
STATUTORY INSTRUMENTS

1991 No. 1431

TRADE MARKS

The Trade Marks and Service Marks (Amendment) Rules 1991

<i>Made</i>	- - - -	<i>21st June 1991</i>
<i>Laid before Parliament</i>		<i>24th June 1991</i>
<i>Coming into force</i>	- -	<i>15th July 1991</i>

Whereas in pursuance of the requirements of section 40(3) of the Trade Marks Act 1938(1) 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 22nd May 1991 and 29th May 1991, 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(2)and after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971(3) hereby makes the following Rules:—

1. These Rules may be cited as the Trade Marks and Service Marks (Amendment) Rules 1991 and shall come into force on 15th July 1991.
2. The Trade Marks and Service Marks Rules 1986(4)shall be amended—
 - (a) in rule 10, by omitting paragraph (2);
 - (b) in paragraph (1) of rule 21, by omitting all the words appearing after “Rule 10 above”;
 - (c) in rule 73, by omitting paragraph (2);
 - (d) in paragraph (a) of rule 77, by omitting all the words appearing after “new proprietor”;
 - (e) in rule 107, by omitting all the words appearing after “form TM50”; and
 - (f) in paragraph (2) of rule 108, by omitting the words “(including the names of all the partners where the registered user is a firm)”.

(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. 1986/1319, to which there are amendments not relevant to these Rules.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

21st June 1991

Reay
Parliamentary Under Secretary of State,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Trade Marks and Service Marks Rules 1986 to remove the requirement on a firm making an application to register a mark (rule 21), to register its title under an assignment or transmission of a mark (rules 73 and 77) or for an entry in the register as a registered user (rules 107 and 108) to give the full names of all the partners. Under rule 10 (signature of documents) the Registrar may no longer require a firm to furnish a statement of the names of all of the partners where a document is signed for or on behalf of a firm by any one partner.