

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS

Licensing of registered mark

- 9 (1) Sections 28 and 29(2) of this Act (licensing of registered trade mark; rights of exclusive licensee against grantor's successor in title) apply only in relation to licences granted after the commencement of this Act; and the old law continues to apply in relation to licences granted before commencement.
- (2) Existing entries under section 28 of the 1938 Act (registered users) shall be transferred on the commencement of this Act to the register kept under this Act and have effect as if made under section 25 of this Act.
- Provision may be made by rules for putting such entries in the same form as is required for entries made under this Act.
- (3) An application for registration as a registered user which is pending before the registrar on the commencement of this Act shall be treated as an application for registration of a licence under section 25(1) of this Act and shall proceed accordingly.
- The registrar may require the applicant to amend his application so as to conform with the requirements of this Act.
- (4) An application for registration as a registered user which has been determined by the registrar but not finally determined before the commencement of this Act shall be dealt with under the old law; and sub-paragraph (2) above shall apply in relation to any resulting entry in the register.
- (5) Any proceedings pending on the commencement of this Act under section 28(8) or (10) of the 1938 Act (variation or cancellation of registration of registered user) shall be dealt with under the old law and any necessary alteration made to the new register.