

## SCHEDULES

### SCHEDULE 3

#### TRANSITIONAL PROVISIONS

##### *Introductory*

1 (1) In this Schedule—

“existing registered mark” means a trade mark, certification trade mark or service mark registered under the 1938 Act immediately before the commencement of this Act;

“the 1938 Act” means the Trade Marks Act 1938; and

“the old law” means that Act and any other enactment or rule of law applying to existing registered marks immediately before the commencement of this Act.

(2) For the purposes of this Schedule—

- (a) an application shall be treated as pending on the commencement of this Act if it was made but not finally determined before commencement, and
- (b) the date on which it was made shall be taken to be the date of filing under the 1938 Act.