

2006 No. 3039

TRADE MARKS

The Trade Marks (Amendment) Rules 2006

Made - - - - *16th November 2006*

Laid before Parliament *20th November 2006*

Coming into force - - *1st January 2007*

The Secretary of State makes the following Rules in exercise of the powers conferred by sections 65 and 78 of the Trade Marks Act 1994(a):

1. These Rules may be cited as the Trade Marks (Amendment) Rules 2006 and shall come into force on 1st January 2007.

2. The Trade Marks Rules 2000(b) shall be amended as follows.

3. For rule 7 substitute—

“Classification of goods and services; s 34

7.—(1) The prescribed system of classification for the purposes of the registration of trade marks is the Nice Classification.

(2) When a trade mark is registered it shall be classified according to the version of the Nice Classification that had effect on the date of application for registration.

(3) In these Rules—

(a) the “Nice Agreement” means the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15th June 1957, which was last amended on 28th September 1979; and

(b) the “Nice Classification” means the system of classification under the Nice Agreement.”.

4. In rule 8 for “Schedule 4”, wherever it occurs, substitute “the Nice Classification”.

5. In paragraphs (3) and (4) of rule 23—

(a) after “Schedule 1”, wherever it occurs, insert “of the Act”;

(b) after “Schedule 2”, wherever it occurs, insert “of the Act”.

6. In rule 46, for paragraph (1) substitute—

“(1) The registrar may amend an entry in the register which relates to the classification of a registered trade mark so that it accords with the current Nice Classification.”.

7. The instruments set out in the Schedule (revocations) are revoked to the extent specified.

(a) 1994 c.26.

(b) S.I. 2000/136, amended by S.I. 2001/3832 and 2004/947.

16th November 2006

Malcolm Wicks
Minister of State for Science and Innovation
Department of Trade and Industry

SCHEDULE

Rule 7

REVOCATIONS

<i>Title and number</i>	<i>Extent of revocation</i>
The Trade Marks Rules 2000 (SI 2000/136)	Schedules 3 and 4.
The Trade Marks (Amendment) Rules 2001 (SI 2001/3832)	Rules 3 to 5. Rules 7 and 8.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Trade Marks Rules 2000 (SI 2000/136, as amended) (“the 2000 Rules”).

These Rules formally prescribe the Nice Classification as the prescribed system of classification under the Trade Marks Act 1994 (c. 26). The Nice Classification is the system of classification arising under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15th June 1957, which was last amended on 28th September 1979. The Ninth Edition of the Nice Classification enters into force on the 1st January 2007. The Ninth Edition of the Nice Classification will be available on the World Intellectual Property Organisation’s website (www.wipo.int).

Rule 3 substitutes a new rule 7 for that in the 2000 Rules. This provision prescribes the system of classification to be used for the purposes of registering trade marks.

Rules 4 and 5 set out minor and consequential amendments to rules 8, 23 and 46 of the 2000 Rules.

Rule 6 amends rule 46 of the 2000 Rules. This provision enables the registrar to re-classify a registered trade mark where the Nice Classification has changed for some or all of the goods and services in respect of which the mark has been registered.

Rule 7 and the Schedule revoke, amongst other things, two Schedules to the 2000 Rules. Those Schedules set out two previous systems of classification, both of which were based on earlier versions of the Nice Classification system.

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