STATUTORY INSTRUMENTS

2009 No. 546

INTELLECTUAL PROPERTY

The Patents, Trade Marks and Designs (Address for Service) Rules 2009

Made - - - -	*4th March 2009*
Laid before Parliament	*13th March 2009*
Coming into force - -	*6th April 2009*

The Secretary of State makes the following Rules in exercise of the powers conferred by section 250 of the Copyright, Designs and Patents Act 1988(**a**), section 36 of the Registered Designs Act 1949(**b**), section 123 of the Patents Act 1977(**c**) and section 78 of the Trade Marks Act 1994(**d**).

In accordance with section 8 of the Tribunals and Inquiries Act 1992(**e**), the Secretary of State has consulted the Administrative Justice and Tribunals Council before making these Rules.

Citation and commencement

1. These Rules may be cited as the Patents, Trade Marks and Designs (Address for Service) Rules 2009 and come into force on 6th April 2009.

Amendment of the Design Right (Proceedings before Comptroller) Rules 1989

2. The Design Right (Proceedings before Comptroller) Rules 1989(**f**) are amended as follows.

3. In rule 23 (service and translation of documents) delete paragraph (1A) and substitute—

"(1A) The address for service shall be an address in the United Kingdom, another EEA state or the Channel Islands.".

4. In Schedule 1 (Forms) for the words "Please give an address for service in the United Kingdom", in each place where they appear, substitute "Please give an address for service in the United Kingdom, another EEA state or the Channel Islands".

Amendment of the Registered Designs Rules 2006

5. The Registered Designs Rules 2006(**g**) are amended as follows.

(**a**) 1988 c. 48.
(**b**) 1949 c.88; section 36 was amended by paragraph 26 of Schedule 3 to the Copyright, Designs and Patents Act 1988; there are other amendments but none are relevant.
(**c**) 1977 c.37.
(**d**) 1994 c. 26.
(**e**) 1992 c.53; the definition of "Council" was amended by the Tribunals, Courts and Enforcement Act 2007 (c.15), Schedule 8, paragraph 30.
(**f**) S.I. 1989/1130, amended by S.I. 2006/760; there are other amending instruments but none is relevant.
(**g**) S.I. 2006/1975, to which there are amendments not relevant to these Rules.

6. In rule 42 (address for service) delete paragraphs (4) and (5) and substitute—

"(4) An address for service furnished under this Rule shall be an address in the United Kingdom, another EEA state or the Channel Islands.".

7. In rule 43(5) (failure to furnish an address for service) omit the words "or (5)".

Amendment of the Patents Rules 2007

8. The Patents Rules 2007(**a**) are amended as follows.

9. In rule 103 (address for service) delete paragraphs (4) and (5) and substitute—

"(4) An address for service furnished under this Rule shall be an address in the United Kingdom, another EEA state or the Channel Islands.".

10. In rule 104(5) (failure to furnish an address for service) omit the words "or (5)".

Amendment of the Trade Marks Rules 2008

11. The Trade Marks Rules 2008(**b**) are amended as follows.

12. In rule 11 (address for service) delete paragraphs (4) and (5) and substitute—

"(4) An address for service filed under this Rule shall be an address in the United Kingdom, another EEA state or the Channel Islands.".

13. In rule 12(5) (failure to provide an address for service) omit the words "or (5)".

David Lammy
Minister of State for Higher Education and Intellectual Property
Department for Innovation, Universities and Skills

4th March 2009

(**a**) S.I. 2007/3291.
(**b**) S.I. 2008/1797, to which there is an amendment not relevant to these Rules.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Design Right (Proceedings before Comptroller) Rules 1989 (SI 1989/1130, as amended), the Registered Designs Rules 2006 (SI 2006/1975, as amended), the Patents Rules 2007 (SI 2007/3291) and the Trade Marks Rules 2008 (SI 2008/1797, as amended).

The requirement in each of those Rules to provide an address for service in the United Kingdom during any proceedings before the comptroller or registrar is liberalised to allow for an address for service in the United Kingdom another EEA state (as defined in Schedule 1 to the Interpretation Act 1978) or the Channel Islands.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Intellectual Property Office, International Policy Directorate, Concept House, Cardiff Road, Newport NP10 8QQ and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website. Copies have also been placed in the libraries of both houses of Parliament.

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