

## 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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*Status: This is the original version (as it was originally enacted).*

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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).