



Trade Marks Act 1994

1994 CHAPTER 26

PART III U.K.

ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

Trade mark agents

[^{F1}83A Regulation of trade mark attorneys U.K.

- (1) The person who keeps the register under section 83 may make regulations which regulate—
 - (a) the keeping of the register and the registration of persons;
 - (b) the carrying on of trade mark agency work by registered persons.
- (2) Those regulations may, amongst other things, make—
 - (a) provision as to the educational and training qualifications, and other requirements, which must be satisfied before an individual may be registered or for an individual to remain registered;
 - (b) provision as to the requirements which must be met by a body (corporate or unincorporate) before it may be registered or for it to remain registered, including provision as to the management and control of the body;
 - (c) provision as to the educational, training or other requirements to be met by regulated persons;
 - (d) provision regulating the practice, conduct and discipline of registered persons or regulated persons;
 - (e) provision authorising in such cases as may be specified in the regulations the erasure from the register of the name of any person registered in it, or the suspension of a person's registration;
 - (f) provision requiring the payment of such fees as may be specified in or determined in accordance with the regulations;
 - (g) provision about the provision to be made by registered persons in respect of complaints made against them;

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 83A. (See end of Document for details)

- (h) provision about the keeping of records and accounts by registered persons or regulated persons;
 - (i) provision for reviews of or appeals against decisions made under the regulations;
 - (j) provision as to the indemnification of registered persons or regulated persons against losses arising from claims in respect of civil liability incurred by them.
- (3) Regulations under this section may make different provision for different purposes.
- (4) Regulations under this section which are not regulatory arrangements within the meaning of the Legal Services Act 2007 are to be treated as such arrangements for the purposes of that Act.
- (5) Before the appointed day, regulations under this section may be made only with the approval of the Secretary of State.
- (6) The powers conferred to make regulations under this section are not to be taken to prejudice—
- (a) any other power which the person who keeps the register may have to make rules or regulations (however they may be described and whether they are made under an enactment or otherwise);
 - (b) any rules or regulations made by that person under any such power.
- (7) In this section—
- “appointed day” means the day appointed for the coming into force of paragraph 1 of Schedule 4 to the Legal Services Act 2007;
 - “manager”, in relation to a body, has the same meaning as in the Legal Services Act 2007 (see section 207);
 - “registered person” means—
 - (a) a registered trade mark attorney, or
 - (b) a body (corporate or unincorporate) registered in the register kept under section 83;
 - “regulated person” means a person who is not a registered person but is a manager or employee of a body which is a registered person;
 - “trade mark agency work” means work done in the course of carrying on the business of acting as agent for others for the purpose of—
 - (a) applying for or obtaining the registration of trade marks in the United Kingdom or elsewhere, or
 - (b) conducting proceedings before the Comptroller relating to applications for or otherwise in connection with the registration of trade marks.]

Textual Amendments

- F1** Ss. 83, 83A substituted for s. 83 (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), [ss. 184\(3\), 211\(2\)](#) (with [ss. 29, 192, 193](#)) (as amended (15.12.2009) by [S.I. 2009/3339](#), arts. 1, 2); [S.I. 2009/3250](#), [art. 2\(f\)\(i\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 83A.