1961 No. 127

TRADE MARKS

The Trade Marks (Amendment) Rules, 1961

Made - - - -	*23rd January*, 1961
Laid before Parliament	*27th January*, 1961
Coming into Operation	*28th January*, 1961

Whereas, in pursuance of the requirements of sub-section (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 23rd and the 30th day of November, 1960, 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 Sections 40 and 41 of the said Act and all other powers enabling them in that behalf, hereby, and as regards rule 1 hereof with the sanction of the Treasury, make the following Rules:—

1.—(1) The fee payable after 1st May, 1961, in respect of any trade mark matter referred to in the Schedule hereto shall be the amount appropriate to that matter specified in that Schedule; and, accordingly, in respect of any such matter Schedule I of the Trade Marks Rules, 1938(b), as amended(c) shall have effect after that date as if for the appropriate amount specified in that Schedule there were substituted the appropriate amount specified in the Schedule hereto.

(2) Notwithstanding anything contained in rule 3 of the Trade Marks Rules, 1938, on filing Form T.M. No. 11 on or before 1st May, 1961, in respect of the renewal of registration of a trade mark or a series of trade marks the last registration of which mark or series is due to expire after 1st May, 1961, the renewal fee payable shall be that which would be payable if that form were filed in respect of the renewal of registration of that mark or series after 1st May, 1961.

2.—(1) These Rules may be cited as the Trade Marks (Amendment) Rules, 1961, and shall come into operation on the 28th day of January, 1961.

(2) These Rules and the Trade Marks Rules, 1938 to 1959, may be cited together as the Trade Marks Rules, 1938 to 1961.

Dated this 23rd day of January, 1961.

Niall Macpherson,
Parliamentary Secretary
to the Board of Trade.

(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, 1956/1844, 1959/1925 (1955 II, p. 2677; 1956 II, p. 2385; 1959 II, p. 2669).

SCHEDULE

Matter or Proceeding	Amount £ s. d.
1 On application not otherwise charged to register a trade mark for a specification of goods included in one class	4 0 0
1*a* On application to register a series of trade marks under Section 21 (2) for a specification of goods included in one class	4 0 0
1*b* On application to register a defensive trade mark for a specification of goods included in one class	5 0 0
1*c* On application under Section 37 to register a certification trade mark for a specification of goods included in one class	4 0 0
1*d* On applications made at the same time under Section 37 to register one certification trade mark for specifications of goods not all included in one class—	
In respect of every class	4 0 0
Total fee in no case to exceed £80 for any number of classes.	
4 For one registration of a trade mark not otherwise charged for a specification of goods included in one class	4 0 0
4*a* For one registration of a series of trade marks under Section 21 (2) for a specification of goods included in one class—	
For the first mark	4 0 0
And for every other mark of the series	0 5 0
4*b* For registration under Section 37 of a certification trade mark for a specification of goods included in one class	4 0 0
4*c* For registration upon applications made at the same time of one certification trade mark, under Section 37, for specifications of goods not all included in one class—	
In respect of every class	4 0 0
Total fee in no case to exceed £80 for any number of classes.	
4*d* For one registration of a defensive trade mark for a specification of goods included in one class	5 0 0
11 For renewal of registration of a trade mark at expiration of last registration	6 0 0
11*a* For renewal of registration of a series of trade marks under Section 21 (2) at expiration of last registration—	
For the first mark of the series	6 0 0
And for every other mark of the series	0 5 0
11*b* For renewal of registrations of the same certification trade mark with the same date for goods in more than one class—	
In respect of every class	6 0 0
Total fee in no case to exceed £120 for any number of classes.	

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 the 28th January, 1961, amend the Trade Marks Rules, 1938 to 1959, by :—

(1) increasing fees payable in respect of applications, registrations and renewals ;

(2) requiring payment of the increased renewal fee even where the fee is paid on or before 1st May, 1961, if the renewal could be effected after 1st May, 1961, without extension of time.