
STATUTORY INSTRUMENTS

2008 No. 2206

The Trade Marks (International Registration) Order 2008

International trade marks (UK)

3.—(1) An international registration which is the subject of a request for extension shall be entitled to protection subject to the provisions of the Act, the Relative Grounds Order and the Trade Marks Rules as applied by this Order if the particulars of the request for extension were contained in an application for registration of a trade mark under the Act and such application would satisfy the requirements of the Act (including any imposed by the Trade Mark Rules).

(2) Subject to paragraph (3) a protected international trade mark (UK) shall be treated as if it were a trade mark registered under the Act and the holder shall have the same rights and remedies but shall be subject to the same conditions as the proprietor of a registered trade mark.

(3) The provisions of the Act (except those listed in Schedule 1, Part 1), the Relative Grounds Order and the Trade Marks Rules (except those listed in Schedule 1, Part 2) shall apply to international trade marks (UK) and requests for extension with the following modifications;

- (a) references to a registered trade mark shall include references to a protected international trade mark (UK);
- (b) references to a proprietor of a registered trade mark shall include references to the holder of a protected international trade mark (UK);
- (c) references to an application for registration of a trade mark shall include references to a request for extension;
- (d) references to an applicant for registration shall include references to the holder of an international registration in respect of which a request for extension has been made;
- (e) references to registration of a trade mark shall include the conferring of protection on an international registration which is the subject of a request for extension;
- (f) references to the goods or services for which a trade mark is registered shall include references to the goods or services in respect of which a protected international trade mark (UK) confers protection;
- (g) references to the publication of the application include references to the publication of the notice of details of the international registration in the Journal;
- (h) references to the register are to the supplementary register;
- (i) the modifications set out in Schedule 2; and
- (j) such further modifications as the context requires for the purpose of giving effect to those provisions as applied by this Order.