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STATUTORY INSTRUMENTS

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**2008 No. 1797**

**The Trade Marks Rules 2008**

*Correction of irregularities, calculation and extension of time*

**Correction of irregularities in procedure**

74.—(1) Subject to rule 77, the registrar may authorise the rectification of any irregularity in procedure (including the rectification of any document filed) connected with any proceeding or other matter before the registrar or the Office.

(2) Any rectification made under paragraph (1) shall be made—

- (a) after giving the parties such notice; and
- (b) subject to such conditions,

as the registrar may direct.

**Interrupted day**

75.—(1) The registrar may certify any day as an interrupted day where—

- (a) there is an event or circumstance causing an interruption in the normal operation of the Office; or
- (b) there is a general interruption or subsequent dislocation in the postal services of the United Kingdom.

(2) Any certificate of the registrar made under paragraph (1) shall be displayed in the Office and published on the Office website.

(3) The registrar shall, where the time for doing anything under these Rules expires on an interrupted day, extend that time to the next following day not being an interrupted day (or an excluded day).

(4) In this rule—

“excluded day” means a day which is not a business day as specified in a direction given by the registrar under section 80; and

“interrupted day” means a day which has been certified as such under paragraph (1).

**Delays in communication services**

76.—(1) The registrar shall extend any time limit in these Rules where the registrar is satisfied that the failure to do something under these Rules was wholly or mainly attributed to a delay in, or failure of, a communication service.

(2) Any extension under paragraph (1) shall be—

- (a) made after giving the parties such notice; and
- (b) subject to such conditions,

as the registrar may direct.

(3) In this rule “communication service” means a service by which documents may be sent and delivered and includes post, facsimile, email and courier.

**Alteration of time limits (Form TM9)**

77.—(1) Subject to paragraphs (4) and (5), the registrar may, at the request of the person or party concerned or at the registrar’s own initiative extend a time or period prescribed by these Rules or a time or period specified by the registrar for doing any act and any extension under this paragraph shall be made subject to such conditions as the registrar may direct.

(2) A request for extension under this rule may be made before or after the time or period in question has expired and shall be made—

- (a) where the application for registration has not been published and the request for an extension is made before the time or period in question has expired, in writing ; and
- (b) in any other case, on Form TM9.

(3) Where an extension under paragraph (1) is requested in relation to proceedings before the registrar, the party seeking the extension shall send a copy of the request to every other person who is a party to the proceedings.

(4) The registrar shall extend a flexible time limit, except a time or period which applies in relation to proceedings before the registrar or the filing of an appeal to the Appointed Person under rule 71, where—

- (a) the request for extension is made before the end of the period of two months beginning with the date the relevant time or period expired; and
- (b) no previous request has been made under this paragraph.

(5) A time limit listed in Schedule 1 (whether it has already expired or not) may be extended under paragraph (1) if, and only if—

- (a) the irregularity or prospective irregularity is attributable, wholly or in part, to a default, omission or other error by the registrar, the Office or the International Bureau; and
- (b) it appears to the registrar that the irregularity should be rectified.

(6) In this rule—

“flexible time limit” means—

- (a) a time or period prescribed by these Rules, except a time or period prescribed by the rules listed in Schedule 1, or
- (b) a time or period specified by the registrar for doing any act or taking any proceedings; and

“proceedings before the registrar” means any dispute between two or more parties relating to a matter before the registrar in connection with a trade mark.