
STATUTORY INSTRUMENTS

1998 No. 925

The Trade Marks (Amendment) Rules 1998

Interpretation

6. For rule 13 (opposition proceedings), there shall be substituted the following:

“13.—(1) Notice of opposition to the registration of a trade mark shall be filed on Form TM7 within three months of the date on which the application was published under rule 12, and shall include a statement of the grounds of opposition; the registrar shall send a copy of the notice and the statement to the applicant.

(2) Within three months of the date on which a copy of the notice and statement is sent by the registrar to the applicant, the applicant may file a counter-statement, in conjunction with a notice of the same, on Form TM8; where such a notice and counter-statement are filed within the prescribed period, the registrar shall send a copy of the Form TM8 and the counter-statement to the person opposing the application.

(3) Where a notice and counter-statement are not filed by the applicant within the period prescribed by paragraph (2), he shall be deemed to have withdrawn his application for registration.

(4) Within three months of the date upon which a copy of the counter-statement is sent by the registrar to the person opposing the registration, that person may file such evidence by way of statutory declaration or affidavit as he may consider necessary to adduce in support of his opposition and shall send a copy thereof to the applicant.

(5) If the person opposing the registration files no evidence under paragraph (4) above in support of his opposition, he shall, unless the registrar otherwise directs, be deemed to have withdrawn his opposition.

(6) If the person opposing the registration files evidence under paragraph (4) above or the registrar otherwise directs under paragraph (5) above, the applicant who has filed a notice and counter-statement under paragraph (2) above may, within three months of the date on which either a copy of the evidence or a copy of the direction is sent to him, file such evidence by way of statutory declaration or affidavit as he may consider necessary to adduce in support of his application for registration and shall send a copy thereof to the person opposing the application.

(7) Within three months of the date upon which a copy of the applicant's evidence is sent to him under paragraph (6) above, the person opposing the application may file evidence in reply by statutory declaration or affidavit which shall be confined to matters strictly in reply to the applicant's evidence, and shall send a copy thereof to the applicant.

(8) No further evidence may be filed, except that, in relation to any proceedings before him, the registrar may at any time if he thinks fit give leave to either party to file such evidence upon such terms as he may think fit.

(9) Upon completion of the evidence the registrar shall request the parties to state by notice to him in writing whether they wish to be heard; if any party requests to be heard the registrar shall send to the parties notice of a date for the hearing.”