



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART III

#### ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

##### *Powers and duties of the registrar*

#### **66 Power to require use of forms**

- (1) The registrar may require the use of such forms as he may direct for any purpose relating to the registration of a trade mark or any other proceeding before him under this Act.
- (2) The forms, and any directions of the registrar with respect to their use, shall be published in the prescribed manner.

#### **67 Information about applications and registered trade marks**

- (1) After publication of an application for registration of a trade mark, the registrar shall on request provide a person with such information and permit him to inspect such documents relating to the application, or to any registered trade mark resulting from it, as may be specified in the request, subject, however, to any prescribed restrictions.

Any request must be made in the prescribed manner and be accompanied by the appropriate fee (if any).

- (2) Before publication of an application for registration of a trade mark, documents or information constituting or relating to the application shall not be published by the registrar or communicated by him to any person except—
  - (a) in such cases and to such extent as may be prescribed, or
  - (b) with the consent of the applicant;but subject as follows.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Where a person has been notified that an application for registration of a trade mark has been made, and that the applicant will if the application is granted bring proceedings against him in respect of acts done after publication of the application, he may make a request under subsection (1) notwithstanding that the application has not been published and that subsection shall apply accordingly.

## **68 Costs and security for costs**

- (1) Provision may be made by rules empowering the registrar, in any proceedings before him under this Act—
- (a) to award any party such costs as he may consider reasonable, and
  - (b) to direct how and by what parties they are to be paid.
- (2) Any such order of the registrar may be enforced—
- (a) in England and Wales or Northern Ireland, in the same way as an order of the High Court;
  - (b) in Scotland, in the same way as a decree for expenses granted by the Court of Session.
- (3) Provision may be made by rules empowering the registrar, in such cases as may be prescribed, to require a party to proceedings before him to give security for costs, in relation to those proceedings or to proceedings on appeal, and as to the consequences if security is not given.

## **69 Evidence before registrar**

Provision may be made by rules—

- (a) as to the giving of evidence in proceedings before the registrar under this Act by affidavit or statutory declaration;
- (b) conferring on the registrar the powers of an official referee of the Supreme Court as regards the examination of witnesses on oath and the discovery and production of documents; and
- (c) applying in relation to the attendance of witnesses in proceedings before the registrar the rules applicable to the attendance of witnesses before such a referee.

## **70 Exclusion of liability in respect of official acts**

- (1) The registrar shall not be taken to warrant the validity of the registration of a trade mark under this Act or under any treaty, convention, arrangement or engagement to which the United Kingdom is a party.
- (2) The registrar is not subject to any liability by reason of, or in connection with, any examination required or authorised by this Act, or any such treaty, convention, arrangement or engagement, or any report or other proceedings consequent on such examination.
- (3) No proceedings lie against an officer of the registrar in respect of any matter for which, by virtue of this section, the registrar is not liable.

## **71 Registrar's annual report**

- (1) The Comptroller-General of Patents, Designs and Trade Marks shall in his annual report under section 121 of the Patents Act 1977, include a report on the execution of this Act, including the discharge of his functions under the Madrid Protocol.
- (2) The report shall include an account of all money received and paid by him under or by virtue of this Act.