

SCHEDULE 3

Article 4

International applications originating in the United Kingdom

Application for international registration at the Patent Office

1.—(1) An applicant for the registration of a trade mark, or the proprietor of a registered trade mark, may, subject to the provisions of this paragraph, apply by way of the Patent Office as office of origin for the international registration of the trade mark.

(2) For the purposes of this paragraph an applicant shall be—

- (a) a British citizen, a British overseas territories citizen, a British overseas citizen, a British subject or a British protected person;
- (b) an individual domiciled in the United Kingdom;
- (c) a body incorporated under the law of a part of the United Kingdom; or
- (d) a person who has a real and effective industrial or commercial establishment in the United Kingdom.

(3) Where the registrar has reasonable doubts about whether an applicant is eligible, the registrar—

- (a) must inform the applicant of the reason for those doubts; and
- (b) may require that applicant to file evidence in support of his eligibility.

(4) Where—

- (a) the registrar has no doubts or is satisfied as to the applicant's eligibility; and
- (b) the particulars appearing in the application for an international registration correspond with the particulars at that time in the basic application or, as the case may be, the basic registration,

the registrar must submit the application to the International Bureau.

(5) In this Schedule—

- (a) “basic application” means an application for registration of a trade mark in the United Kingdom in respect of which application is made for international registration;
- (b) “basic registration” means a trade mark registered in the United Kingdom in respect of which application is made for international registration.

Termination of basic application or basic registration

2.—(1) This paragraph applies where the registrar submits an application to the International Bureau in accordance with paragraph 1 and the basic application or basic registration is terminated.

(2) Where, before the end of the relevant period, a basic application or basic registration is terminated, the registrar shall request that the International Bureau cancel the International Registration.

(3) A basic application is terminated where it is—

- (a) not accepted;
- (b) refused; or
- (c) withdrawn (including deemed as such).

(4) A basic registration is terminated where the rights in the registered trade mark cease to have effect.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) Where a basic application or basic registration is terminated in respect of some only of the goods or services for which the trade mark is registered (or is sought to be registered), the request must relate only to those goods and services.

(6) The relevant period is the period of 5 years beginning with the date of the international registration.

(7) But if during that period the registrar becomes aware of proceedings which may result in the termination of the basic application or basic registration, the registrar must notify the International Bureau accordingly, stating that no final decision has been made.

(8) On completion of the proceedings referred to in paragraph (7) the registrar must promptly notify the International Bureau of their outcome.

Division or merger of basic application or basic registration

3.—(1) This paragraph applies where the registrar submits an application to the International Bureau in accordance with paragraph 1 and—

- (a) the basic application is divided into two or more applications; or
- (b) two or more basic applications or basic registrations are merged into a single application or registration.

(2) Where, before the end of the relevant period, a basic application is divided or two or more basic applications or basic registrations are merged, the registrar shall notify the International Bureau and shall indicate—

- (a) the number of the international registration or, where the mark has not been registered, the number of the basic application;
- (b) the name of the applicant or the holder of the relevant trade mark; and
- (c) the number of each application resulting from the division or the number of the application or registration resulting from the merger.

(3) The relevant period is the period of 5 years beginning with the date of the international registration.