



Trade Marks Act 1994

1994 CHAPTER 26

PART I

REGISTERED TRADE MARKS

Registration procedure

40 Registration.

- (1) Where an application has been accepted and—
 - (a) no notice of opposition is given within the period referred to in section 38(2),
or
 - (b) all opposition proceedings are withdrawn or decided in favour of the applicant, the registrar shall register the trade mark, unless it appears to him having regard to matters coming to his notice [^{F1}since the application was accepted that the registration requirements (other than those mentioned in section 5(1), (2) or (3)) were not met at that time.]
- (2) A trade mark shall not be registered unless any fee prescribed for the registration is paid within the prescribed period.

If the fee is not paid within that period, the application shall be deemed to be withdrawn.
- (3) A trade mark when registered shall be registered as of the date of filing of the application for registration; and that date shall be deemed for the purposes of this Act to be the date of registration.
- (4) On the registration of a trade mark the registrar shall publish the registration in the prescribed manner and issue to the applicant a certificate of registration.

*Changes to legislation: There are currently no known outstanding effects
for the Trade Marks Act 1994, Section 40. (See end of Document for details)*

Textual Amendments

- F1** Words in s. 40(1) substituted (5.5.2004) by [Trade Marks \(Proof of Use, etc.\) Regulations 2004 \(S.I. 2004/946\)](#), regs. 1, 5 (with reg. 8)
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Commencement Information

- I1** S. 40 wholly in force at 31.10.1994; s. 40 not in force at Royal Assent see s. 109; s. 40(4) in force for certain purposes at 29.9.1994 and at 31.10.1994 insofar as s. 40 not already in force by [S.I. 1994/2550](#), arts. 2, 3(1), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 40.