
STATUTORY INSTRUMENTS

2020 No. 1317

The Patents, Trade Marks and Designs (Address for Service) (Amendment) (EU Exit) Rules 2020

Transitional and Saving Provision – comparable rights

8.—(1) This rule applies to the proprietor of a comparable trade mark (EU) or a re-registered design (a “relevant proprietor”).

(2) During the relevant period, the address for service rules as in force immediately before the Commencement Date apply to a relevant proprietor in relation to a comparable trade mark (EU) or a re-registered design of which they are the proprietor.

(3) Where during the relevant period a comparable trade mark (EU) or a re-registered design is the subject of or forms the basis for any proceedings to which the address for service rules relate, which have been commenced but not finally determined before the end of the relevant period, the address for service rules as in force immediately before the Commencement Date apply to the relevant proprietor until the proceedings are finally determined.

(4) Paragraph (3) applies notwithstanding the removal during the proceedings of any comparable trade mark (EU) or re-registered design from the claim which formed the basis for the proceedings.

(5) For the purposes of this rule—

- (a) proceedings are commenced where a claim, petition or other application has been filed with the Patent Office or the court, and
- (b) proceedings are finally determined in the circumstances referred to in rule 6(3).

(6) In this rule, “relevant period” means the period of three years beginning with the Commencement Date.