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STATUTORY INSTRUMENTS

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**2008 No. 1797**

**The Trade Marks Rules 2008**

*Preliminary*

**Citation and commencement**

1. These Rules may be cited as the Trade Marks Rules 2008 and shall come into force on 1st October 2008.

**Interpretation**

2.—(1) In these Rules—

“the Act” means the Trade Marks Act 1994;

“the Journal” means the Trade Marks Journal published in accordance with rule 81;

“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(1), which was last amended on 28th September 1979;

“the “Nice Classification” means the system of classification under the Nice Agreement(2);

“the Office” means the Patent Office which operates under the name “the UK Intellectual Property Office”;

“send” includes give;

“specification” means the statement of goods or services in respect of which a trade mark is registered or proposed to be registered;

“transformation application” means an application to register a trade mark under the Act where that mark was the subject of an international registration prior to that registration being cancelled.

(2) In these Rules a reference to a section is a reference to that section in the Act and a reference to a form is a reference to that form as published under rule 3.

(3) In these Rules references to the filing of any application, notice or other document, unless the contrary intention appears, are to be construed as references to its being delivered to the registrar at the Office.

**Forms and directions of the registrar; section 66**

3.—(1) Any forms required by the registrar to be used for the purpose of registration of a trade mark or any other proceedings before the registrar under the Act pursuant to section 66 and any directions with respect to their use shall be published on the Office website and any amendment or modification of a form or of the directions with respect to its use shall also be published on the Office website.

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(1) Cmnd 6898.

(2) The current version of the classification is the Ninth Edition which entered into force on 1st January 2007 and is available on the WIPO website.

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**Status:** This is the original version (as it was originally made).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

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(2) Except in relation to Forms TM6 and TM7A a requirement under this rule to use a form as published is satisfied by the use either of a replica of that form or of a form which is acceptable to the registrar and contains the information required by the form as published and complies with any directions as to the use of such a form.

**Requirement as to fees**

4.—(1) The fees to be paid in respect of any application, registration or any other matter under the Act and these Rules shall be those (if any) prescribed in relation to such matter by rules under section 79 (fees).

(2) Any form required to be filed with the registrar in respect of any specified matter shall be subject to the payment of the fee (if any) prescribed in respect of that matter by those rules.