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## STATUTORY INSTRUMENTS

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# 2008 No. 1797

## The Trade Marks Rules 2008

### *Renewal and restoration*

#### **Restoration of registration; section 43 (Form TM13)**

37.—(1) Where the registrar has removed the mark from the register for failure to renew its registration in accordance with rule 36, the registrar may, following receipt of a request filed on Form TM13 within six months of the date of the removal of the mark accompanied by the appropriate renewal fee and appropriate restoration fee —

- (a) restore the mark to the register; and
- (b) renew its registration,

[<sup>F1</sup>if the registrar is satisfied that the failure to renew was unintentional].

[<sup>F2</sup>(1A) Where a mark is restored to the register, the proprietor of the mark may not bring an action for infringement against a third party who, in good faith, has put goods on the market or supplied services under a sign which is identical with or similar to the mark in respect of the period beginning with the date of expiration of the registration and ending on the date its restoration is published in accordance with paragraph (2).]

(2) The restoration of the registration, including the date of restoration, shall be published on the Office website.

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#### **Textual Amendments**

- F1** Words in [rule 37\(1\)](#) substituted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), [regs. 1\(1\)](#), [42\(2\)](#) (with [Pt. 5](#))
- F2** [Rule 37\(1A\)](#) inserted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), [regs. 1\(1\)](#), [42\(3\)](#) (with [Pt. 5](#))

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#### **Commencement Information**

- I1** [Rule 37](#) 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, Section 37.