
STATUTORY INSTRUMENTS

2018 No. 825

The Trade Marks Regulations 2018

PART 3

Amendments to the Rules

Restoration of registration; section 43 (Form TM13)

42.—(1) Rule 37 is amended as follows.

(2) In paragraph (1) omit “if, having regard to the circumstances of the failure to renew, the registrar is satisfied that it is just to do so” and substitute “if the registrar is satisfied that the failure to renew was unintentional”.

(3) After paragraph (1) insert—

“(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).”.