STATUTORY INSTRUMENTS

1989 No. 903

TRADE MARKS

The Trade Marks and Service Marks (Fees) Rules 1989

Made - - - -	*25th May 1989*
Laid before Parliament	*31st May 1989*
Coming into force	*3rd July 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 the 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 and the Official Journal (Patents) on 26th April 1989, 3rd May 1989 and 10th May 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 sections 40 and 41 of the Trade Marks Act 1938 and now vested in him**(b)**, after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971**(c)** and with the sanction of the Treasury pursuant to the said section 41, hereby makes the following Rules:

1.—(1) These Rules may be cited as the Trade Marks and Service Marks (Fees) Rules 1989 and shall come into force on 3rd July 1989.

(2) The Trade Marks and Service Marks (Fees) Rules 1988**(d)** are hereby revoked.

2. These Rules shall be construed as one with the Trade Marks and Service Marks Rules 1986**(e)**.

3 The fees to be paid in respect of any matters arising under the Trade Marks Act 1938 shall be those specified in the Schedule to these Rules, and in any case where a form specified in the Schedule as the corresponding form in relation to any matter is required by the Trade Marks and Service Marks Rules 1986 to be used, that form shall be accompanied by the fee specified in respect of that matter.

Eric Forth
Department of Trade and Industry

24th May 1989

We sanction the making of these Rules.

Stephen Dorrell
David Maclean
Two of the Lords Commissioners
of Her Majesty's Treasury

25th May 1989

(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. 1988/894.
(e) S.I. 1986/1319, to which there are amendments not relevant to these Rules.

SCHEDULE

Rule 3

FEES PAYABLE

(In this Schedule, references to a section or a Schedule are references to that section of or Schedule to the 1938 Act or (where applicable) the modified 1938 Act, as the case may be, as those expressions are defined in Rule 3(1) of the Trade Marks and Service Marks Rules 1986.)

Number of corresponding form	*Item*	*Amount £*
TM 2	On application not otherwise charged to register a trade mark, a service mark or a series of trade marks or service marks for a specification of goods or services included in one class–	68
TM 5	On request to the Registrar to state grounds of decision relating to an application to register a trade mark or a service mark and materials used–	100
TM 6	On application to register a certification trade mark for a specification of goods included in one class; or in respect of each class on applications made at the same time to register one certification trade mark for specifications of goods not all included in one class–	68
TM 7	On notice of opposition before the Registrar under section 18 or paragraph 2(2) of Schedule 1, for each application opposed, by opponent–	31
TM 8	On filing a counterstatement in answer to a notice of opposition under section 18 or paragraph 2(2) of Schedule 1, for each application opposed, by the applicant; or in answer to an application under section 26, 27, 32 or 33, by the proprietor in respect of each trade mark or service mark; or in answer to a notice of opposition under section 35 or 36, for each application or conversion opposed, by the proprietor–	20
TM 10	For registration of a trade mark (including a certification or defensive trade mark), a service mark or a series of trade marks or service marks for a specification of goods or services included in one class; or in respect of each class for registration upon applications made at the same time of one certification trade mark for specifications of goods not all included in one class–	95
TM 11	For renewal of registration of a trade mark, a service mark or a series of trade marks or service marks at expiration of last registration; or in respect of each class for renewal of registrations of the same certification trade mark with the same date for goods in more than one class–	230
TM 11	Additional fee under Rule 67–	31
TM 13	Restoration fee under Rule 68–	83
TM 16	On application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark or a single service mark–	20
TM 16	On application to register a subsequent proprietor of more than one trade mark or service mark standing in the same name, the devolution of title being the same in each case:	
	for the first mark–	20
	and for every other mark–	5
TM 19	On application to dissolve the association between registered trade marks, registered service marks or both registered trade marks and registered service marks–	17
TM 23	For striking out goods or services from those for which a trade mark or a service mark is registered on the request of the registered proprietor–	7

Number of corresponding form	*Item*	*Amount £*
TM 24	On request by registered proprietor of a trade mark or a service mark for entry of disclaimer or memorandum in the register–	13
TM 25	On application to the Registrar for leave to add to or alter a single registered trade mark–	35
TM 25	On application to the Registrar for leave to add to or alter more than one registered trade mark or service 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–	35
	and for every other mark–	20
TM 26	On application under section 26, 27, 32 or 33 for rectification of the register or removal of a trade mark or a service mark from the register–	35
TM 27	On application for leave to intervene in proceedings under section 26, 27, 32 or 33 for rectification of the register or removal of a trade mark or a service mark from the register–	28
TM 30	On appeal from the Registrar, otherwise than to the Court, in respect of each decision appealed against, by appellant–	31
TM 31	For certificate of the Registrar (other than certification under section 19(2)) of the registration of a trade mark, a service mark or a series of trade marks or service marks–	11
TM 32	On application to register a defensive trade mark for a specification of goods included in one class–	68
TM 35	On request by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof:	
	for the regulations of one such registration–	35
	and 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–	6
TM 36	On application 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–	35
TM 37	On notice to the Secretary of State of opposition under paragraph 2(2) of Schedule 1, for each application opposed, by the opponent–	31
TM 40	On application for certificate of the Registrar under section 22(5) or approval of the Registrar under section 22(6):	
	for the first mark proposed to be assigned or transmitted–	35
	and for every other mark included in the same assignment or transmission–	6
TM 43	On application for directions by the Registrar for advertisement of assignment of trade marks or service marks in use, without goodwill:	
	for the first mark assigned–	20
	and for every other mark assigned with the same devolution of title–	6
TM 45	On application by registered proprietor under Rule 6 for conversion of specification–	8

Number of corresponding form	*Item*	*Amount £*
TM 46	On notice of opposition to a conversion of the specification or specifications of a registered trade mark or registered trade marks:	
	for the first mark–	31
	and for every other mark of the same proprietor having the same specification–	6
TM 47	On notice of opposition to application for leave to add to or alter registered trade marks or service marks, for each application opposed–	31
TM 48	For every entry in the register of a rectification thereof or an alteration therein ordered by the Court–	20
TM 49	On request to enter in the register and advertise a certificate of validity under section 47:	
	for the first registration certified–	14
	and for every other registration certified in the same certificate–	6
TM 50	On application to register a registered user of a single registered trade mark or a single registered service mark in respect of goods or services within the specification thereof–	50
TM 50	On application to register the same registered user of more than one registered trade mark or registered service mark of the same registered proprietor in respect of goods or services within the respective specifications thereof and subject to the same conditions and restrictions in each case:	
	for the first mark–	50
	and for every other mark of the proprietor included in the application and statement of case–	6
TM 51	On application by the proprietor of a single trade mark or a single service mark under section 28(8)(a) to vary entry of a registered user thereof–	50
TM 51	On application by the proprietor of more than one trade mark or service mark under section 28(8)(a) to vary the entries of a registered user thereof:	
	for the first mark–	50
	and for every other mark of the proprietor for which the same user is registered included in the application–	6
TM 54	On notice under section 28(9) of the intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks or service marks–	31
TM 55	For the continuance of a cotton mark in each class of the collection of refused marks at the end of each period of fourteen years after the date of the application–	83
TM 56	For certificate of the Keeper of an entry in the Manchester Record relating to one trade mark or a series of trade marks–	11
—	On request for the Registrar's preliminary advice under Rule 20, for each trade mark or service mark submitted in respect of one class at the same time:	
	for the first mark–	32
	and for each additional mark–	11
—	For certifying office copies, manuscripts or photographic or printed matter, each–	11
—	For inspecting register or Manchester Record, or notice of opposition, counterstatement or decision in connection with any rectification of the register relating to any particular trade mark or service mark, for every quarter of an hour–	1.10

The fee 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 specifically 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 revoke and replace the Trade Marks and Service Marks (Fees) Rules 1988. All fees are increased with effect from 3rd July 1989 and it is estimated that the total amount of fees collected per annum at the new levels will be 7.5 per cent greater than the amount collected per annum at the existing levels.