

SCHEDULES

SCHEDULE 1

COMPUTERISATION

Trade Marks Act 1938 (c.22)

1 The following section shall be substituted for section 1 of the Trade Marks Act 1938—

“1 Register of trade marks etc.

- (1) The Comptroller-General of Patents, Designs and Trade Marks (in this Act referred to as " the Registrar ") shall maintain the register of trade marks, in which shall be entered—
 - (a) all registered trade marks with the names and addresses of their proprietors ;
 - (b) notifications of assignments and transmissions ;
 - (c) the names and addresses of all registered users ;
 - (d) disclaimers, conditions and limitations ; and
 - (e) such other matters relating to registered trade marks as may be prescribed.
- (2) The register shall continue to be divided into two parts called respectively Part A and Part B.
- (3) The register need not be kept in documentary form.
- (4) Subject to any rules under this Act, the public shall have a right to inspect the register at the Patent Office at all convenient times.
- (5) Any person who applies for a certified copy of an entry in the register or a certified extract from the register shall be entitled to obtain such a copy or extract on payment of a fee prescribed in relation to certified copies and extracts ; and the rules may provide that any person who applies for an uncertified copy or extract shall be entitled to such a copy or extract on payment of a fee prescribed in relation to uncertified copies and extracts.
- (6) Applications under subsection (5) above or rules made by virtue of that subsection shall be made in such manner as may be prescribed.
- (7) In relation to any portion of the register kept otherwise than in documentary form—
 - (a) the right of inspection conferred by subsection (4) above is a right to inspect the material on the register; and
 - (b) the right to a copy or extract conferred by subsection (5) above or the rules is a right to a copy or extract in a form in which it can be taken away and in which it is visible and legible.

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- (8) A certificate purporting to be signed by the Registrar and certifying that any entry which he is authorised by this Act or rules to make has or has not been made, or that any other thing which he is so authorised to do has or has not been done, shall be prima facie evidence, and in Scotland shall be sufficient evidence, of the matters so certified.
- (9) A copy of an entry in the register or an extract from the register which is supplied under subsection (5) above and purports to be a certified copy or certified extract shall, subject to subsection (10) below, be admitted in evidence without further proof and without production of any original; and in Scotland such evidence shall be sufficient evidence.
- (10) In the application of this section to England and Wales nothing in it shall be taken as detracting from section 69 or 70 of the Police and Criminal Evidence Act 1984 or any provision made by virtue of either of them.
- (11) In this section "certified copy" and "certified extract" mean a copy and extract certified by the Registrar and sealed with the seal of the Patent Office.”.

2 The words " name or address " shall be substituted for the words " name, address or description " in subsection (1)(a) and (6) and subsection (2) of section 34 of that Act (correction of register).

Registered Designs Act 1949 (c.88)

3 The following section shall be substituted for section 17 of the Registered Designs Act 1949—

“17 Register of designs etc.

- (1) The registrar shall maintain the register of designs, in which shall be entered—
 - (a) the names and addresses of proprietors of registered designs ;
 - (b) notices of assignments and of transmissions of registered designs ;
 - and
 - (c) such other matters as may be prescribed or as the registrar may think fit.
- (2) No notice of any trust, whether express, implied or constructive, shall be entered in the register of designs, and the registrar shall not be affected by any such notice.
- (3) The register need not be kept in documentary form.
- (4) Subject to the provisions of this Act and to rules made by the Secretary of State under it, the public shall have a right to inspect the register at the Patent Office at all convenient times.
- (5) Any person who applies for a certified, copy of an entry in the register or a certified extract from the register shall be entitled to obtain such a copy or extract on payment of a fee prescribed in relation to certified copies and extracts ; and rules made by the Secretary of State under this Act may provide that any person who applies for an uncertified copy or extract shall

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be entitled to such a copy or extract on payment of a fee prescribed in relation to uncertified copies and extracts.

- (6) Applications under subsection (5) above or rules made by virtue of that subsection shall be made in such manner as may be prescribed.
- (7) In relation to any portion of the register kept otherwise than in documentary form—
- (a) the right of inspection conferred by subsection (4) above is a right to inspect the material on the register ; and
 - (b) the right to a copy or extract conferred by subsection (5) above or rules is a right to a copy or extract in a form in which it can be taken away and in which it is visible and legible.
- (8) Subject to subsection (11) below, the register shall be prima facie evidence of anything required or authorised by this Act to be entered in it and in Scotland shall be sufficient evidence of any such thing.
- (9) A certificate purporting to be signed by the registrar and certifying that any entry which he is authorised by or under this Act to make has or has not been made, or that any other thing which he is so authorised to do has or has not been done, shall be prima facie evidence, and in Scotland shall be sufficient evidence, of the matters so certified.
- (10) Each of the following—
- (a) a copy of an entry in the register or an extract from the register which is supplied under subsection (5) above;
 - (b) a copy of any representation, specimen or document kept in the Patent Office or an extract from any such document,
- which purports to be a certified copy or certified extract shall, subject to subsection (11) below, be admitted in evidence without further proof and without production of any original; and in Scotland such evidence shall be sufficient evidence.
- (11) In the application of this section to England and Wales nothing in it shall be taken as detracting from section 69 or 70 of the Police and Criminal Evidence Act 1984 or any provision made by virtue of either of them.
- (12) In this section "certified copy" and "certified extract" mean a copy and extract certified by the registrar and sealed with the seal of the Patent Office.”.

Patents Act 1977 (c.37)

4 The following section shall be substituted for section 32 of the Patents Act 1977—

“32 Register of patents etc.

- (1) The comptroller shall maintain the register of patents, which shall comply with rules made by virtue of this section and shall be kept in accordance with such rules.
- (2) Without prejudice to any other provision of this Act or rules, rules may make provision with respect to the following matters, including provision imposing requirements as to any of those matters—

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- (a) the registration; of patents and of published applications for patents;
 - (b) the registration of transactions, instruments or events affecting rights in or under patents and applications ;
 - (c) the furnishing to the comptroller of any prescribed documents or description of documents in connection with any matter which is required to be registered ;
 - (d) the correction of errors in the register and in any documents filed at the Patent Office in connection with registration; and
 - (e) the publication and advertisement of anything done under this Act or rules in relation to the register.
- (3) Notwithstanding anything in subsection (2)(b) above, no notice of any trust, whether express, implied or constructive, shall be entered in the register and the comptroller shall not be affected by any such notice.
- (4) The register need not be kept in documentary form.
- (5) Subject to rules, the public shall have a right to inspect the register at the Patent Office at all convenient times.
- (6) Any person who applies for a certified copy of an entry in the register or a certified extract from the register shall be entitled to obtain such a copy or extract on payment of a fee prescribed in relation to certified copies and extracts ; and rules may provide that any person who applies for an uncertified copy or extract shall be entitled to such a copy or extract on payment of a fee prescribed in relation to uncertified copies and extracts.
- (7) Applications under subsection (6) above or rules made by virtue of that subsection shall be made in such manner as may be prescribed.
- (8) In relation to any portion of the register kept otherwise than in documentary form—
 - (a) the right of inspection conferred by subsection (5) above is a right to inspect the material on the register ; and
 - (b) the right to a copy or extract conferred by subsection (6) above or rules is a right to a copy or extract in a form in which it can be taken away and in which it is visible and legible.
- (9) Subject to subsection (12) below, the register shall be prima facie evidence of anything required or authorised by this Act or rules to be registered and in Scotland shall be sufficient evidence of any such thing.
- (10) A certificate purporting to be signed by the comptroller and certifying that any entry which he is authorised by this Act or rules to make has or has not been made, or that any other thing which he is so authorised to do has or has not been done, shall be prima facie evidence, and in Scotland shall be sufficient evidence, of the matters so certified.
- (11) Each of the following, that is to say—
 - (a) a copy of an entry in the register or an extract from the register which is supplied under subsection (6) above ;
 - (b) a copy of any document kept in the Patent Office or an extract from any such document, any specification of a patent or any application for a patent which has been published,

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which purports to be a certified copy or a certified extract shall, subject to subsection (12) below, be admitted in evidence without further proof and without production of any original; and in Scotland such evidence shall be sufficient evidence.

(12) In the application of this section to England and Wales nothing in it shall be taken as detracting from section 69 or 70 of the Police and Criminal Evidence Act 1984 or any provision made by virtue of either of them.

(13) In this section "certified copy" and "certified extract" mean a copy and extract certified by the comptroller and sealed with the seal of the Patent Office.

(14) In this Act, except so far as the context otherwise requires—

" register ", as a noun, means the register of patents ;

" register", as a verb, means, in relation to any thing, to register or register particulars, or enter notice, of that thing in the register and, in relation to a person, means to enter his name in the register;".

and cognate expressions shall be construed accordingly.