
STATUTORY INSTRUMENTS

1994 No. 2583

The Trade Marks Rules 1994

Disclaimers, limitations and alteration or surrender of registered trade mark

Registration subject to disclaimer or limitation; s. 13

24. Where the applicant for registration of a trade mark or the proprietor by notice in writing sent to the registrar—

- (a) disclaims any right to the exclusive use of any specified element of the trade mark, or
- (b) agrees that the rights conferred by the registration shall be subject to a specified territorial or other limitation,

the registrar shall make the appropriate entry in the register and publish such disclaimer or limitation.

Alteration of registered trade marks; s. 44 (Forms TM25 & TM7)

25.—(1) The proprietor may request the registrar on Form TM25 for such alteration of his registered mark as is permitted under section 44; and the registrar may require such evidence by statutory declaration or otherwise as to the circumstances in which the application is made.

(2) Where, upon the request of the proprietor, the registrar proposes to allow such alteration, he shall publish the mark as altered.

(3) Any person claiming to be affected by the alteration may within three months of the date of publication of the alteration under paragraph (2) send a notice on Form TM7 to the registrar of opposition to the alteration and shall include a statement of the grounds of opposition; the registrar shall send a copy of the notice and the statement to the proprietor and thereafter the procedure in rule 13(2)-(8) shall apply to the proceedings as they apply to proceedings relating to opposition to an application for registration.

Surrender of registered trade mark; s. 45 (Forms TM22 & TM23)

26.—(1) Subject to paragraph (2) below, the proprietor may surrender a registered trade mark, by sending notice to the registrar—

- (a) on Form TM22 in respect of all the goods or services for which it is registered; or
- (b) on Form TM23, in respect only of those goods or services specified by him in the notice.

(2) A notice under paragraph (1) above shall be of no effect unless the proprietor in that notice—

- (a) gives the name and address of any person having a registered interest in the mark, and
- (b) certifies that any such person—
 - (i) has been sent not less than three months' notice of the proprietor's intention to surrender the mark, or
 - (ii) is not affected or if affected consents thereto.

(3) The registrar shall, upon the surrender taking effect, make the appropriate entry in the register and publish the same.