1990 No. 1799

TRADE MARKS

The Trade Marks and Service Marks (Amendment) (No. 2) Rules 1990

Made - - - -	*3rd September 1990*
Laid before Parliament	*5th September 1990*
Coming into force	*1st October 1990*

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 to the draft Rules might be obtained by advertising such notice in the Trade Marks Journal and the Official Journal (Patents) on 8th August 1990 and 15th August 1990, 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 68(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) (No. 2) Rules 1990 and shall come into force on 1st October 1990.

2.—(1) In paragraphs (2) and (3) of rule 21 of the Trade Marks and Service Marks Rules 1986**(d)** there shall be substituted for the reference to " form TM2 " the reference to " form TM3 ".

(2) For paragraph (8) of rule 59 of the said Rules there shall be substituted the following—

" (8) For the purpose of this Rule, the requirements for completion are satisfied—

(a) in the case of an application made before 1st October 1990, when the Registrar has received the prescribed fee referred to in Rule 60(1) below and form TM10 duly completed; and

(b) in the case of an application made on or after 1st October 1990, when the Registrar has received form TM10A duly completed.".

(3) In paragraph (1) of rule 60 of the said Rules there shall be substituted for the words from " and upon receipt of form TM10 " to the end of the paragraph the words " enter the mark in the register—

(a) in the case of an application made before 1st October 1990, upon receipt of form TM10, accompanied by the prescribed registration fee; and

(b) in the case of an application made on or after 1st October 1990, upon receipt of form TM10A.".

(4) Paragraph (2) of rule 60 of the said Rules shall be omitted.

Douglas Hogg
Department of Trade and Industry

3rd September 1990

(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.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend rules 21, 59 and 60 of the Trade Marks and Service Marks Rules 1986 as a consequence of the change made at the same time in the Trade Marks and Service Marks (Fees) Rules 1990 (S.I. 1990/1800) for the payment of a composite fee for an application to register and, if accepted, for the registration of the mark in respect of an application filed on or after 1st October 1990. A separate registration fee will continue to be charged for an application to register filed before that date. Paragraph (2) of rule 60 (the requirement to file a further representation of the mark before its entry in the register) is revoked.

55p net

ISBN 0 11 004799 0

Printed in the UK by HMSO

833/WO1644 C17 9/90 3200752 19542