mark, any sign capable of being represented graphically which is capable of distinguishing goods or services of one undertaking from those of other undertakings;

(b) in relation to a certification mark, a mark indicating that the goods or services in connection with which it is used are certified by the proprietor of the sign in respect of origin, material, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics;

(c) in relation to a collective mark, a mark distinguishing the goods or services of members of the association which is the proprietor of the mark from those of

(a) Article XXVIII of Billet d'État No. XVII of 1994.

(b) Ordres en Conseil, Vol. VII, p. 1; Vol. XVIII, p. 129.

other undertakings;

and a trade mark may, in particular, consist of words (including personal names), designs, letters, numerals or the shape of the goods or their packaging";

(b) the definition of "mark" is deleted.

(2) In section 44(a) of the principal Law, after the words "trade mark" there is inserted "or class included in a trade mark".

Validation of previous registrations

2. Any trade mark entered upon the Register of Trade Marks pursuant to section 39 of the principal Law before the commencement of this Law shall be deemed to have been validly registered if it would have been so registered had it been entered upon the Register after the commencement of this Law.

Citation

3. This Law may be cited as the Patents, Designs and Trade Marks (Amendment) (Bailiwick of Guernsey) Law, 1995 and this Law and the Patents, Designs and Trade Marks (Bailiwick of Guernsey) Laws, 1922 and 1959 may be cited together as the Patents, Designs and Trade Marks (Bailiwick of Guernsey) Laws, 1922 to 1995.