STATUTORY INSTRUMENTS

1989 No. 1117

TRADE MARKS

The Trade Marks and Service Marks (Amendment) Rules 1989

Made - - - -	*3rd July 1989*
Laid before Parliament	*10th July 1989*
Coming into force	*1st August 1989*

Whereas in pursuance of the requirements of section 40(3) of the Trade Marks Act 1938(**a**) the Secretary of State has, before making the following Rules under that Act, published notice of his 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 on 24th May 1989 and 31st May 1989 and the Official Journal (Patents) on 24th May 1989 and 1st June 1989, being the manner which he considered most expedient so as to enable persons affected to make representations to him before the Rules were finally settled:

Now, therefore, the Secretary of State, in exercise of the powers conferred by section 40(1) of the Trade Marks Act 1938 and now vested in him(**b**) and after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971(**c**), hereby makes the following Rules:

1. These Rules may be cited as the Trade Marks and Service Marks (Amendment) Rules 1989 and shall come into force on 1st August 1989.

2.—(1) For paragraph (1) of rule 115 of the Trade Marks and Service Marks Rules 1986(**d**) there shall be substituted the following –

"(1) Where, on any day, there is –

(a) a general interruption or subsequent dislocation in the postal services of the United Kingdom, or

(b) an event or circumstances causing an interruption in the normal operation of the Office,

the Registrar may certify the day as being one on which there is an "interruption" and, where any period of time specified in these Rules for the sending or filing of any notice, application or other document expires on a day so certified the period shall be extended to the first day next following (not being an excluded day) which is not so certified.

(1A) Any certificate of the Registrar given pursuant to this rule shall be posted in the Office.".

(**a**) 1938 c.22; the Act was applied, with modifications, to service marks by the Trade Marks (Amendment) Act 1984 (c.19), section 1, as amended by the Patents, Designs and Marks Act 1986 (c.39), section 2(1) and Schedule 3.
(**b**) S.I. 1970/1537. (**c**) 1971 c.62. (**d**) S.I. 1986/1319, to which there are amendments not relevant to these Rules.

(2) In paragraph (3) of the said rule 115 there shall be substituted for the words "the period of interruption or dislocation" the words "the interruption".

(3) At the end of rule 115 there shall be inserted the following paragraph:

"(4) If in any particular case the Registrar is satisfied that the failure to file any notice, application or other document within any period of time specified in these Rules or within the period of six months specified in section 39A(1) of the 1938 Act or of the modified 1938 Act was wholly or mainly attributable to a failure or undue delay in the postal services in the United Kingdom, the Registrar may, if he thinks fit, extend the period of time so that it ends on the day of the receipt by the addressee of the notice, application or other document (or, if the day of such receipt is an excluded day, on the first following day which is not an excluded day), or, in the case of the said period of six months, determine that the application shall be treated as having been made within that period, in each case upon such notice to other parties and upon such terms as he may direct.".

Eric Forth
Parliamentary Under Secretary of State,
Department of Trade and Industry

3rd July 1989

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend rule 115 of the Trade Marks and Service Marks Rules 1986. Rule 115 relates to the extension of time periods for filing documents under the Trade Marks Act 1938 and the amendments expand the circumstances in which time periods can be extended.

50p net

ISBN 0 11 097117 5

Printed in the United Kingdom for Her Majesty's Stationery Office
833 WO1136 C13 7/89 452 7102 O/N46294