EXPLANATORY MEMORANDUM TO THE TRADE MARKS (INTERNATIONAL REGISTRATION) (AMENDMENT NO. 2) ORDER 2006

2006 No.1080

1. This explanatory memorandum has been prepared by the Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order corrects errors in the Trade Marks (International Registration) Order 1996. These errors were caused by amendments made to that Order by the Trade Marks (International Registration) (Amendment) Order 2006 ("the 2006 Order").

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This Order is being issued free of charge to anyone who purchased the 2006 Order. It also will come into force less than 21 days after being laid. This is because officials only noticed the error in the 2006 Order on 6th April 2006. This Instrument was made as soon as possible after that error was spotted. It comes into force the day after it is laid to ensure that the drafting error is corrected as soon as reasonably practicable.

4. Legislative background

4.1 This Order is made under section 54 of the Trade Marks Act 1994.

5. Extent

5.1 This instrument extends to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 The Comptroller-General of Patents Designs and Trade Marks is called the "registrar" in the Trade Marks Act 1994 (see section 62 of that Act). However, he is called the "comptroller" in the Patents Act 1977 (see section 130 of that Act). In articles 10A(1A) and 13(1B) of the Trade Marks (International Registration) Order 1996, as inserted by the 2006 Order, he was given the incorrect short title of "comptroller". This Order changes those references so as to reflect his correct short title "registrar".

8. Impact

8.1 This Instrument merely corrects a drafting error and so no Regulatory Impact Assessment has been prepared.

9. Contact

Paul Twyman at the Patent Office: tel: 01633 814454 or e-mail Paul.Twyman@patent.gsi.gov.uk can answer any questions on the Order.