
STATUTORY INSTRUMENTS

1996 No. 1908

The Community Trade Mark Regulations 1996

Determination *a posteriori* of invalidity and liability to revocation

3.—(1) Where the proprietor of a Community trade mark claims the seniority of a registered trade mark which has been removed from the register under section 43 or has been surrendered under section 45, application may be made to the registrar or to the court by any person for a declaration that, if the registered trade mark had not been so removed or surrendered, it would have been liable to be revoked under section 46 or declared invalid under section 47.

(2) Where a registered trade mark has been surrendered in respect of some only of the goods or services for which it is registered, paragraph (1) above shall apply in relation to those goods or services.

(3) The provisions of section 46 or 47 (as the case may be), sections 72, 74 and 76, with necessary modifications, apply in relation to an application under paragraph (1) above.

(4) The provisions of rule 31, with necessary modifications, apply in relation to the procedure on applications made under paragraph (1) above.