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STATUTORY INSTRUMENTS

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**1990 No. 1801**

**TRADE MARKS**

**The Trade Marks and Service Marks  
(Forms) (Amendment) 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<sup>(1)</sup> 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 of 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<sup>(2)</sup> and after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971<sup>(3)</sup> hereby makes the following Rules:—

1. These Rules may be cited as the Trade Marks and Service Marks (Forms) (Amendment) Rules 1990 and shall come into force on 1st October 1990.

2. The Schedule to the Trade Marks and Service Marks (Forms) Rules 1986<sup>(4)</sup> shall be amended—

(a) in the List of Forms shown thereunder, by substituting for the reference to “TM2” the reference to “TM3”, and by inserting after the reference to “TM10” the following entry—

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“TM10A	Completion of registration of a trade or service mark.”;
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(b) by substituting for Forms TM2, TM10 and TM11 set out thereunder, the Forms TM3, TM10 and TM11, respectively, set out in the Schedule to these Rules; and

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(1) 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.  
(2) S.I. 1970/1537.  
(3) 1971 c. 62.  
(4) S.I. 1986/1367, amended by S.I. 1988/1112.

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- (c) by inserting after Form TM10 set out thereunder the Form TM10A set out in the Schedule to these Rules.

3rd September 1990

*Douglas Hogg*  
Department of Trade and Industry

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SCHEDULE

Rule 2(b) and (c)

<b>The Patent Office</b>		
<b>Trade Marks</b>		
<b>Form TM3</b>		
<b>Application for Registration of a Trade or Service Mark</b>		
1. If this application is part of a companion group enter in the box the total number of applications within the group (including this one).	<input type="text"/>	For official use
2. The application will be examined for registrability in Part A unless "B" is entered in the box.	<input type="text"/>	
3. Indicate type of mark <i>(tick one box)</i>	Device only: <input type="checkbox"/> Word only: <input type="checkbox"/> Device and word: <input type="checkbox"/> Stylised word: <input type="checkbox"/>	
4. Enter class number to which this application relates.	<input type="text"/>	
5. Particular requirements relating to this mark or specification. Enter here limitations, for example disclaimers or translations.		

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<p>6. If this application relates to a series of marks enter the total number in the series. <input style="width: 50px; height: 15px;" type="text"/></p>	For official use
<p>7. If this application is connected with a registered user application, tick relevant box. <i>If you are applying under Section 29(1)(b) of the Trade Marks Act a form TM50 must accompany the application.</i></p> <p style="text-align: right;">Section 28: <input style="width: 50px; height: 15px;" type="checkbox"/></p> <p style="text-align: right;">Section 29(1)(b): <input style="width: 50px; height: 15px;" type="checkbox"/></p> <p>If this application is being made under Section 29(1)(a) of the Act, tick this box. <input style="width: 50px; height: 15px;" type="checkbox"/></p>	
<p>8. If this application is to be considered under International Convention / priority enter country and date claimed.</p> <p style="text-align: right;">Country: <input style="width: 150px; height: 25px;" type="text"/></p> <p style="text-align: right;">Date: <input style="width: 100px; height: 20px;" type="text"/></p>	
<p>9. Representation of mark(s) applied for</p> <div style="border: 1px solid black; height: 150px; width: 100%;"></div>	

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<p>10. Applicant details</p> <p>Applicant's Patent Office ADP number (if known): <input type="text"/></p> <p>Name: _____</p> <p>Address: _____</p> <p>County/ State: _____ Postcode/ Zipcode: _____</p> <p>Country: _____</p>	For official use
<p>11. Enter Country of Incorporation and if appropriate State of Incorporation.</p> <p>Country: <input type="text"/></p> <p>State: <input type="text"/></p>	
<p>12. Agent's details</p> <p>Agent's Patent Office ADP number: <input type="text"/></p> <p>Name: _____</p> <p>Address: _____</p> <p>County: _____ Postcode: _____</p> <p>Telephone contact: _____ STD code: _____ Telephone number: _____</p>	
<p>Agent's own reference <input type="text"/></p>	
<p>13. Address for service</p> <p>ADP number (if known): <input type="text"/></p> <p>Name: _____</p> <p>Address: _____</p> <p>County: _____ Postcode: _____</p>	

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<p>14. Enter here the specification of goods or services to which this application relates.</p>	<p>For official use</p>								
<p>To be completed by person or firm completing the form.</p>									
<p>Signature:</p>									
<p>Name <i>(BLOCK letters):</i></p>									
<p>Telephone number for contact purposes <i>(if not entered in Section 12):</i> _____ Date: _____</p>									
<p><b>Check list</b> When you have filled in the form, tick the boxes below to show you have:</p> <table><tr><td>Enclosed the necessary fee</td><td><input type="checkbox"/></td><td>Enclosed a copy of form TM50 if applying for registration of registered user under Section 29(1)(b) of the Trade Marks Act 1938</td><td><input type="checkbox"/></td></tr><tr><td>Enclosed 4 copies of a representation of the mark each on a separate form TM4</td><td><input type="checkbox"/></td><td>Enclosed any continuation sheets <i>(if appropriate)</i></td><td><input type="checkbox"/></td></tr></table>		Enclosed the necessary fee	<input type="checkbox"/>	Enclosed a copy of form TM50 if applying for registration of registered user under Section 29(1)(b) of the Trade Marks Act 1938	<input type="checkbox"/>	Enclosed 4 copies of a representation of the mark each on a separate form TM4	<input type="checkbox"/>	Enclosed any continuation sheets <i>(if appropriate)</i>	<input type="checkbox"/>
Enclosed the necessary fee	<input type="checkbox"/>	Enclosed a copy of form TM50 if applying for registration of registered user under Section 29(1)(b) of the Trade Marks Act 1938	<input type="checkbox"/>						
Enclosed 4 copies of a representation of the mark each on a separate form TM4	<input type="checkbox"/>	Enclosed any continuation sheets <i>(if appropriate)</i>	<input type="checkbox"/>						

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<b>The Patent Office</b>		
<b>Trade Marks</b>		
<b>Form TM10</b>		
<b>Payment of Registration fee for a Trade or Service Mark</b>		
1. Trade or Service Mark application number:	<input type="text"/>	
Class number:	<input type="text"/>	
2. Number of the journal in which this application was advertised:	<input type="text"/>	
3. Address for service:	Patent Office ADP number (if known): <input type="text"/>	
Name:	<input type="text"/>	
Address:	<input type="text"/>	
	Postcode: <input type="text"/>	
Telephone contact:	STD code: <input type="text"/>	Telephone number: <input type="text"/>
<b>4. Declaration</b>		
<p>I/We declare that any written undertakings given to the Registrar to send notice of the advertisement of the application to other proprietors have been fulfilled. To the best of my/our knowledge and belief, either the period or extended period for filing opposition to the application has expired without any notice of opposition having been filed, or any oppositions filed have finally been determined in favour of the applicant.</p>		
Applicant's name: <input type="text"/>		
Signature: <input type="text"/> Date: <input type="text"/> 19		
Status: <input type="text"/>		
<b>Checklist</b>		
When you have filled in the form, tick the boxes below to show you have:		
Fulfilled all the written undertakings described in the declaration at box 4 <input type="checkbox"/>		
Enclosed the necessary fee <input type="checkbox"/> Signed at box 4 <input type="checkbox"/>		

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<p><b>The Patent Office</b></p> <p><b>Trade Marks</b></p> <p><b>Form TM10A</b></p> <p><b>Completion of Registration of a Trade or Service Mark</b></p>		
<p><input type="checkbox"/> <b>There is no fee for filing this form</b></p>		
1. Trade or Service Mark application number:	<input type="text"/>	
Class number:	<input type="text"/>	
2. Number of the journal in which this application was advertised:	<input type="text"/>	
3. Address for service:	Patent Office ADP number (if known): <input type="text"/>	
Name:	_____	
Address:	_____	
	Postcode: _____	
Telephone contact:	STD code:	Telephone number:
_____	_____	_____
<p><b>4. Declaration</b></p> <p>I/We declare that any written undertakings given to the Registrar to send notice of the advertisement of the application to other proprietors have been fulfilled. To the best of my/our knowledge and belief, either the period or extended period for filing opposition to the application has expired without any notice of opposition having been filed, or any oppositions filed have finally been determined in favour of the applicant.</p> <p>Applicant's name: _____</p> <p>Signature: _____ Date: _____ 19__</p> <p>Status: _____</p>		
<p><b>Checklist</b></p> <p>When you have filled in the form, tick the boxes below to show you have:</p> <p>Fulfilled all the written undertakings described in the declaration at box 4 <input type="checkbox"/> Signed at box 4 <input type="checkbox"/></p>		



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<b>The Patent Office</b>				
<b>Trade Marks</b>				
<b>Form TM11</b>				
<b>Form for renewal of Registration</b>				
1. Name of proprietor as entered on the register:				
2. Name and address of agent or address for service:				
Telephone contact: _____		STD code: _____	Telephone number: _____	
Date: _____		ADP no: _____	Your ref: _____	
3. Payment of renewal fee				
Due date of renewal	Registration number	Class	Advertised in Trade Marks Journal number (if available)	Fee
_____	_____	_____	_____	_____
4. Name and address of person paying the fee (if not the registered proprietor)				
Name: _____				
Address: _____				
_____				
_____ Postcode: _____				
<b>Declaration</b>				
I declare that I am directed by the proprietor of the above numbered mark to pay the requested Renewal Fee.				
Signature: _____			Date: _____	
Additional fee (late payment): Please send this form and your fee to the address shown in the enclosed explanatory notes.				

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## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules prescribe a new Form TM3 (to replace Form TM2) for an application to register a trade mark or service mark filed on or after the date of the coming into force (1st October 1990) of the [Trade Marks and Service Marks \(Fees\) Rules 1990 \(S.I. 1990/ 1800\)](#) under which a composite fee for application to register and for the registration of the mark is prescribed. A new Form TM10A is also prescribed (with no further fee payable) for the application for registration of a mark for which application to register was made on or after 1st October 1990. Form TM10 (which will continue to be required in the case of an application to register filed before 1st October 1990) and Form TM11 (form for renewal of registration) are revised.