
EXPLANATORY NOTE

(This note is not part of the Order)

This Order modernises and replaces The Trade Marks (International Registration) Order 1996 (SI 1996 No 714 as amended) (“the Order”). The Order is made under powers conferred by section 54 of the Trade Mark Act 1994 (“TMA”) and gives effect in the UK to the provisions of the Madrid Protocol, which is the system by which trade marks can be registered internationally and subsequently protected in the holder’s choice of designated states or territories.

The Order has been amended five times since it came into force, normally in the wake of changes to domestic trade mark rules. Recent changes to the domestic rules have resulted in a new statutory instrument (SI 2008 No 1797, The Trade Marks Rules 2008, the “rules”) which come into force on 1st October 2008.

Substantive changes introduced by those rules need also (to the extent that they are applicable) to be applied to international marks (UK) through the mechanism of this new Order.

Furthermore, this Order recasts the old Order to make it as comprehensive an instrument as possible avoiding some of the vaguer provisions used in the earlier Order. Thus, specific provisions of the TMA and rules are applied, disapplied or modified in the light of Madrid Protocol provisions. Specific provision for fees is now made in this Order and the layout has been made more convenient. In other respects however the status quo of the existing Order is preserved and the only substantive changes are those that derive from changes to the rules. Like its predecessor, this Order must be interpreted in a way which is entirely consistent with the Madrid Protocol and regulations that attach thereto. The Fees payable in relation to international registration are now incorporated within this Order.

As the Order contains no changes of substance other than in relation to the application of the Trade Marks Rules 2008 no separate impact assessment has been prepared in respect of it. A full impact assessment has been prepared in relation to the Trade Marks Rules and is available from the UK Intellectual Property Office, Trade Marks Law Section, Concept House, Cardiff Road, Newport NP10 8QQ. Copies of this impact assessment are annexed to the Explanatory Memorandum relating to the rules which is available on the OPSI website and copies of it have been placed in the libraries of both Houses of Parliament.