
STATUTORY INSTRUMENTS

1994 No. 2549

TRADE MARKS

The Trade Marks and Service Marks (Amendment) Rules 1994

Made - - - - *29th September 1994*
Laid before Parliament *4th October 1994*
Coming into force - - *28th October 1994*

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 14th September 1994, 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⁾, hereby makes the following Rules:—

1. These Rules may be cited as the Trade Marks and Service Marks (Amendment) Rules 1994 and shall come into force on 28th October 1994.

2. Rule 59 of the Trade Marks and Service Marks Rules 1986⁽³⁾ shall be amended by substituting for paragraph (8) thereof the following—

“(8) For the purposes of this rule, the requirements for completion are satisfied, in the case of an application made before 1st October 1990, when the Registrar has received the prescribed fee referred to in rule 60(1) below and Form TM10 duly completed.”.

3. Paragraph (1) of rule 60 of the said Rules shall be amended by substituting for all the words from “enter the mark in the register—” to the end of the paragraph, the words—

“enter the mark in the register; and in the case of an application made before 1st October 1990 he shall enter the mark in the register upon receipt of Form TM10, accompanied by the prescribed registration fee”.

(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) S.I. 1986/1319; the relevant amending instrument is S.I. 1990/1799.

Status: This is the original version (as it was originally made).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

Department of Trade and Industry
29th September 1994

Ian Taylor
Parliamentary Under-Secretary of State for Trade
and Technology

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Trade Marks and Service Marks Rules 1986 as a consequence of the abolition of Form TM10A by the Trade Marks and Service Marks (Forms) (Amendment) Rules 1994 (S.I.1994/2551).