



Jersey

## **EU LEGISLATION (UNITED KINGDOM EXIT – INTELLECTUAL PROPERTY AMENDMENTS) (JERSEY) ORDER 2019**

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Jersey

## **EU LEGISLATION (UNITED KINGDOM EXIT – INTELLECTUAL PROPERTY AMENDMENTS) (JERSEY) ORDER 2019**

*Made*

*24th October 2019*

*Coming into force*

*in accordance with Article 4*

**THE MINISTER FOR EXTERNAL RELATIONS** makes this Order under Regulation 3 of the EU Legislation (Customs Union, Import and Export Control) (Jersey) Regulations 2018<sup>1</sup>, and after consulting the Agent of the Impôts and the Minister for Home Affairs –

### **1 Community Provisions (Goods Suspected of Infringing Intellectual Property Rights) (Jersey) Regulations 2014 amended**

In Regulation 2 of the Community Provisions (Goods Suspected of Infringing Intellectual Property Rights) (Jersey) Regulations 2014<sup>2</sup> –

- (a) in paragraph (1) there is deleted “to the extent, if any, that it does not have effect under Article 2 of the European Communities (Jersey) Law 1973”;
- (b) for paragraph (2) there is substituted –
  - “(2) For the purpose of the EU Regulation, as given effect by paragraph (1) –
    - (a) a reference to a member state or to the European Union is to be read as being a reference to Jersey;
    - (b) a reference to the customs territory of the European Union is to be read as being a reference to the corresponding territories, for the purpose of a Jersey arrangement, within the meaning of those expressions in the EU Legislation (Customs Union, Import and Export Control) (Jersey) Regulations 2018<sup>3</sup>; and
    - (c) a reference to any provision of an enactment of the European Union relating to customs is to be read as being a reference to any corresponding provision, for the purpose of such a Jersey arrangement, of an enactment of Jersey.”.

### **2 Intellectual Property (Unregistered Rights) (Jersey) Law 2011 amended**

In the Intellectual Property (Unregistered Rights) (Jersey) Law 2011<sup>4</sup> –

- (a) for Article 42(5) there is substituted –
  - “(5) Nothing in paragraph (3) is to be construed as applying to an article which it would have been lawful to import into Jersey pursuant to any right available by virtue of Article 2(1) of the European Union (Jersey) Law 1973<sup>5</sup> if –
    - (a) that Law had not been repealed;
    - (b) the Protocol described in Article 1(4B)(a) of that Law was still in effect; and
    - (c) the United Kingdom was still a member State of the European Union.”;
- (b) in Article 141(6) for “Article 1(1) of Council Regulation (EC) No. 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights, in respect of which an application may be made under Article 5(1) of that Regulation” there is substituted “Article 1(1) of the EU Regulation, within the meaning of the Community Provisions (Goods Suspected of Infringing Intellectual Property Rights) (Jersey) Regulations 2014<sup>6</sup>, as that EU Regulation is given effect by and construed under those Regulations”;
- (c) for Article 344(5) there is substituted –
  - “(5) Nothing in paragraph (3) is to be construed as applying to an article which it would have been lawful to import into Jersey pursuant to any right available by virtue of Article 2(1) of the European Union (Jersey) Law 1973 if –
    - (a) that Law had not been repealed;
    - (b) the Protocol described in Article 1(4B)(a) of that Law was still in effect; and
    - (c) the United Kingdom was still a member State of the European Union.”.

### 3 Trade Marks (Jersey) Law 2000 amended

In Article 22(3) of the Trade Marks (Jersey) Law 2000<sup>7</sup> for “Article 1(1) of Council Regulation (EC) No. 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights (OJ L 196, 2.8.2003, p.7), in respect of which an application may be made under Article 5(1) of that Regulation” there is substituted “Article 1(1) of the EU Regulation, within the meaning of the Community Provisions (Goods Suspected of Infringing Intellectual Property Rights) (Jersey) Regulations 2014<sup>8</sup>, as that EU Regulation is given effect by and construed under those Regulations”.

#### **4 Citation and commencement**

This Order may be cited as the EU Legislation (United Kingdom Exit – Intellectual Property Amendments) (Jersey) Order 2019 and comes into force on the commencement of Article 2 of the European Union (Repeal and Amendment) (Jersey) Law 2018<sup>9</sup>.

**SENATOR I.J. GORST**

*Minister for External Relations*

## ENDNOTES

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| 1 | <i>chapter 17.245.02</i>          |
| 2 | <i>chapter 17.245.81</i>          |
| 3 | <i>chapter 17.245.02</i>          |
| 4 | <i>chapter 05.350</i>             |
| 5 | <i>chapter 17.210</i>             |
| 6 | <i>chapter 17.245.81</i>          |
| 7 | <i>chapter 05.900</i>             |
| 8 | <i>chapter 17.245.81</i>          |
| 9 | <i>L.17/2018 (chapter 17.270)</i> |