



BERMUDA

TRADE MARKS (CUSTOMS) REGULATIONS 2025

BR 67 / 2025

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SCHEDE

The Minister responsible for intellectual property, in exercise of the power conferred by sections 83 and 92 of the Trade Marks Act 2023, makes the following Regulations:

Citation

1 These Regulations may be cited as the Trade Marks (Customs) Regulations 2025.

Interpretation

2 In these Regulations, unless the context otherwise provides—

“Act” means the Trade Marks Act 2023;

“Collector” means the Collector of Customs.

TRADE MARKS (CUSTOMS) REGULATIONS 2025

Form of notice

3 (1) A notice given to the Collector in accordance with section 83(1) of the Act by the proprietor or licensee of a registered trade mark shall be completed as provided in the Schedule.

(2) A separate notice shall be given in respect of each—

- (a) registered trade mark; and
- (b) expected importation into Bermuda.

Fee

4 Any person giving a notice under regulation 3 shall pay a fee in respect of each notice at the time the notice is given as prescribed in the Government Fees (Trade Marks) Regulations 2025.

Certificate of registration to be provided to Collector

5 (1) A notice filed under regulation 3 shall be accompanied by the certificate of registration issued by the Registrar under section 49(6) of the Act upon registration of the trade mark specified in the notice or a copy thereof, together with evidence that such registration was duly renewed at all times and is currently valid.

(2) The Collector shall confirm with the Registrar the correctness of the information and documentation accompanying the notice under paragraph (1).

(3) Without prejudice to the operation of regulation 7, if the certificate of registration or copy thereof, and, where applicable, evidence of renewal is not furnished in accordance with paragraph (1)—

- (a) the goods to which the notice relates shall not be detained, or, if detained, shall be released; and
- (b) the notice given shall have no effect.

Security

6 (1) Any person giving notice under regulation 3 shall give to the Collector such security or further security within such time and in such manner, whether by bond or by deposit of a sum of money, as the Collector may require, in respect of any liability or expense which the Collector may incur in consequence of the notice by reason of the detention of any goods or anything done to goods so detained.

(2) Without prejudice to the operation of regulation 5, if security or further security as may be required by the Collector under paragraph (1) is not given within the time specified by the Collector, the notice shall have no effect.

Indemnification

7 Any person who has given a notice under regulation 3 shall indemnify the Collector against any liability or expense mentioned in regulation 6, whether any security or further security has been given or not.

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Notification of changes

8 Any person giving notice under regulation 3 shall notify the Collector of—

- (a) any assignment of ownership of the registered trade mark to which the notice relates; or
- (b) in the case of a licensee, any termination of the right to use that registered trade mark or any other change affecting the notice,

within 14 days of the change.

Notification to importer by Collector

9 Where goods have been seized by the Collector pursuant to a notice given under regulation 3, the Collector may, but shall not be obligated to do so solely in accordance with this regulation, notify the importer of the seizure and treatment of the goods as prohibited in accordance with these regulations.

Deemed withdrawal of notice

10 A notice given under regulation 3 shall be deemed to have been withdrawn if the person giving the notice has failed to comply with any requirement of these Regulations, as from the date on which the failure to comply occurred.

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SCHEDULE

(regulation 3)

NOTICE UNDER SECTION 83 OF THE TRADE MARKS ACT 2023 REQUESTING INFRINGING GOODS, MATERIAL OR ARTICLES TO BE TREATED AS PROHIBITED GOODS

Please read these notes before completing this notice.

- 1 This notice may only be given by the proprietor of a registered trade mark, or a licensee. A separate notice must be given in respect of each registered trade mark and in respect of each expected importation of infringing goods, material or articles.
- 2 A fee is payable for each notice given. Please contact: customs@gov.bm for payment instructions.
- 3 Please note that in Part 3 it is not mandatory to provide details other than the time and place of expected arrival of infringing goods but it will greatly increase the prospect of intercepting the consignment concerned if all the details requested are given.
- 4 A copy of the certificate of registration for the trade mark, as well as the certificate of renewal (where applicable) shall be enclosed with each notice given to the Collector of Customs.
- 5 The person who has given the notice shall indemnify the Collector of Customs against any liability or expense which the Collector of Customs may incur as a result of the notice by reason of the detention of any goods or anything done to goods detained. You may need to give the Collector of Customs security in respect of any such liability or expense. You will be informed when this is required.

Part 1 Person Giving Notice

*I/We,

[*Full name of signatory in BLOCK LETTERS*]

give notice to the Collector of Customs that

.....
[*Name and address of proprietor or licensee in BLOCK LETTERS*]
.....
.....

is the proprietor /licensee of a trade mark registered in Bermuda and that infringing goods, material or articles are expected to arrive in Bermuda, and *I/We request that these copies be treated as prohibited goods.

Part 2 Details of infringing goods, material or articles

Trade mark

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Infringing goods, material or articles
Quantity
Tariff classification
and commodity
code(s)

Part 3 Details of Expected Importation

Place of
Importation

Method of
Importation

Please include details of ship, aircraft or vehicle, where known

.....

Expected time and date
of arrival

Country of
origin

Country of
consignment

Importer's
details

Please include importer's name, address and CAPS ID number, if known

.....

.....

Part 4 Declaration

I declare that the information given by me in this notice is true.

Signature

*(*Sole Proprietor/Licensee/Authorised Agent)*

Date

Part 5 Submission of notice

Please send the completed notice, fee and a copy of the relevant certificates, to:

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Collector of Customs
Customs Department
P.O. Box HM 2084
Hamilton HM HX
Bermuda
email: customs@gov.bm

Minister of Economy and Labour

[Operative Date: 28 July 2025]