
STATUTORY INSTRUMENTS

2000 No. 136

The Trade Marks Rules 2000

The register

Removal of matter from register; s. 64(5) (Form TM7)

45.—(1) Where it appears to the registrar that any matter in the register has ceased to have effect, before removing it from the register—

- (a) she may, where she considers it appropriate, publish her intention to remove that matter, and
- (b) where any person appears to her to be affected by the removal, she shall send notice of her intention to that person.

(2) Within three months of the date on which her intention to remove the matter is published, or notice of her intention is sent, as the case may be—

- (a) any person may file notice of opposition to the removal on form TM7; and
- (b) the person to whom a notice is sent under paragraph (1)(b) above may file, in writing—
 - (i) his objections, if any, to the removal, or
 - (ii) a request to have his objections heard orally;

and where such opposition or objections are made, rule 54 shall apply.

(3) If the registrar is satisfied after considering any objections or opposition to the removal that the matter has not ceased to have effect, she shall not remove it.

(4) Where there has been no response to the registrar's notice she may remove the matter; where representations objecting to the removal of the entry have been made (whether in writing or orally) the registrar may, if she is of the view after considering the objections that the entry or any part thereof has ceased to have effect, remove it or, as appropriate, the part thereof.