

**EXPLANATORY MEMORANDUM TO  
THE TRADE MARKS (FEES) REVOCATION RULES 2008**

**2008 No. 2207**

1. This explanatory memorandum has been prepared by the Department for Innovation Universities and Skills and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 This instrument revokes the Trade Marks (Fees) Rules 2000 as they relates to international registrations. Fees in respect of international registrations are dealt with in the Trade Marks (International Registration) Order 2008
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Background**
  - 4.1 The fees for the international registration of trade marks are now included within the Trade Marks (International Registration) Order 2008. Therefore the provisions of the Trade Mark (Fees) Rules 2000 relating to international registrations are redundant and need to be revoked. This is achieved by the instrument.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to all of the United Kingdom and to the Isle of Man.
6. **European Convention on Human Rights**
  - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required
7. **Policy background**
  - 7.1 As explained above, the instrument contains no policy changes.

**Consultation**

- 7.2 Given the technical nature of the reform of the legislative regime for the international registration of trade marks, the absence of policy changes and the fact that comment was only required on the legal functioning of the Trade Marks (International Registration) Order 2008, a one month informal consultation period was agreed with Ministers. This took place in June 2008. Copies of the draft International Order were

sent directly to individuals on our stakeholder group, the Registry Practices Working Group. Those individuals represent professional groups such as CIPA (Chartered Institute of Patent Agents), ITMA (Institute of Trade Mark Attorneys), TMPDF (Trade Marks and Patents Design Federation), as well as other individuals such as barristers and solicitors who had expressed a specific interest. Further, the instrument was posted on our website and drawn attention to specialist – and widely consulted – intellectual property Web Log sites. This approach to the consultation is believed to have covered all the relevant interest groups, given that the users of the international system of trade mark registration tend only to be larger multinational concerns whose brand strategy spans different countries and regions.

7.3 Two responses were received. Both are from users of the Madrid system and who have practical knowledge as a result. Both responses were, in general terms, very supportive of the overall recasting of the Order.

## **8. Impact**

8.1 As the Rules are a measure made in consequence of the inclusion of the relevant fees in the Trade Marks (International Registration) Order 2008, no assessment is required, given that the impact of the Order extends from the latter for which an impact assessment has already been prepared.

## **9. Contact**

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