
STATUTORY INSTRUMENTS

2008 No. 1797

The Trade Marks Rules 2008

Request for information, inspection of documents and confidentiality

Request for information; section 67(1) (Form TM31C)

56. A request for information relating to an application for registration or to a registered trade mark shall be made on Form TM31C.

Commencement Information

I1 [Rule 56](#) in force at 1.10.2008, see [rule 1](#)

Information available before publication; section 67(2)

57.—(1) Before publication of an application for registration the registrar shall make available for inspection by the public the application and any amendments made to it and any particulars contained in a notice given to the registrar under rule 49.

(2) Nothing in section 67(2) relating to publication of information shall be construed as preventing the publication of decisions on cases relating to trade marks decided by the registrar.

Commencement Information

I2 [Rule 57](#) in force at 1.10.2008, see [rule 1](#)

Inspection of documents; sections 67 & 76(1)

58.—(1) Subject to paragraphs (2) and (3), the registrar shall permit all documents filed or kept at the Office in relation to a registered mark or, where an application for the registration of a trade mark has been published, in relation to that application, to be inspected.

(2) The registrar shall not be obliged to permit the inspection of any such document as is mentioned in paragraph (1) until the completion of any procedure, or the stage in the procedure which is relevant to the document in question, which the registrar is required or permitted to carry out under the Act or these Rules.

(3) The right of inspection under paragraph (1) does not apply to—

- (a) any document prepared in the Office solely for its own use;
- (b) any document sent to the Office, whether at its request or otherwise, for inspection and subsequent return to the sender;
- (c) any request for information under rule 56;
- (d) any document received by the Office which the registrar considers should be treated as confidential;

- (e) any document in respect of which the registrar issues directions under rule 59 that it be treated as confidential.
- (4) Nothing in paragraph (1) shall be construed as imposing on the registrar any duty of making available for public inspection—
- (a) any document or part of a document which in the registrar’s opinion disparages any person in a way likely to cause damage to that person; or
- (b) any document or information filed at or sent to or by the Office before 31st October 1994; or
- (c) any document or information filed at or sent to or by the Office after 31st October 1994 relating to an application for registration of a trade mark under the Trade Marks Act 1938(1).
- (5) No appeal shall lie from a decision of the registrar under paragraph (4) not to make any document or part of a document available for public inspection.

Commencement Information

I3 Rule 58 in force at 1.10.2008, see [rule 1](#)

Confidential documents

59.—(1) Where a document (other than a form required by the registrar and published in accordance with rule 3) is filed at the Office and the person filing it requests at the time of filing that it or a specified part of it be treated as confidential, giving reasons for the request, the registrar may direct that it or part of it, as the case may be, be treated as confidential, and the document shall not be open to public inspection while the matter is being determined by the registrar.

(2) Where such direction has been given and not withdrawn, nothing in this rule shall be taken to authorise or require any person to be allowed to inspect the document or part of it to which the direction relates except by leave of the registrar.

(3) The registrar shall not withdraw any direction given under this rule without prior consultation with the person at whose request the direction was given, unless the registrar is satisfied that such prior consultation is not reasonably practical.

(4) The registrar may where the registrar considers that any document issued by the Office should be treated as confidential so direct, and upon such direction that document shall not be open to public inspection except by leave of the registrar.

(5) Where a direction is given under this rule for a document to be treated as confidential a record of the fact shall be filed with the document.

Commencement Information

I4 Rule 59 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: Request for information, inspection of documents and confidentiality.