

**EXPLANATORY MEMORANDUM TO
THE TRADE MARKS (FEES) RULES 2008**

2008 No. 1958

AND

THE COMMUNITY TRADE MARK (AMENDMENT) REGULATIONS 2008

2008 No. 1959

1. This explanatory memorandum has been prepared by the Department for Innovation, Universities and Skills and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The Trade Marks Rules 2008 (S.I. 2008/1797) (“the 2008 Rules”) revoke and replace the Trade Marks Rules 2000 (S.I.2000/136) with effect from 1st October 2008. The Community Trade Mark (Amendment) Regulations 2008 and the Trade Marks (Fees) Rules 2008 make consequential provision following the 2008 Rules in relation to community trade marks and with regard to the fees payable in relation to national trade marks . These changes have no policy impact.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 The Trade Marks (Fees) Rules 2008 prescribe fees in relation to matters relating to national trade marks under the 2008 Rules and to that extent they revoke and replace the existing Trade Marks (Fees) Rules 2000.
 - 4.2 The Community Trade Mark (Amendment) Regulations 2008 make consequential amendments to the Community Trade Mark Regulations 2006 (S.I. 2006/1027) to replace cross references to provisions of the Trade Marks Rules 2000 with references to the 2008 Rules. They also apply to Community trade marks provisions of the 2008 Rules in relation to appeals against decisions of the registrar.
 - 4.3 There are no other policy changes associated with these changes as their purpose is to update references to comply with the 2008 Rules.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 These changes are consequential changes to comply with the 2008 Rules There is no policy change.

8. Impact

8.1 As these changes are consequential they will have no direct impact. A full impact assessment was completed for the 2008 Rules which covers the impact of these consequential changes.

9. Contact

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