TRADE MARKS

1956 No. 1844

The Trade Marks (Amendment) Rules, 1956

Made - - - -	21*st November*, 1956
Laid before Parliament	26*th November*, 1956
Coming into Operation	30*th November*, 1956

Whereas, in pursuance of the requirements of subsection (3) of section 40 of the Trade Marks Act, 1938(a), the Board of Trade have, before making the following Rules under the Act, published notice of their intention to make such Rules and of the place where copies of the draft Rules may be obtained by advertising such notice in the Trade Marks Journal and the Official Journal (Patents) on the 8th day of August, 1956, being the manner which the Board considered most expedient so as to enable persons affected to make representations to the Board before the Rules were finally settled:

Now, therefore, the Board of Trade, in pursuance of the powers conferred on them by section 40 of the said Act and all other powers enabling them in that behalf, hereby make the following Rules:—

Amendment of the Trade Marks Rules, 1938

1. The Trade Marks Rules, 1938(b), as amended by the Trade Marks (Amendment) Rules, 1955(c), shall have effect subject to the following amendments, that is to say:—

(1) For Rules 16 and 108 there shall be substituted respectively the following Rules:—

"16. The following features may not appear on trade marks the registration of which is applied for:—

(*a*) representations of the Royal or Imperial Arms, crests, armorial bearings or insignia, or devices so nearly resembling any of the foregoing as to be likely to be mistaken for them;

(*b*) representations of the Royal or Imperial crowns, or of the Royal, Imperial or National flags;

(*c*) any words, such as 'Royal' or 'Imperial', or any letters or devices if used in such a manner as to be likely to lead persons to think that the applicant either has or recently has had Royal patronage or authorisation, whether or not such be the case;

(*d*) the word 'Anzac'."

"108. The entry of a registered user in the register shall state the date on which the application for such entry was made, which date shall be deemed to be the date of registration as a registered user of the person mentioned in the entry. The entry shall state the trade or business address of the registered user, and, if an application by him on Form T.M.No.33 for the inclusion of an address for service which is different therefrom has been approved, that address

(a) 1 & 2 Geo. 6. c. 22. (b) S.R. & O. 1938/661 (Rev. XXIII, p. 3: 1938 II, p.3257).
(c) S.I. 1955/461 (1955 II, p. 2677).

also. Notification in writing of the registration of a registered user shall be sent to the registered proprietor of the trade mark and to the said registered user and shall be inserted in the Journal.".

(2) For Class 17 in Schedule IV there shall be substituted the following:—

"17. Gutta-percha, india rubber, balata and substitutes, articles made from these substances and not included in other classes; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (non-metallic); plastics in the form of sheets, blocks, rods and tubes, being for use in manufactures".

(3) The Rules specified in column (1) of the Schedule hereto shall be amended in the manner and to the extent specified in column (2) in relation thereto.

Citation and Commencement

2.—(1) These Rules may be cited as the Trade Marks (Amendment) Rules, 1956, and shall come into operation on the 30th day of November, 1956.

(2) These Rules, the Trade Marks Rules, 1938, and the Trade Marks (Amendment) Rules, 1955, may be cited together as the Trade Marks Rules, 1938 to 1956.

Dated this 21st day of November, 1956.

F. J. Erroll,
Parliamentary Secretary to the
Board of Trade.

SCHEDULE

AMENDMENTS TO THE TRADE MARKS RULES, 1938

(1) Rule	(2) Manner and Extent of Amendment
21	For "Form Textile—No. 2 if in respect of textile goods" substitute "Form Textile—No. 2 if the specification of goods consists of or includes textile goods as defined in Section 39 (2)".
33	For "one month" substitute "two months".
48	For "one month" substitute "two months".
49	For "one month" substitute "two months"; and for "copies thereof" substitute "a copy of such evidence".
50	For "one month" substitute "two months"; and for "copies thereof" substitute "a copy of such evidence".
51	For "fourteen days" substitute "two months"; and for "copies thereof" substitute "a copy of such evidence".
53	For "copies or impressions of such exhibits" substitute "a copy or impression of each exhibit".
82	For "an unstamped copy of the application and a copy of the statement, and these copies will be transmitted forthwith by the Registrar to the registered proprietor." substitute "two unstamped copies of the application and two copies of the statement, and the Registrar will forthwith send these copies to the registered proprietor at his trade or business address as entered in the register and, if an address for service different therefrom is entered in the register, at that address also."

(1) Rule	(2) Manner and Extent of Amendment
112	For "under the registration of the trade mark. Any person so notified who intends to intervene in the proceedings shall within one month of the receipt of such notification" substitute "whose registration is the subject of any such application and shall give notice thereof by advertisement in the Journal. Any person who intends to intervene in the proceedings shall within one month of the publication of such advertisement".
113	For "Section 29 (4)" substitute "Section 28 (4)".
115	For "or on a Saturday, which days shall be excluded days" substitute "which day shall be an excluded day".
128	For "every weekday, except Saturday, between the hours of ten and four, and on Saturday between the hours of ten and one," substitute "between the hours of ten and four on Monday to Friday inclusive in each week,"; and at the end insert "Notwithstanding that the Office shall be closed to the public on Saturday in each week, new applications for the registration of trade marks received up to one o'clock in the afternoon on that day shall (unless it is one of the excepted days specified in the Rule) be recorded as having been received on that day.".

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules, which come into operation on 30th November, 1956, amend the Trade Marks Rules, 1938 (S.R. & O. 1938/661) (as amended by the Trade Marks (Amendment) Rules, 1955 (S.I. 1955/461)), in the following respects:—

(1) The provisions relating to the prohibition of the use of the Royal or Imperial Arms, crests, armorial bearings and the like in trade marks are clarified. In particular, the Rules no longer forbid the use of any particular words unless such use infers royal patronage, either past or present.

(2) Application for registration of a trade mark is to be made on Form Textile—No. 2 in cases where the specification of goods in respect of which the mark is intended to be used consists of or includes textile goods.

(3) The period allowed for an applicant to apply to the Registrar for a hearing following official objection to an application for registration is increased from one to two months.

(4) The period allowed for sending to the Registrar a counter-statement and for taking certain other steps following the filing of a notice of opposition to an application for a trade mark is increased to two months.

(5) Two unstamped copies of an application and accompanying statement will be required from an applicant in proceedings for the rectification of the register, so that the Registrar may send copies to the registered proprietor not only at his trade or business address but at his address for service.

(6) The entry of a person in the register as a registered user shall state the date on which the application for registration was made, which date shall be deemed to be the date of such registration.

(7) The Registrar, when notifying interested parties of an application involving the entry in the register of a registered user or the variation or cancellation of such entry, may do so by means of advertisement in the Trade Marks Journal, as an alternative to notification in writing.

(8) Appropriate provision is made to enable the Trade Marks Registry to be closed on Saturdays, except for the receipt of new applications for the registration of trade marks.

TRANSPORT CHARGES

BRITISH TRANSPORT COMMISSION

1956 No. 550

The Canals (Additional Charges) (Amendment) Regulations, 1956

Made - - - -	11*th April*, 1956
Laid before Parliament	16*th April*, 1956
Coming into Operation	23*rd April*, 1956

In exercise of his powers under Section 82 of the Transport Act, 1947(a), and of all other powers him enabling in that behalf, and after consultation with and consideration of the advice of the permanent members of the Transport Tribunal acting as a consultative committee, the Minister of Transport and Civil Aviation hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the twenty-third day of April, 1956, and may be cited as the Canals (Additional Charges) (Amendment) Regulations, 1956.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Commission" means the British Transport Commission;

"the principal Regulations" means the Canals (Additional Charges) Regulations, 1950(b).

(3) The Interpretation Act, 1889(c), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. The additional charges which the Commission are authorised to make in respect of certain of their services and facilities by the principal Regulations, the Canals (Additional Charges) (Amendment) Regulations, 1951(d),

(a) 10 & 11 Geo. 6. c. 49.
(b) S.I. 1950/704 (1950 II, p. 78).
(c) 52 & 53 Vict. c. 63.
(d) S.I. 1951/603 (1951 II, p. 5).