
STATUTORY INSTRUMENTS

2008 No. 1797

The Trade Marks Rules 2008

Division, merger and series of marks

Division of application; section 41 (Form TM12)

26.—(1) At any time before registration an applicant may send to the registrar a request on Form TM12 [^{F1}to divide the specification] of the application for registration (the original application) into two or more separate applications (divisional applications), indicating for each division the specification of goods or services.

(2) Each divisional application shall be treated as a separate application for registration with the same filing date as the original application.

(3) Where the request to divide an application is sent after publication of the application, any objections in respect of, or opposition to, the original application shall be taken to apply to each divisional application and shall be proceeded with accordingly.

(4) Upon division of an original application in respect of which notice has been given to the registrar of particulars relating to the grant of a licence, or a security interest or any right in or under it, the notice and the particulars shall be deemed to apply in relation to each of the applications into which the original application has been divided.

Textual Amendments

F1 Words in [rule 26\(1\)](#) substituted (1.10.2009) by [The Trade Marks and Trade Marks and Patents \(Fees\) \(Amendment\) Rules 2009 \(S.I. 2009/2089\)](#), rules 2, [10](#)

Commencement Information

I1 [Rule 26](#) in force at 1.10.2008, see [rule 1](#)

[^{F2}Division of registration; section 41 (Form TM12R)]

26A.—(1) The proprietor of a trade mark may send to the registrar a request on Form TM12R to divide the specification of the registration (the original registration) into two or more separate trade marks (divisional registrations), indicating for each divisional registration the specification of goods or services.

(2) Each divisional registration must be treated as a separate registration with the same date of registration as the original registration.

(3) No request under paragraph (1) may be granted in respect of the registration of a trade mark which is the subject of proceedings for its revocation or invalidation, where the request would introduce a division amongst the goods or services in respect of which the proceedings are directed.

(4) Where the original registration is subject to a disclaimer or limitation, the divisional registrations must also be restricted accordingly.

(5) Where the original registration has had registered in relation to it particulars relating to—

- (a) the grant of a licence;
- (b) a security interest;
- (c) any right in or under that original registration; or
- (d) any memorandum or statement of the effect of a memorandum;

the registrar must enter in the register the same particulars in relation to each of the divisional registrations into which the original registration has been divided.]

Textual Amendments

F2 Rule 26A inserted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), regs. 1(1), **39** (with Pt. 5)

Merger of separate applications or registrations; section 41 (Form TM17)

27.—^{F3}(1)
^{F3}(2)

(3) The proprietor of two or more registrations of a trade mark [^{F4}, the applications relating to which were filed on the same date,] may request the registrar on Form TM17 to merge them into a single registration and the registrar shall, if satisfied that the registrations are in respect of the same trade mark, merge them into a single registration.

[^{F5}(3A) No application under paragraph (3) may be granted in respect of the registration of a trade mark which—

- (a) is the subject of proceedings for its revocation or invalidation; or
- (b) is the subject of an international registration within the meaning of article 2 of the Trade Marks (International Registration) Order 2008 which has not become independent of the trade mark as provided for in accordance with Article 6 of the Madrid Protocol.]

(4) Where any registration of a trade mark to be merged under paragraph (3) is subject to a disclaimer or limitation, the merged registration shall also be restricted accordingly.

(5) Where any registration of a trade mark to be merged under paragraph (3) has had registered in relation to it particulars relating to the grant of a licence or a security interest or any right in or under it, or of any memorandum or statement of the effect of a memorandum, the registrar shall enter in the register the same particulars in relation to the merged registration.

(6) The date of registration of the merged registration shall, where the separate registrations bear different dates of registration, be the latest of those dates.

Textual Amendments

- F3** Rule 27(1)(2) revoked (1.10.2012) by [The Trade Marks and Trade Marks \(Fees\) \(Amendment\) Rules 2012 \(S.I. 2012/1003\)](#), rules 1, **2(3)(a)** (with rule 4)
- F4** Words in rule 27(3) inserted (1.10.2012) by [The Trade Marks and Trade Marks \(Fees\) \(Amendment\) Rules 2012 \(S.I. 2012/1003\)](#), rules 1, **2(3)(b)** (with rule 4)
- F5** Rule 27(3A) inserted (1.10.2012) by [The Trade Marks and Trade Marks \(Fees\) \(Amendment\) Rules 2012 \(S.I. 2012/1003\)](#), rules 1, **2(3)(c)** (with rule 4)

Commencement Information

I2 Rule 27 in force at 1.10.2008, see [rule 1](#)

Registration of a series of trade marks; section 41 (Form TM12)

28.—^{F6}(1) An application may be made in accordance with rule 5 for the registration of a series of trade marks in a single registration provided that the series comprises of no more than six trade marks.

(1A) Where an application for registration of a series of trade marks comprises three or more trade marks, the application shall be subject to the payment of the prescribed fee for each trade mark in excess of two trade marks.]

(2) Following an application under paragraph (1) the registrar shall, if satisfied that the marks constitute a series, accept the application.

^{F7}(3)

^{F8}(4)

(5) At any time the applicant for registration of a series of trade marks or the proprietor of a registered series of trade marks may request the deletion of a mark in that series and, following such request, the registrar shall delete the mark accordingly.

(6) Where under paragraph (5) the registrar deletes a trade mark from an application for registration, the application, in so far as it relates to the deleted mark, shall be treated as withdrawn.

^{F9}(7)

Textual Amendments

- F6** Rule 28(1)(1A) substituted for rule 28(1) (1.10.2009) by [The Trade Marks and Trade Marks and Patents \(Fees\) \(Amendment\) Rules 2009 \(S.I. 2009/2089\)](#), rules 2, **11**
- F7** Rule 28(3) omitted (1.10.2009) by [The Trade Marks and Trade Marks and Patents \(Fees\) \(Amendment\) Rules 2009 \(S.I. 2009/2089\)](#), rules 2, **12**
- F8** Rule 28(4) omitted (1.10.2009) by [The Trade Marks and Trade Marks and Patents \(Fees\) \(Amendment\) Rules 2009 \(S.I. 2009/2089\)](#), rules 2, **12**
- F9** Rule 28(7) omitted (1.10.2009) by [The Trade Marks and Trade Marks and Patents \(Fees\) \(Amendment\) Rules 2009 \(S.I. 2009/2089\)](#), rules 2, **12**

Commencement Information

- I3** [Rule 28](#) in force at 1.10.2008, see [rule 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Trade Marks Rules 2008, Cross
Heading: Division, merger and series of marks.