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STATUTORY INSTRUMENTS

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**1990 No. 1459**

**TRADE MARKS**

**The Trade Marks and Service Marks (Amendment) Rules 1990**

<i>Made</i>	- - - -	<i>18th July 1990</i>
<i>Laid before Parliament</i>		<i>23rd July 1990</i>
<i>Coming into force</i>	- -	<i>1st October 1990</i>

Whereas in pursuance of the requirements of section 40(3) of the Trade Marks Act 1938<sup>(1)</sup> the Secretary of State has, before making the following Rules under that Act, published notice of his intention to make such Rules and of the place where copies of the draft Rules might be obtained by advertising such notice in the Trade Marks Journal on 30th May 1990 and 6th June 1990 and the Official Journal (Patents) on 30th May 1990 and 6th June 1990, being the manner which he considered most expedient so as to enable persons affected to make representations to him before the Rules were finally settled:

Now, therefore, the Secretary of State, in exercise of the powers conferred by section 40 of the Trade Marks Act 1938 and now vested in him<sup>(2)</sup> and after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971<sup>(3)</sup> hereby makes the following Rules:—

1. These Rules may be cited as the Trade Marks and Service Marks (Amendment) Rules 1990 and shall come into force on 1st October 1990.

2. Rule 14 of the Trade Marks and Service Marks Rules 1986<sup>(4)</sup> is amended by substituting for paragraph(5) thereof the following paragraph—

“(5) The Registrar may refuse to recognise as agent in respect of any business under the 1938 Act or the modified 1938 Act—

- (a) a person who has been convicted of an offence under section 283 of the Copyright, Designs and Patents Act 1988<sup>(5)</sup>;
- (b) an individual whose name has been erased from and not restored to the register of trade mark agents required to be kept pursuant to rules made under section 282 of the Copyright, Designs and Patents Act 1988 on the ground of misconduct;

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(1) 1938 c. 22; the Act was applied, with modifications, to service marks by the Trade Marks (Amendment) Act 1984 (c. 19), section 1, as amended by the Patents, Designs and Marks Act 1986 (c. 39), section 2(1) and Schedule 3.  
(2) S.I. 1970/1537.  
(3) 1971 c. 62.  
(4) S.I. 1986/1319, to which there are amendments not relevant to these Rules.  
(5) 1988 c. 48.

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*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (c) a person who is found by the Secretary of State to have been guilty of such conduct as would, in the case of an individual registered in that register, render him liable to have his name erased from it on the ground of misconduct;
- (d) a partnership or body corporate of which one of the partners or directors is a person whom the Registrar could refuse to recognise under paragraph (a), (b) or (c) above.”.

18th July 1990

*Douglas Hogg*  
Minister of State,  
Department of Trade and Industry

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

Rule 14 of the Trade Marks and Service Marks Rules 1986 authorises the Registrar to refuse to recognise certain persons as agents in respect of business under the Trade Marks Act 1938. These Rules amend that rule to provide for the individuals or persons who may be refused recognition consequent on the coming into force of section 282 (register of trade mark agents) of the Copyright, Designs and Patents Act 1988 and the making of rules thereunder — see the Register of Trade Mark Agents Rules 1990 (S.I.1990/1458).