



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART III

#### ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

##### *The register*

#### **63 The register**

- (1) The registrar shall maintain a register of trade marks.

References in this Act to “the register” are to that register; and references to registration (in particular, in the expression “registered trade mark”) are, unless the context otherwise requires, to registration in that register.

- (2) There shall be entered in the register in accordance with this Act—
- (a) registered trade marks,
  - (b) such particulars as may be prescribed of registrable transactions affecting a registered trade mark, and
  - (c) such other matters relating to registered trade marks as may be prescribed.
- (3) The register shall be kept in such manner as may be prescribed, and provision shall in particular be made for—
- (a) public inspection of the register, and
  - (b) the supply of certified or uncertified copies, or extracts, of entries in the register.

#### **64 Rectification or correction of the register**

- (1) Any person having a sufficient interest may apply for the rectification of an error or omission in the register:

Provided that an application for rectification may not be made in respect of a matter affecting the validity of the registration of a trade mark.

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*Status: This is the original version (as it was originally enacted).*

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- (2) An application for rectification may be made either to the registrar or to the court, except that—
  - (a) if proceedings concerning the trade mark in question are pending in the court, the application must be made to the court; and
  - (b) if in any other case the application is made to the registrar, he may at any stage of the proceedings refer the application to the court.
- (3) Except where the registrar or the court directs otherwise, the effect of rectification of the register is that the error or omission in question shall be deemed never to have been made.
- (4) The registrar may, on request made in the prescribed manner by the proprietor of a registered trade mark, or a licensee, enter any change in his name or address as recorded in the register.
- (5) The registrar may remove from the register matter appearing to him to have ceased to have effect.

## **65 Adaptation of entries to new classification**

- (1) Provision may be made by rules empowering the registrar to do such things as he considers necessary to implement any amended or substituted classification of goods or services for the purposes of the registration of trade marks.
- (2) Provision may in particular be made for the amendment of existing entries on the register so as to accord with the new classification.
- (3) Any such power of amendment shall not be exercised so as to extend the rights conferred by the registration, except where it appears to the registrar that compliance with this requirement would involve undue complexity and that any extension would not be substantial and would not adversely affect the rights of any person.
- (4) The rules may empower the registrar—
  - (a) to require the proprietor of a registered trade mark, within such time as may be prescribed, to file a proposal for amendment of the register, and
  - (b) to cancel or refuse to renew the registration of the trade mark in the event of his failing to do so.
- (5) Any such proposal shall be advertised, and may be opposed, in such manner as may be prescribed.