

SCHEDULE 2

Order 100

The Trade Marks Act 1938 as Amended by The Trade Marks (Amendment) Act 1984; The Trade Marks Act 1994 and the Olympic Symbol Etc (Protection) Act 1995

Service of documents

5.—(1) This rule applies to the service of any document (including originating process) on a party until such time as that party has provided an address for service within the meaning of Order 6 rule 4(2) or Order 12 rule 3(3).

(2) Subject to paragraph (3) for the purposes of any proceedings relating to a registered trade mark (including proceedings for revocation, declaration of invalidity or non-infringement or groundless threats of infringement proceedings or any other proceedings under the 1938 Act or the 1994 Act), where any document is served in the manner prescribed by Order 10 or Order 65 at an address for service given in the register kept under section 63 of the 1994 Act—

- (a) service shall be deemed to have been effected on the registered proprietor of the trade mark on the date on which the document was served at the said address:
- (b) the party on whom service is deemed to have been effected under sub-paragraph (a), shall be treated, for the purposes of any provision of these rules which specifies a time-limit for responding to the document so served (whether by acknowledging service, giving notice of intention to defend or otherwise), as having been served on the seventh day after the date on which the document was served at the said address.

(3) Nothing in this rule shall prevent service being effected on the proprietor in accordance with the provisions of these rules.