



# Trade Marks Act 1938

## 1938 CHAPTER 22

### GENERAL AND MISCELLANEOUS.

#### *Rules and fees*

#### **40 Power of Board of Trade to make rules**

- (1) The Board of Trade may from time to time make such rules, prescribe such forms and generally do such things as they think expedient—
  - (a) for regulating the practice under this Act, including the service of documents;
  - (b) for classifying goods for the purposes of registration of trade marks;
  - (c) for making or requiring duplicates of trade marks and other documents;
  - (d) for securing and regulating the publishing and selling or distributing, in such manner as the Board of Trade think fit, of copies of trade marks and other documents;
  - (e) generally, for regulating the business of the Patent Office in relation to trade marks and all things by this Act placed under the direction or control of the Registrar or of the Board of Trade.
- (2) Rules made under this Act shall, while in force, be of the same effect as if they were contained in this Act.
- (3) Before making any rules under this Act, the Board of Trade shall publish notice of their intention to make the rules and of the place where copies of the draft rules may be obtained, in such manner as the Board consider most expedient so as to enable persons affected to make representations to the Board before the rules are finally settled.
- (4) Any rules so made shall be forthwith advertised twice in the Trade Marks Journal, and shall be laid before both Houses of Parliament, if Parliament be in session at the time of the making thereof, or, if not, as soon as practicable after the beginning of the then next session of Parliament.
- (5) If either House of Parliament, within the next forty days after any rules have been so laid before it, resolves that the rules or any of them ought to be annulled, the rule or

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rules shall thenceforth be of no effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new rule or rules.

#### **41 Fees**

There shall be paid in respect of applications and registration and other matters under this Act such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade.