
STATUTORY INSTRUMENTS

2000 No. 136

The Trade Marks Rules 2000

Change of classification

Change of classification; ss. 65(2) & 76(1)

46.—(1) Subject to section 65(3), the registrar may—

- (a) in order to reclassify the specification of a registered trade mark founded on Schedule 2 to one founded on Schedule 3, or
- (b) consequent upon an amendment of the International Classification of Goods and Services referred to in rule 7(2) above,

make such amendments to entries on the register as she considers necessary for the purposes of reclassifying the specification of the registered trade mark.

(2) Before making any amendment to the register under paragraph (1) above the registrar shall give the proprietor of the mark written notice of her proposals for amendments and shall at the same time advise him that—

- (a) he may make written objections to the proposals, within three months of the date of the notice, stating the grounds of his objections, and
- (b) if no written objections are received within the period specified the registrar will publish the proposals and he will not be entitled to make any objections thereto upon such publication.

(3) If the proprietor makes no written objections within the period specified in paragraph (2) (a) above or at any time before the expiration of that period gives the registrar written notice of his intention not to make any objections, the registrar shall as soon as practicable after the expiration of that period or upon receipt of the notice publish the proposals.

(4) Where the proprietor makes written objections within the period specified in paragraph (2) (a) above, the registrar shall, as soon as practicable after she has considered the objections, publish the proposals or, where she has amended the proposals, publish the proposals as amended; and her decision shall be final and not subject to appeal.