
STATUTORY INSTRUMENTS

2006 No. 760

**The Patents, Trade Marks and Designs (Address
For Service and Time Limits, etc) Rules 2006**

Amendment of the Trade Marks Rules 2000

16. For rule 10 there shall be substituted—

“Address for service

10.—(1) For the purposes of any proceedings under the Act or these Rules, an address for service shall be filed by—

- (a) an applicant for the registration of a trade mark;
- (b) any person who opposes the registration of a trade mark in opposition proceedings;
- (c) any person who applies for revocation, a declaration of invalidity or rectification under the Act;
- (d) the proprietor of the registered trade mark who opposes such an application.

(2) The proprietor of a registered trade mark, or any person who has registered an interest in a registered trade mark, may file an address for service on Form TM33.

(3) Where a person has provided an address for service under paragraph (1) or (2), he may substitute a new address for service by notifying the registrar on Form TM33.

(4) An address for service filed under paragraph (1)(a) or (2) shall be an address in the United Kingdom, another EEA State or the Channel Islands.

(5) An address for service filed under paragraph (1)(b) to (d) shall be an address in the United Kingdom, unless in a particular case the comptroller otherwise directs.

Failure to provide an address for service

10A.—(1) Where—

- (a) a person has failed to file an address for service under rule 10(1); and
- (b) the registrar has sufficient information enabling her to contact that person,

the registrar shall direct that person to file an address for service.

(2) Where a direction has been given under paragraph (1), the person directed shall, before the end of the period of 2 months beginning with the date of the direction, file an address for service.

(3) Paragraph (4) applies where—

- (a) a direction was given under paragraph (1) and the period prescribed by paragraph (2) has expired; or
- (b) the registrar had insufficient information to give a direction under paragraph (1),

and the person has failed to provide an address for service.

- (4) Where this paragraph applies—
- (a) in the case of an applicant for registration of a trade mark, the application shall be treated as withdrawn;
 - (b) in the case of a person opposing the registration of a trade mark, his opposition shall be treated as withdrawn;
 - (c) in the case of a person applying for revocation, a declaration of invalidity or rectification, his application shall be treated as withdrawn; and
 - (d) in the case of the proprietor opposing such an application, he shall be deemed to have withdrawn from the proceedings.
- (5) In this rule an “address for service” means an address which complies with the requirements of rule 10(4) or (5).”.