

## New Bermuda Trade Marks Law receives royal assent

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The Trade Marks Act 2023 and Trade Marks and Service Marks Regulations Amendment and Validation Act 2023 received royal assent on 13 October 2023.

The new law significantly modernises Bermuda's existing trade marks regime. Accompanying trade mark regulations, forms and fees are awaited to bring the legislation into full effect. Trade Marks Registry staff will also require training in order to apply the new legislation in practice.

The new Bermuda legislation is based on that of the United Kingdom and as such the UK's strong body of trade mark case law and UK Intellectual Property Office practice notes will no doubt offer guidance in administering the new regime.

Key changes include:

- A new definition of "trade mark" with no requirement for graphical representation allowing for a broader range of applications types
- An increased term of initial registration from seven to 10 years
- A reduced renewal term from 14 years to 10 years
- The introduction of the 11th Edition of the Nice Classification of goods and services with retroactive effect from 1 January 2017 and the 12th Edition of the Nice Classification of goods and services with retroactive effect from 1 January 2023
- The removal of the "split" Part A and B registration system (see more on this on [our earlier article](#) as first published by World Trademark Review) means all existing trade marks shall be transferred to the new register on commencement of the new legislation regardless as to whether they are currently registered in Part A or Part B of the existing register
- Protection for collective and certification marks, as well as protection for well-known trade

marks under Article 6bis of the Paris Convention

- Claims to Paris Convention priority will be honoured and claims to priority from other relevant overseas applications in countries where the UK has entered into an agreement for reciprocal protection of trade marks which has also been extended to Bermuda will also be honoured
- Access to International Applications in accordance with the Madrid Protocol upon Bermuda's accession
- The removal of the associated trade marks regime (see more on this in [our earlier article](#) as first published by World Trademark Review)

The update to the Bermuda trade marks legislation is part of a wider revamp of Bermuda's suite of intellectual property (IP) legislation, which also includes legislation in the field of copyright, patents and designs. Further updates to follow.

For more information, contact any member of Ogier's IP team below.

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## Meet the Author



Sophie Peat

Partner

Cayman Islands

E: sophie.peat@ogier.com

T: +1 345 815 1744

## Key Contacts



Ashleigh Robinson

Paralegal

Cayman Islands

E: ashleigh.miller@ogier.com

T: +1 345 815 1811

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