1971 No. 261

TRADE MARKS

The Trade Marks (Amendment) Rules 1971

Made - - -	17*th February* 1971
Laid before Parliament	26*th February* 1971
Coming into Operation–	
Rules 4 *and* 5	1*st April* 1971
Rule 3	1*st June* 1971

Whereas, in pursuance of the requirements of section 40(3) of the Trade Marks Act 1938(**a**), the Board of Trade have, before making the following Rules under that Act, published notice of their intention to make such Rules and of the place where copies of the draft Rules might be obtained by advertising such notice in the Trade Marks Journal and the Official Journal (Patents) on 23rd September 1970 and 30th September 1970, 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 upon them by sections 40 and 41 of the Trade Marks Act 1938 and of all other powers enabling them in that behalf, and with the sanction of the Treasury, hereby make the following Rules :—

1. These Rules may be cited as the Trade Marks (Amendment) Rules 1971 and shall come into operation as respects Rules 4 and 5 on 1st April 1971 and as respects Rule 3 on 1st June 1971.

2. The Interpretation Act 1889(**b**) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament and as if these Rules and the Rules hereby revoked were Acts of Parliament.

3. The fee payable by virtue of Rule 3 of the Trade Marks Rules 1938(**c**), as amended (**d**), in respect of any of the matters specified in the Schedule hereto shall on and after 1st June 1971 be the appropriate fee so specified and, accordingly, on that date—

(i) for Schedule 1 to the said Rules there shall be substituted the Schedule hereto ; and

(ii) the Trade Marks (Amendment) Rules 1969(**e**) shall be revoked.

4. Where on or after 1st April 1971 but before 1st June 1971 Form TM—No. 11 is filed 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 of marks is due to expire after 31st May 1971, the fee payable in respect of such renewal shall be that which would be payable if the said form were filed on or after 1st June 1971.

(**a**) 1938 c. 22. (**b**) 1889 c. 63.
(**c**) S.R. & O. 1938/661 (Rev. XXIII, p. 3: 1938 II, p. 3257).
(**d**) The relevant amending instruments are S.I. 1964/227, 1969/522 (1964 I, p. 408; 1969 I, p. 1450). (**e**) S.I. 1969/522 (1969 I, p. 1450).

5. Where on or after 1st April 1971 but before 1st June 1971 Form Cotton- No. 6 is filed to secure the continued inclusion of a mark in the collection of refused marks pursuant to Rule 102 of the Trade Marks Rules 1938 in a case in which the relevant period of 14 years mentioned in that Rule is due to expire after 31st May 1971, the continuance fee payable shall be that which would be payable if the said form were filed on or after 1st June 1971.

Anthony Grant,

Parliamentary Secretary to the Board of Trade.

17th February 1971.

We sanction the making of these Rules.

Bernard Weatherill,

Walter Clegg,

Two of the Lords Commissioners of Her Majesty's Treasury.

17th February 1971.

SCHEDULE

LIST OF FEES PAYABLE

Matter or Proceeding	Amount	Corresponding Form
	£	
1 On application not otherwise charged to register a trade mark for a specification of goods included in one class	6·00	T.M.–No. 2 Textile–No. 2
1a On application to register a series of trade marks under section 21(2) for a specification of goods included in one class ...	6·00	T.M–No. 2 Textile–No. 2
1b On application to register a defensive trade mark for a specification of goods included in one class	9·00	T.M–No. 32
1c On application under section 37 to register a certification trade mark for a specification of goods included in one class	8·00	T.M–No. 6
1d 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 ... ... Total fee in no case to exceed £160 for any number of classes.	8·00	T.M–No. 6
2 On a request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used	5·00	T.M–No. 5
3 On notice of opposition before the Registrar under section 18, for each application opposed, by opponent ...	5·00	T.M–No. 7
3a On lodging a counter-statement in answer to a notice of opposition under section 18, for each application opposed, by the applicant; or in answer to an application under any of the sections 26, 27, 32 and 33, by the proprietor in respect of each trade mark; or in answer to a notice of opposition under section 35 or section 36, for each application or conversion opposed, by the proprietor...	3·00	T.M–No. 8
3b On the hearing of each opposition under section 18, by applicant and by opponent respectvely; or on the hearing of an application under any of the sections 26, 27, 32 and 33, by applicant and by proprietor respectively; or on the hearing of an opposition under section 35 or section 36, by proprietor and by opponent respectively	5·00	T.M–No. 9

Matter or Proceeding	Amount	Corresponding Form
	£	
3c On notice of opposition before the Board of Trade under paragraph 2(2) of Schedule 1 to the Act, for each application opposed, by the opponent... ...	5·00	T.M–No. 37
3d On lodging a counter-statement in answer to a notice of opposition before the Board of Trade under paragraph 2(2) of Schedule 1 to the Act, for each application opposed, by the applicant	3·00	T.M–No. 38
3e On the hearing of each opposition before the Board of Trade under paragraph 2(2) of Schedule 1 to the Act, by applicant and by opponent respectively ...	5·00	T.M–No. 39
4 For one registration of a trade mark not otherwise charged for a specification of goods included in one class	8·00	T.M–No. 10
4a 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	8·00	T.M–No. 10
And for every other mark of the series	0·50	
4b For registration under section 37 of a certification trade mark for a specification of goods included in one class ...	8·00	T.M–No. 10
4c 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	8·00	T.M–No. 10
Total fee in no case to exceed £160 for any number of classes.		
4d For one registration of a defensive trade mark for a specification of goods included in one class	9·00	T.M–No. 10
5 Upon each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark	0·50	T.M–No. 10
5a On an application to dissolve the association between registered trade marks ...	4·00	T.M–No. 19
6 On application to register a registered user of a registered trade mark in respect of goods within the specification thereof...	6·00	T.M–No. 50

Matter or Proceeding	Amount	Corresponding Form
	£	
6a On application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case—		
For the first mark	6·00	T.M–No. 50
And for every other mark of the proprietor included in the application and statement of case	0·50	
6b On application by the proprietor of a single trade mark under section 28(8)(*a*) to vary the entry of a registered user thereof	6·00	T.M–No. 51
6c On application by the proprietor of more than one trade mark under section 28(8)(*a*) to vary the entries of a registered user thereof—		
For the first mark	6·00	T.M–No. 51
And for every other mark of the proprietor for which the same user is registered, included in the application	0·50	
6d On application by the proprietor or registered user of a single trade mark under section 28(8)(*b*), for cancellation of the entry of a registered user thereof ...	3·00	T.M–No. 52
6e On application by the proprietor or registered user of more than one trade mark under section 28(8)(*b*), for cancellation of the entries of a registered user thereof—		
For the first mark	3·00	T.M–No. 52
And for every other mark of the proprietor for which the same user is registered, included in the application	0·50	
6f On application under section 28(8)(*c*), to cancel the entry of a registered user of a single trade mark	3·00	T.M–No. 53
6g On application under section 28(8)(*c*), to cancel the entries of a registered user of more than one trade mark—		
For the first mark	3·00	T.M–No. 53
And for every other mark of the same proprietor for which the same user is registered, included in the application	0·50	

Matter or Proceeding	Amount	Corresponding Form
	£	
6h On notice under section 28(9) and Rule 112, of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks	5·00	T.M–No. 54
7 On request to enter in the register and advertise a certificate of validity, under section 47 and Rule 88—		
For the first registration certified ...	2·00	T.M–No. 49
And for every other registration certified in the same certificate ...	0·50	
7a On application under section 29(4) and Rule 76 for extension of time for registering a corporation as subsequent proprietor of trade marks on one assignment—		
Not exceeding two months	3·00	T.M–No. 14
Not exceeding four months	6·00	T.M–No. 14
Not exceeding six months	9·00	T.M–No. 14
8 On application for certificate of the Registrar, under section 22(5) and Rule 79—		
For the first mark proposed to be assigned	6·00	T.M–No. 40
And for every other mark of the same proprietor included in that assignment	0·50	
8a On application for approval of the Registrar, under section 22(6) or paragraph 2 of Schedule 3 of the Act, and Rule 79—		
For the first mark	6·00	T.M–No. 41 or 42
And for every other mark of the same proprietor included in the same transfer	0·50	
8b On application for directions by the Registrar for advertisement of assignment of trade marks in use, without goodwill—		
For one mark assigned	3·00	T.M–No. 43
And for every other mark assigned with the same devolution of title ...	0·50	
8c On application for extension of time for applying for directions for advertisement of assignment of trade marks in use, without goodwill, in respect of one devolution of title—		
Not exceeding one month	3·00	T.M–No. 44
Not exceeding two months	6·00	T.M–No. 44
Not exceeding three months	9·00	T.M–No. 44

Matter or Proceeding	Amount	Corresponding Form
	£	
9 On application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark—		
If made within six months from the date of acquisition of proprietorship	2·00	T.M–No. 15 or 16
If made after expiration of six months but within twelve months from the date of acquisition of proprietorship	5·00	,,
If made after expiration of twelve months from the date of acquisition of proprietorship	8·00	,,
9a On application to register a subsequent proprietor of more than one trade mark standing in the same name, the devolution of title being the same in each case—		
If made within six months from the date of acquisition of proprietorship		
For the first mark	2·00	T.M–No. 15 or 16
And for every other mark ...	0·50	
If made after expiration of six months but within twelve months from the date of acquisition of proprietorship		
For the first mark	5·00	,,
And for every other mark ...	0·50	
If made after expiration of twelve months from the date of acquisition of proprietorship—		
For the first mark	8·00	,,
And for every other mark ...	0·50	
10 On application to change the name or description of a proprietor or a registered user of one or more trade marks where there has been no change in the proprietorship or in the identity of the user—		
For each mark...	0·50	T.M–No. 21
11 For renewal of registration of a trade mark at expiration of last registration ...	20·00	T.M–No. 11
11a 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 ...	20·00	T.M–No. 11
And for every other mark of the series	0·50	
11b 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	20·00	T.M–No. 11
Total fee in no case to exceed £400 for any number of classes.		
11c Additional fee under Rule 67	3·00	T.M–No. 12

Matter or Proceeding	Amount	Corresponding Form
	£	
11d Restoration fee under Rule 68	8·00	T.M–No. 13
12 On an application to the Registrar for leave to add to or alter a single registered trade mark	6·00	T.M–No. 25
12a On an application to the Registrar for leave to add to or alter more than one registered trade mark of the same proprietor, being identical marks, the addition or alteration to be made in each case being the same—		
For the first mark	6·00	T.M–No. 25
And for every other mark	3·00	
12b On notice of opposition to application for leave to add to or alter registered trade marks, for each application opposed ...	5·00	T.M–No. 47
13 For altering one or more entries of the trade or business address of a registered proprietor or a registered user of a trade mark (unless exempted from fee under Rule 81)—		
For each entry...	0·50	T.M–No. 18
14 For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	3·00	T.M–No. 48
15 For cancelling the entry of a trade mark upon the register on the application of the registered proprietor of the trade mark	—	T.M–No. 22
15a For striking out goods from those for which a trade mark is registered on the application of the registered proprietor of the trade mark	0·75	T.M–No. 23
16 On application under any of the sections 26, 27, 32 and 33, for rectification of the register or removal of trade mark from the register	6·00	T.M–No. 26
16a On application for leave to intervene in proceedings under any of the sections 26, 27, 32 and 33, for rectification of the register or removal of trade mark from the register	5·00	T.M–No. 27
17 On request, not otherwise charged, for correction of clerical error or for permission to amend application ...	1·25	T.M–No. 20

Matter or Proceeding	Amount	Corresponding Form
	£	
18 On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register	1·25	T.M–No. 24
19 On application to the Board of Trade under Rule 93 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of a certification trade mark or of certification trade marks of the same registered proprietor where the regulations are substantially the same	6·00	T.M–No. 36
19a On request to the Board of Trade by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof—		
For the regulations of one such registration	6·00	T.M–No. 35
For the same or substantially the same regulations of each other registration proposed to be altered in the same way and included in the same request	0·50	
20 On application by registered proprietor under Rule 6, for conversion of specification	1·00	T.M–No. 45
20a On notice of opposition to a conversion of the specification or specifications of a registered trade mark or registered trade marks—		
For one mark	5·00	T.M–No. 46
For every other mark of the same proprietor having the same specification	0·50	
21 On appeal from the Registrar to the Board of Trade, in respect of each decision appealed against, by Appellant... ...	5·00	T.M–No. 30
22 For a search under Rule 127 in respect of one class—		
Without application for the Registrar's advice under Rule 20	3·00	T.M–No. 28
With application for the Registrar's advice under Rule 20	4·00	T.M–No. 28
23 On request for the Registrar's preliminary advice under Rule 20, for each trade mark submitted in respect of one class...	1·00	T.M–No. 29
24 For certificate of the Registrar (other than certificate under section 19(2)) of the registration of a trade mark	0·75	T.M–No. 31

Matter or Proceeding	Amount	Corresponding Form
	£	
24a For certificate of the Registrar (other than certificate under section 19(2)) of the registration of a series of trade marks under section 21(2)	0·75	T.M–No. 31
25 For certificate of the Keeper of an entry in the Manchester Record relating to one trade mark	0·75	Textile–No. 5
25a For certificate of the Keeper of an entry in the Manchester Record relating to a series of trade marks under section 21(2)	0·75	Textile–No. 5
26 For the continuance of a Cotton Mark in the Collection of Refused Marks— For each mark in each class at the end of each period of fourteen years after date of application	8·00	Cotton–No. 6
27 For cancelling or making one or more entries of an address for service of a registered proprietor or a registered user of a trade mark, on application made after the registration in each case— For each entry...	0·50	T.M–No. 33
27a For altering one or more entries of an address for service in the register— For each entry... ... ... Total fee in no case to exceed £70 for any number of entries included in one application for alteration, where the address and the alteration in each case are the same.	0·50	T.M–No. 33
28 For inspecting register or Manchester Record, or notice of opposition, counter-statement or decision in connection with any opposition or application for rectification of the register relating to any particular trade mark, for every quarter of an hour	0·15	—
29 For permission to search amongst the classified representations of trade marks, for every quarter of an hour	0·15	—
30 For certifying office copies M.S. or photographic or printed matter	0·75	—

Matter or Proceeding	Amount	Corresponding Form
	£	
31 For extra space in the Journal advertisement, in cases where the printing block for the trade mark exceeds 2 inches in breadth or depth, or in breadth and depth—		
For every inch or part of an inch over 2 inches in breadth	0·30	—
For every inch or part of an inch over 2 inches in depth	0·30	—

The fees to be paid on any proceeding at the Manchester Branch and at the office of the Cutlers' Company shall be the same as for the similar proceeding at the Office.

For the purpose of these fees (except as specially provided above) every mark of a series under section 21, or any preceding similar enactment, shall be deemed to be a mark separately registered.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules further amend the Trade Marks Rules 1938.

Most of the fees payable under the Rules are increased.

The new fees become payable on or after 1st June 1971, except in the case of renewal fees and continuance fees paid in advance. Such fees in respect of any period beginning on or after 1st June 1971 are increased on 1st April 1971.