
STATUTORY INSTRUMENTS

1994 No. 2583

The Trade Marks Rules 1994

Renewal and restoration

Reminder of renewal of registration; s. 43

27. At any time not earlier than six months nor later than one month before the expiration of the last registration of a trade mark, the registrar shall (except where renewal has already been effected under rule 28 below) send to the registered proprietor notice of the approaching expiration and inform him at the same time that the registration may be renewed in the manner described in rule 28 below.

Renewal of registration s. 43 (Form TM11)

28. Renewal of registration shall be effected by filing a request for renewal on Form TM11 at any time within the period of six months ending on the date of the expiration of the registration.

Delayed renewal and removal of registration s. 43 (Form TM11)

29.—(1) If on the expiration of the last registration of a trade mark, the renewal fee has not been paid, the registrar shall publish that fact; and if, within six months from the date of the expiration of the last registration, the request for renewal is filed on Form TM11 accompanied by the appropriate renewal fee and additional renewal fee, the registrar shall renew the registration without removing the mark from the register.

(2) Where no request for renewal is filed as aforesaid, the registrar shall, subject to rule 30 below, remove the mark from the register.

(3) Where, in the case of a mark the registration of which (by reference to the date of application for registration) becomes due for renewal, the mark is registered at any time within six months before the date on which renewal is due, the registration may be renewed by the payment of—

- (a) the renewal fee within six months after the actual date of registration; or
- (b) the renewal fee and additional renewal fee within the period commencing on the date six months after the actual date of registration (that is to say, at the end of the period referred to in paragraph (a)) and ending on the date six months after the due date of renewal;

and, where the fees referred to in paragraph (b) are not paid within the period specified in that paragraph the registrar shall, subject to rule 30 below, remove the mark from the register.

(4) Where, in the case of a mark the registration of which (by reference to the date of application for registration) becomes due for renewal, the mark is registered after the date of renewal, the registration may be renewed by the payment of the renewal fee within six months of the actual date of registration; and where the renewal fee is not paid within that period the registrar shall, subject to rule 30 below, remove the mark from the register.

(5) The removal of the registration of a trade mark shall be published.

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Restoration of registration; s. 43 (Form TM13)

30.—(1) Where the registrar has removed the mark from the register for failure to renew its registration in accordance with rule 29 above, he may, upon a request filed on Form TM13 within six months of the date of the removal of the mark accompanied by the appropriate renewal fee and appropriate restoration fee, restore the mark to the register and renew its registration if, having regard to the circumstances of the failure to renew, he is satisfied that it is just to do so.

(2) The restoration of the registration shall be published, with the date of restoration shown.