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STATUTORY INSTRUMENTS

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**2013 No. 2601**

**TRADE MARKS**

**The Trade Marks (Isle of Man) Order 2013**

*Made - - - - 9th October 2013*

*Coming into force 11th November 2013*

**THE TRADE MARKS (ISLE OF MAN) ORDER 2013**

1. Citation and commencement
  2. Exceptions to and modifications of the Trade Marks Act 1994 in its application to the Isle of Man
  3. Revocation
- Signature

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**SCHEDULE — Exceptions to and modifications of the Trade Marks Act 1994 in its application to the Isle of Man**

1. (1) Any reference to an Act of Parliament (including the...
- 1A In section 1 (trade marks), for subsection (1) substitute—
2. (1) Section 3 (absolute grounds for refusal of registration) is...
3. (1) Section 5 (relative grounds for refusal of registration) is...
- 3A After section 5 (relative grounds for refusal of registration), insert—...
4. (1) Section 6 (meaning of “earlier trade mark”) is amended...
5. After section 6 insert— Raising of relative grounds in opposition...
- 5A In section 8(5) (power to require that relative grounds be...
- 5B (1) Section 9 (rights conferred by registered trade mark) is...
6. (1) Section 10 (infringement of registered trade mark) is amended...
- 6A After section 10, insert— Right to prevent goods entering the...
- 6B (1) Section 11 (limits on effect of registered trade mark)...
- 6C After section 11, insert— Non-use as defence in infringement proceedings...
- 6D In section 12 (exhaustion of rights conferred by a registered...
7. After section 14(2) (action for infringement) insert—
8. In section 17 (meaning of infringing goods), in subsection (3),...
9. In section 18(3) (period after which remedy of delivery up...
10. In section 19(6) (order as to disposal of infringing goods...
- 10A (1) Section 24 (assignment, &c of registered trade mark) is...

11. In section 25(4) (registration of transactions), for the words from...
- 11A (1) Section 27 (application for registration of trade mark as...
- 11B (1) Section 28 (licensing of registered trade mark) is amended...
- 11C (1) Section 30 is amended as follows.
- 11D (1) Section 32 (application for registration) is amended as follows....
- 11E Section 38 (publication, opposition proceedings and observations) is amended as...
12. In section 40 (registration), in subsection (1), for the words...
- 12A (1) Section 41 (registration: supplementary provisions) is amended as follows....
- 12B (1) Section 43 (renewal of registration) is amended as follows....
- 12C (1) Section 46 (revocation of registration) is amended as follows...
13. (1) Section 47 (grounds for invalidity of registration) is amended...
- 13A (1) Section 49 (collective marks) is amended as follows.
- 13B (1) Section 50 (certification marks) is amended as follows.
- 13C In the heading of Part II and in the italic...
- 13D For section 51 (meaning of “Community trade mark”) substitute—  
Meaning...
14. Omit section 52 (power to make provision in connection with...
- 14A Before the italic heading before section 53, insert— Certain trade...
15. In section 53 (the Madrid Protocol), at the appropriate place...
- 15A After section 54 (and before the italic heading before section...
16. In section 55(1) (the Paris Convention)— (a) in paragraph (a),...
17. In sections 56(1) and (2) (protection of well-known trade marks),...
18. In section 59 (notification under Article 6ter of the Convention),...
- 18A Omit section 60 (acts of agent or representative: Article 6septies)....
- 18B At the end of Part 2 insert— Nice Classification Similarity...
19. Omit section 61 (stamp duty).
20. In section 68(2) (costs and security for costs), at the...
21. In section 75 (the court)— (a) in paragraph (a), at...
22. (1) Section 77 (persons appointed to hear appeals) is amended...
23. In section 83A(7) (regulation of trade mark attorneys), in paragraph...
24. In section 86(2) (use of the term “trade mark attorney”),...
25. In section 87 (privilege for communications)— (a) in subsection (2),...
- 25A (1) Section 88 (power of registrar to refuse to deal...
26. (1) In section 89(1) (infringing goods etc. may be treated...
27. (1) In the side note to section 90 (powers of...
28. In section 91 (power of Commissioners to disclose information)—
29. In section 92(6) (unauthorised use of trade mark, &c in...
30. (1) After section 92A(2) insert— (2A) The power conferred by...
31. Omit section 93 (enforcement function of local weights and measures...
32. In section 94(3) (falsification of register)— (a) for “imprisonment” (in...
33. (1) In section 97 (forfeiture: England and Wales or Northern...
- 33A After section 99 (unauthorised use of Royal arms, &c.), insert—
34. In section 101(2)(b) (offences committed by partnerships and bodies corporate)—...
35. In section 103 (minor definitions), omit subsection (3).
36. (1) Section 104 (index of defined expressions) is amended at...
37. (1) Omit section 106 (consequential amendments and repeals) and Schedules...
38. (1) Schedule 1 (collective marks) is amended as follows.
39. In Schedule 2, in paragraph 13(c) for “Commissioners of Customs...

**Changes to legislation:** There are currently no known outstanding effects for the  
The Trade Marks (Isle of Man) Order 2013. (See end of Document for details)

40. After Schedule 2, insert— SCHEDULE 2A EUROPEAN UNION TRADE MARKS...

Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Trade Marks (Isle of Man) Order 2013.