

Guernsey Registry Update for Industry - March 2017

You have received this Industry Update because you are currently registered as a corporate service provider (CSP) or Regulated Presenter on the Guernsey Registry Online Services Portal.

Introduction

Following on from a successful company annual validation period in January, Guernsey Registry is now preparing for LLP, foundation and limited partnership annual validations in June.

The process for LLP and foundation annual validations/renewals remains the same as in previous years but the process for limited partnerships is changing.

For the first time, limited partnership annual validations will be an online process on the Online Services Portal, similar to the company annual validation. The form will require some information that is not currently held to be entered - further information is available in this update.

We have also taken the opportunity to introduce online registration for limited partnerships, replacing the current paper-based process. It is anticipated that this will launch on 1 July 2017.

This update also includes information on changes to the requirement for a legal opinion for migrations into Guernsey, and an update on trade mark and registered design agents.

We will be issuing a further update regarding the register of beneficial ownership in due course.

As ever, we greatly appreciate feedback on our services and look forward to receiving suggestions on areas for improvement.

Alan Bougourd, Registrar

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Disclaimer

The purpose of this document is to provide information and guidance for Registry users.

However, the interpretation of legislation is a matter on which the Guernsey Registry cannot advise and individuals will need to form their own view on compliance.

Independent legal advice is advised where there is any uncertainty.

Limited Partnership Update

Limited Partnership Annual Validations - Background

[The Limited Partnerships \(Fees, Annual Validations and Miscellaneous Provisions\) Regulations, 2016](#) were made in November 2016.

The regulations make changes to the annual validation date; **from 2017 onwards limited partnership annual validations will be due in June with an effective date of 31 May**. All annual validation submissions received after 30 June will be subject to a £100 per month late filing fee.

Limited partnerships registered on/after 1 May 2017 will not be required to file in June 2017.

The annual validation will move from a paper-based process to an online process using the Online Services Portal at www.greg.gg.

For 2017, the annual validation form will require users to complete certain fields that are not currently held, and allow the correction of any errors in the data directly from the annual validation form.

Users logged in as Corporate Service Providers or Regulated Presenters will not need PINs to file limited partnership annual validations.

The filing fee for the annual validation will remain at £500; step-by-step guidance on how to file the submission will be issued in due course, and further information is available on our [Guidance Notes](#) pages.

Limited Partnership 2017 Annual Validation - Process

1 May 2017

Limited partnership annual validation online form becomes available for users to draft submissions and save them to be submitted in June.

The form will pre-populate all information currently held on the Registry's database, but users will have the ability to edit the data directly on the form to correct any errors or omissions on the register.

Limited partnership type, principal place of business, term of limited partnership, and general partner details are not currently held on the register, so will be blank and **must be completed** as part of the process.

Adding a general partner (GP) to the limited partnership will follow a similar process to adding directors to a company. For GPs which are Guernsey registered companies or limited partnerships, the registration number will be entered and the details will automatically populate. Overseas registered GPs will need to be pre-registered in the same way as overseas corporate directors.

1 June 2017 - 30 June 2017

Limited partnership annual validation submissions can be made. Payment of the filing fee can be made online by credit/debit card or Registry account, or by sending a cheque.

1 July 2017

All LP AVs received on/after this date will be subject to a £100 per month late filing fee.

Limited Partnership Online Registration Form

Limited partnership registration will become an online process from **1 July 2017**, using the Online Services Portal at www.greg.gg. We will no longer accept paper limited partnership registration filings from that date.

Where the general partner of a limited partnership is not a Guernsey company or limited partnership they will need to be pre-registered in the same way as directors/overseas corporate directors for companies.

The registration fee for a limited partnership will remain at £350. Applications submitted before 2pm will be processed the same day.

Further information and guidance notes regarding the process will be issued in due course.

Other Registry Updates

LLP/Foundation Annual Validation/Annual Renewal

The annual validation/annual renewal process for limited liability partnerships and foundations remains unchanged for 2017.

Pre-populated forms will be sent to the registered office address of each limited liability partnership and foundation during May, and must be returned to the Registry with payment of the fee during June.

The filing fee remains at £500 and can be paid by cheque (payable to Guernsey Registry), credit/debit card or Registry credit account. Late filing fees of £100 per month will apply for all annual renewals/annual validations received from 1 July.

Legal opinions for migration of entities into Guernsey

From 1 April 2017 the Registry will no longer generally require a legal opinion to be submitted with migration in applications and will instead rely on the declaration of compliance (migration) required to be submitted with the application.

This applies to companies, limited liability partnerships and foundations.

The Registry will retain the right to request a legal opinion in certain circumstances.

Applications to migrate out of Guernsey will continue to require a legal opinion from a lawyer in the jurisdiction to which the entity is migrating confirming that the law, in that jurisdiction, permits the continuance of the entity in question.

Intellectual Property Office Update

Trade mark agents and registered design agents

In March 2016 the Commerce and Employment Department issued a consultation regarding the establishment of a register of trade mark agents. The consultation, and consultation response document, are available to view here: <http://ipo.guernseyregistry.com/article/152238/Trade-Mark-Agents-Consultation---24032016>.

The outcome of the consultation was a recommendation to the Committee for Economic Development to introduce a register of trade mark agents, and a register of design right agents. Regulations have now been made (The Trade Marks (Register of Trade Mark Agents) Regulations 2017 and The Registered Designs (Register of Design Right Agents) Regulations 2017) and these will come into effect on **1st April 2017**.

The effect of the Regulations will be as follows:

- Registration of trade marks/registered designs after 1 April 2017, or any procedure relating to a trade mark/registered design, must be done by a registered trade mark agent/registered design agent or by the proprietor themselves.
- To qualify for registration as a registered trade mark agent or registered design right agent, a person must meet the following requirements:
 - Must be a 'qualifying person' in accordance with the regulations;
 - Must be a natural person who is ordinarily resident in the Bailiwick of Guernsey;
 - Must have a fixed place of business within the Bailiwick; and
 - Must have paid the registration fee and pay the annual renewal fee each year.

These changes will take effect for new registrations, from 1st April 2017 onwards. Persons authorised to deal with the filing or maintenance of a trade mark or design registered prior to 1st April 2017 will continue to be able to act in relation to those registrations, even if they are not a registered trade mark agent or registered design right agent under the Regulations.

A new application form for agents has now been issued, and is available to [download here](#). The registers of agents will be published on the IP Office website.

The Regulations are available to view in the '[Law & Practice](#)' section of the IP Office website.

In addition to the regulations, the Registrar will make rules concerning agent fees, which will be published on the IP Office website (including new fees for image right agents and patent agents). The fees will be as per the consultation (which can be found at the above link). There will be no registration fee for trade mark and registered design right agents for 2017; the new fees will become payable from 31 December 2017.

If you would like information on how to protect your IP in Guernsey, please see our 'Introduction to Intellectual Property' which is [available here](#).

Contact us

Should you have any queries or comments, please do not hesitate to contact us:

Office Opening Hours:

9:30am - 4pm Monday to Friday (with the exception of Wednesday when the office opens at 10am due to staff training).

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Online Services Portal: www.greg.gg (available 24/7) **Website:** www.guernseyregistry.com

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