

## OPEN AGENDA – PUBLIC DOCUMENT

Copy No:

No: 07/2018

### Memorandum for Executive Council

**SUBJECT** Increase in Fees and Charges: Trade Marks, Patents and Companies Registration

Memorandum by the Chairman, Economic Development Committee

**ADVICE SOUGHT** **1. Council is asked to consider and advise whether the attached Companies (Fees) (Amendment) Regulations, 2018, the Trade Marks (Fees)(Amendment) Rules, 2018 and the Patents (Fees) (Amendment) Regulations should be approved and brought into force with effect from 1 May 2018.**

**BACKGROUND & CONSIDERATIONS**

2. As part of the budget process, Directorates are required to review statutory and discretionary fees and charges in accordance with SHG's Charging Policy 2013.

3. The Companies fees were last reviewed in 2009; and the Trade Marks and Patents fees were last reviewed in 2012.

4. The table attached at Annex A shows current and proposed fees, along with the proposed percentage increases.

5. Regarding the patents fees, there has been a slight change in the Patent (Registration) Ordinance following the recent Law Revision exercise. Section 4 (copied below) previously provided that the fee for registration of a patent is prescribed by Regs made by GIC. And section 10 (also copied below) provided for Rules by the Registrar to regulate procedure and also included fees for proceedings under the Ordinance. All of the current fees have been prescribed in Regulations issued by the GIC.

6. In the revised version of the Ordinance, reference to GIC has been removed from section 4 (see below), so now it is only the Registrar who prescribes the fees under section 10. However, the Registrar cannot revoke a Legal Notice that was enacted by the GIC. So rather than revoking the existing Legal Notice, the following statement will be made "These fees replace the fees prescribed in LN 12 of 1989 (as amended)".

Section 4 before Law Revision:

*"4. Upon such application being received, together with the documents mentioned in section 3 of this Ordinance and upon payment of such fees as may be prescribed from time to time by regulations made by the Governor in Council, the Registrar of Patents shall issue a certificate of registration."*

## OPEN AGENDA – PUBLIC DOCUMENT

### Section 4 after Law Revision:

“4. Upon receiving an application under section 2, the documents mentioned in section 3, and payment of any prescribed fee, the Registrar of Patents must issue a certificate of registration.”

### Section 10 (as it currently reads. There were no significant changes in the Law Revision):

“10. The Registrar of Patents may make such general rules and do such things as he or she considers expedient, subject to this Ordinance, for regulating procedure under this Ordinance, and for prescribing the fees to be paid in respect to proceedings under it.”

### **FINANCIAL IMPLICATIONS**

5. The proposed increases will generate additional revenue for SHG. Collectively, these fees generated approximately £13,619.50 for the year 2016/17.

### **ECONOMIC IMPLICATIONS**

6. The increases are marginal and therefore it is not anticipated to have a significant economic impact.

### **CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES PUBLIC / SOCIAL IMPACT**

7. Not relevant.

8. The proposed increases are modest and should not have any adverse impact on the public. As it stands, most of the trade marks and patents fees are normally generated from overseas customers.

### **ENVIRONMENTAL IMPACT**

9. There are no environmental impacts.

### **PREVIOUS CONSULTATION / COMMITTEE INPUT**

10. The proposed increases were presented to the Economic Development Committee on 11 January 2018 with minor amendments to Annex A being presented to the Committee on 5 April 2018. The Committee endorsed the proposed increases for submission to Executive Council for approval.

### **PUBLIC REACTION**

11. The public are not directly affected by these proposed increases and therefore no public reaction is anticipated.

**OPEN AGENDA – PUBLIC DOCUMENT**

**PUBLICITY**

12. The Regulations will be published as a Legal Notice which will be gazetted. However, mention can be made in the Ex Co report and associated broadcast.

**SUPPORT TO STRATEGIC OBJECTIVES**

13. This paper supports the *Altogether Wealthier* National Goal as it seeks to recover the cost of providing services.

***INITIALS OF PRESENTER***

LAH

**OPEN /CLOSED AGENDA ITEM**

Corporate Support  
Corporate Services

***DATE OF MEMO***

14. Recommended for the open session.

5 April 2018