
STATUTORY INSTRUMENTS

2000 No. 136

The Trade Marks Rules 2000

Appeals

Appeal to person appointed; s. 76

63.—(1) Notice of appeal to the person appointed under section 76 shall be sent to the registrar within 28 days of the date of the registrar's decision which is the subject of the appeal accompanied by a statement in writing of the appellant's grounds of appeal and of his case in support of the appeal.

(2) The registrar shall send the notice and the statement to the person appointed.

(3) Where any person other than the appellant was a party to the proceedings before the registrar in which the decision appealed against was made, the registrar shall send to that person a copy of the notice and the statement.

Determination whether appeal should be referred to court; s. 76(3)

64.—(1) Within 28 days of the date on which the notice of appeal is sent by the registrar under rule 63(3) above;

(a) the registrar, or

(b) any person who was a party to the proceedings in which the decision appealed against was made,

may request that the person appointed refer the appeal to the court.

(2) Where the registrar requests that the appeal be referred to the court, she shall send a copy of the request to each party to the proceedings.

(3) A request under paragraph (1)(b) above shall be sent to the registrar; the registrar shall send it to the person appointed and shall send a copy of the request to any other party to the proceedings.

(4) Within 28 days of the date on which a copy of a request is sent by the registrar under paragraph (2) or (3) above, the person to whom it is sent may make representations as to whether the appeal should be referred to the court.

(5) In any case where it appears to the person appointed that a point of general legal importance is involved in the appeal, he shall send to the registrar and to every party to the proceedings in which the decision appealed against was made, notice thereof.

(6) Within 28 days of the date on which a notice is sent under paragraph (5) above, the person to whom it was sent may make representations as to whether the appeal should be referred to the court.

Hearing of appeal; s. 76(4)

65.—(1) Where the person appointed does not refer the appeal to the court, he shall send notice of the time and place appointed for the hearing of the appeal—

(a) where no person other than the appellant was a party to the proceedings in which the decision appealed against was made, to the registrar and to the appellant, and

(b) in any other case, to the registrar and to each person who was a party to those proceedings.

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

(2) The provisions of rule 54(2) and rules 55 to 61 shall apply to the person appointed and to proceedings before the person appointed as they apply to the registrar and to proceedings before the registrar.

(3) The person appointed shall send a copy of his decision, with a statement of his reasons therefor, to the registrar and to each person who was a party to the proceedings before him.