

---

STATUTORY INSTRUMENTS

---

**2000 No. 136**

**TRADE MARKS**

**The Trade Marks Rules 2000**

<i>Made</i>	- - - -	23rd January 2000
<i>Laid before Parliament</i>		26th January 2000
<i>Coming into force</i>		17th February 2000

**THE TRADE MARKS RULES 2000**

*Preliminary*

1. *Citation and commencement*
2. *Interpretation*
3. *Forms and directions of the registrar under s. 66*
4. *Requirement as to fees*

*Application for registration*

5. *Applications for registration; s. 32 (Form TM3)*
6. *Claim to priority; ss. 35 & 36*
7. *Classification of goods and services; s. 34*
8. *Application may relate to more than one class and shall specify the class (Form TM3A)*
9. *Prohibition on registration of mark consisting of arms; s. 4*
10. *Address for service (Form TM33)*
11. *Deficiencies in application; s. 32*

*Publication, observations, oppositions and registration*

12. *Publication of application for registration; s. 38(1)*
13. *Opposition proceedings; s. 38(2) (Forms TM7, TM8 & TM9c)*
14. *Decision of registrar in opposition proceedings*
15. *Observations on application to be sent to applicant; s. 38(3)*
16. *Publication of registration; s. 40*

*Amendment of application*

17. *Amendment of application; s. 39 (Form TM21)*
18. *Amendment of application after publication; s. 39 (Form TM7)*

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

***Division, merger and series of marks***

19. ***Division of application; s. 41 (Form TM12)***
20. ***Merger of separate applications or registrations; s. 41 (Form TM17)***
21. ***Registration of a series of trade marks; s. 41 (Form TM12)***

***Collective and certification marks***

22. ***Filing of regulations for collective and certification marks; Schs. 1 & 2 (Form TM35)***
23. ***Amendment of regulations of collective and certification marks; Sch. 1 para. 10 and Sch. 2 para. 11 (Forms TM36 & TM7)***

***Disclaimers, limitations and alteration or surrender of registered trade mark***

24. ***Registration subject to disclaimer or limitation; s. 13***
25. ***Alteration of registered trade mark; s. 44 (Forms TM25 & TM7)***
26. ***Surrender of registered trade mark; s. 45 (Forms TM22 & TM23)***

***Renewal and restoration***

27. ***Reminder of renewal of registration; s. 43***
28. ***Renewal of registration; s. 43 (Form TM11)***
29. ***Delayed renewal and removal of registration; s. 43 (Form TM11)***
30. ***Restoration of registration; s. 43 (Form TM13)***

***Revocation, invalidation and rectification***

31. ***Procedure on application for revocation (on the grounds of non-use); s. 46(1)(a) and (b) (Forms TM8 & TM26(N))***
32. ***Procedure on application for revocation (on grounds other than non-use); s.46(1)(c) or (d) (Forms TM8 & TM26(O))***
33. ***Procedure on application for invalidation; s. 47 (Forms TM8 & TM26(I))***
34. ***Procedure on application for rectification; s. 64 (Form TM26(R))***
35. ***Procedure for intervention***

***Case Management Conference and Pre-Hearing Review***

36. ***Case Management Conference; s. 78***
37. ***Pre-hearing review; s. 78***

***The register***

38. ***Form of register; s. 63(1)***
39. ***Entry in register of particulars of registered trade marks; s. 63(2) (Form TM24)***
40. ***Entry in register of particulars of registrable transactions; s. 25***
41. ***Application to register or give notice of transaction; ss. 25 & 27(3) (Forms TM16, TM24, TM50 & TM51)***
42. ***Public inspection of register; s. 63(3)***
43. ***Supply of certified copies etc; s. 63(3) (Form TM31R)***
44. ***Request for change of name or address in register; s. 64(4) (Forms TM21 & TM33)***
45. ***Removal of matter from register; s. 64(5) (Form TM7)***

### *Change of classification*

- 46. *Change of classification; ss. 65(2) & 76(1)*
- 47. *Opposition to proposals; ss. 65(3) & 76(1) (Form TM7)*

### *Request for information, inspection of documents and confidentiality*

- 48. *Request for information; s. 67(1) (Form TM31C)*
- 49. *Information available before publication; section 67(2)*
- 50. *Inspection of documents; ss. 67 & 76(1)*
- 51. *Confidential documents*

### *Agents*

- 52. *Proof of authorisation of agent may be required; s. 82 (Form TM33)*
- 53. *Registrar may refuse to deal with certain agents; s. 88*

### *Decision of registrar, evidence and costs*

- 54. *Decisions of registrar to be taken after hearing*
- 55. *Evidence in proceedings before the registrar; s.69*
- 56. *Making and subscription of statutory declaration or affidavit*
- 57. *Registrar's power to require documents, information or evidence*
- 58. *Registrar to have power of an official referee; s. 69*
- 59. *Hearings before registrar to be in public*
- 60. *Costs of proceedings; s. 68*
- 61. *Security for costs; s. 68*
- 62. *Decision of registrar (Form TM5)*

### *Appeals*

- 63. *Appeal to person appointed; s. 76*
- 64. *Determination whether appeal should be referred to court; s. 76(3)*
- 65. *Hearing of appeal; s. 76(4)*

### *Correction of irregularities, calculation and extension of time*

- 66. *Correction of irregularities of procedure*
- 67. *Calculation of times and periods*
- 68. *Alteration of time limits (Form TM9)*

### *Filing of documents, hours of business, Trade Marks Journal and translations*

- 69. *Filing of documents by electronic means*
- 70. *Directions on hours of business; s. 80*
- 71. *Trade Marks Journal; s. 81*
- 72. *Translations*

### *Transitional provisions and revocations*

- 73. *Pending applications for registration; Sch. 3, para. 10(2)*
- 74. *Revocation of previous Rules*  
Signature

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

Schedules

Schedule 1— Revocations

Schedule 2— Classification of goods (pre-1938)

Schedule 3— Classification of goods and services

Explanatory Note