

SCHEDULES

[^{F1}SCHEDULE 2B

INTERNATIONAL TRADE MARKS PROTECTED IN THE EUROPEAN UNION

Textual Amendments

- F1** Sch. 2B inserted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/638), reg. 1, [Sch. 4 para. 3](#) (with Sch. 5 Pt. 2) (as amended by S.I. 2020/1050, regs. 1(2), [22\(b\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

PART 3

APPLICATIONS FOR THE EXTENSION OF PROTECTION OF INTERNATIONAL REGISTRATIONS TO THE EUROPEAN UNION WHICH ARE PENDING ON IP COMPLETION DAY

Right to claim seniority where seniority has been claimed by an existing ITM application or an existing request for EU extension

- 30 (1) Where an existing ITM application or an existing request for EU extension claims seniority of a trade mark which trade mark (“the senior mark”) is a registered trade mark or a protected international trade mark (UK), the applicant may claim seniority of the senior mark in an application for registration of a trade mark (a “relevant mark”) pursuant to this Part.
- (2) The effect of a seniority claim made pursuant to sub-paragraph (1) is that where following the registration of the relevant mark the proprietor of that mark surrenders the senior mark or allows it to lapse (wholly or partially), subject to paragraph 31, the proprietor of the relevant mark is deemed to continue to have the same rights as the proprietor would have had if the senior mark had continued to be registered in respect of all the goods or services for which it was registered prior to the surrender or lapse.
- (3) Provision may be made by rules as to the manner of claiming seniority pursuant to this paragraph.
- (4) In sub-paragraph (1), an application for registration of a trade mark “pursuant to this Part” means an application that is of the type mentioned in paragraph 28(1)(b) or 29(1)(b) and that is made within the period mentioned in paragraph 28(1)(c) or 29(1)(c) (as the case may be.)]

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Paragraph 30.