

1988 No. 1112

TRADE MARKS

**The Trade Marks and Service Marks (Amendment)
Rules 1988**

<i>Made</i> - - - -	<i>27th June 1988</i>
<i>Laid before Parliament</i>	<i>6th July 1988</i>
<i>Coming into force</i>	<i>1st August 1988</i>

Whereas in pursuance of the requirements of section 40(3) of the Trade Marks Act 1938(a) 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 1st June 1988 and 8th June 1988 and the Official Journal (Patents) on 2nd June 1988 and 8th June 1988, 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(b) and after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971(c) hereby makes the following Rules:-

1. These Rules may be cited as the Trade Marks and Service Marks (Amendment) Rules 1988 and shall come into force on 1st August 1988.

2.—(1) For Rules 64 and 65 of the Trade Marks and Service Marks Rules 1986(d) there shall be substituted the following Rules:

“64.—(1) At any time not earlier than three months nor later than one month before the expiration of the last registration of a trade mark or a service mark the Registrar shall, in accordance with Rule 13(5) above, send to the registered proprietor notice of the approaching expiration.

(2) The said notice shall be in the form of form TM 11 but need not be a replica of that form.

65.—(1) Renewal of registration shall be effected upon the filing of either-

(a) the notice sent in accordance with Rule 64 above or an exact replica thereof,
or

(b) form TM 11,

duly completed and accompanied by the prescribed renewal fee.

(2) If the said filing is effected on or before the date one month before the expiration of the last registration, it shall be treated as having been effected on the first day after that date.”

(a) 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.

(b) S.I. 1970/1537.

(c) 1971 c. 62.

(d) S.I. 1986/1319.

(2) In Rule 66 of the said Rules, for the words "filing form TM 11" there shall be substituted the words "effecting the filing under Rule 65 above".

(3) In paragraph (1) of Rule 67 of the said Rules there shall be inserted after the word "advertisement" the words "the notice or replica referred to in Rule 65(1)(a) above or".

(4) Paragraph (2) of Rule 67 of the said Rules shall be left out.

(5) For form TM 11 set out in the Schedule to the Trade Marks and Service Marks (Forms) Rules 1986(a) there shall be substituted the form set out in the Schedule to these Rules.

3.—(1) In Rule 16(f) of the Trade Marks and Service Marks Rules 1986, for the words "trade mark infringement" there shall be substituted the words "infringement of a trade mark or a service mark".

(2) In Rule 59(3) of the said Rules, for the word "he" where it first appears there shall be substituted the words "the Registrar".

27th June 1988

John Butcher
Department of Trade and Industry

(a) S.I. 1986/1367.

The Patent Office

Trade Marks

Form TM11

Form for renewal of registration

Date:

ADP No:

Your Ref:

1. Reminder as to payment of renewal fee

This is to remind you that if you intend to renew the mark referred to below for a further period of 14 years, you should complete part 2 (where appropriate) and return the form with the relevant fee to the above address by the date shown below.

Due date of renewal	Registration number	Class	Advertised in Trade Marks Journal No.	Fee
_____	_____	_____	_____	_____

2. Name and address of person paying the fee

(If not the registered proprietor)

Name:

Address:

Date:

Attention is drawn to rule 66 of the Trade Marks and Service Marks Rules 1986

Declaration

I declare that I am directed by the proprietor of the above numbered mark to pay the requested renewal fee

Signature:

When do I have to pay an additional fee?

An additional fee must be paid if the renewal fee is paid after the mark has been advertised in the Unpaid List in the Trade Marks Journal and within one month from the date of publication of the Unpaid List.

Additional fee:

If the renewal is not effected within one month of the date of advertisement of the mark in the Unpaid List it expires and is removed from the Register.

If the mark has been removed from the Register through non-payment of the renewal fee and you wish to have it restored, you must complete Form TM13

EXPLANATORY NOTE

(This note is not part of the Rules)

Rule 2 of these Rules revises the procedure for renewal of the registration of a trade mark or a service mark. The Registrar must send a reminder notice between one and three months before renewal is due, and the proprietor must renew either by returning, duly completed, the notice sent by the Registrar (or an exact replica of it) or by filing a duly completed, pre-printed, prescribed form, in either case accompanied by the prescribed fee. A revised form (TM 11) is prescribed.

Rule 3 corrects two errors in the Trade Marks and Service Marks Rules 1986.

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