
STATUTORY INSTRUMENTS

2018 No. 825

The Trade Marks Regulations 2018

PART 4

Amendments to the CTM Regulations and the International Registration Order

Amendments to the CTM Regulations

44. The CTM Regulations are amended in accordance with regulations 45 to 49.

Determination of invalidity and liability to revocation in relation to claims of seniority

45. In regulation 3(3) after “liable” insert “as at the date of such removal or surrender”.

Remedies in infringement proceedings

46. In regulation 5(1), for “Article 102(1)” substitute “Article 130(1)”.

Conversion

47.—(1) Regulation 10 is amended as follows.

(2) In paragraph (1), in the words before sub-paragraph (a), for “Article 112” substitute “Article 139”.

(3) In paragraph (1)(b), for “Article 159(1)(a)” substitute “Article 202(1)(a)”.

(4) In paragraph (2), for “Article 113(3)” substitute “Article 140(5)”.

Privilege for communications with those on the list of professional trade marks representatives

48. In regulation 11(3), for “Article 93” substitute “Article 120”.

Designation of Community trade mark courts

49.—(1) Regulation 12 is amended as follows.

(2) In paragraph (1), for “Article 95” substitute “Article 123(1)”.

(3) At the end of paragraph (1)(a)(i) insert “and”.

(4) Omit paragraph (1)(a)(ii).

Amendments to the International Registration Order

50. The International Registration Order is amended in accordance with regulations 51 and 52.

Provisions of the Act and Trade Mark Rules which do not apply to International Trade Marks (UK) or requests for extension

51. In Part 2 of Schedule 1, after the entry in the table relating to “trade marks rule 13 (deficiencies in application; section 32)” insert—

“trade marks rule 28 (registration of a series of trade marks; section 41) (Form TM12).”.

Modifications to provisions of the Act applied to International Trade Marks (UK)

52. In paragraph 6 of Schedule 2 in the text relating to the modification of the 1994 Act by the insertion of section 38(B)(3) of the 1994 Act, omit “section 46(1)” and substitute “sections 6A, 11A, 46(1) and 47(2A)”.