

SCHEDULE 4

Amendments to the Rules

11.—(1) Rule 47 is amended as follows.

(2) At the end of paragraph (a) insert “ or, in the case of a comparable trade mark (EU), as determined in accordance with paragraph 1 of Schedule 2A ”.

(3) At the end of paragraph (b) insert “ (which in the case of a comparable trade mark (EU) is the date of registration of the corresponding EUTM in the EUTM Register) ”.

(4) After paragraph (c) insert—

“(ca) in the case of a comparable trade mark (EU)—

(i) the priority date (if any) accorded pursuant to a claim of priority filed in respect of the corresponding EUTM pursuant to the European Union Trade Mark Regulation; and

(ii) the number of the registered trade mark or international trade mark (UK) from which the corresponding EUTM claimed seniority (if any) and the seniority date;

(cb) where the mark is registered pursuant to an application referred to in paragraph 26 of Schedule 2A—

(i) the priority date (if any) accorded pursuant to a claim to a right to priority made under paragraph 25(2)(a)(ii) of Schedule 2A; and

(ii) the number of the registered trade mark or international trade mark (UK) from which the application claims seniority (if any) and the seniority date;”.

(5) Omit paragraph (l).

(6) After paragraph (m) ^{M1} insert—

“(n) in the case of a comparable trade mark (EU) an indication that it is derived from an existing EUTM, including the number of the corresponding EUTM [^{F1}, and where the corresponding EUTM is subject to cancellation proceedings, that cancellation is pending].”.

Textual Amendments

F1 Words in Sch. 4 para. 11(6) inserted (31.12.2020 immediately before IP completion day) by The Intellectual Property (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1050), regs. 1(2), **11(d)**

Commencement Information

I1 Sch. 4 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. **1(1)**), see reg. 1(1)

Marginal Citations

M1 Paragraph (m) was inserted by S.I. 2018/825, **regulation 43**.

Changes to legislation:

There are currently no known outstanding effects for the The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 11.