
DRAFT STATUTORY INSTRUMENTS

2018 No. ****

**EXITING THE EUROPEAN UNION
TRADE MARKS**

The Trade Marks (Amendment etc.) (EU Exit) Regulations 2018

Made - - - - - *******

Coming into force in accordance with regulation 1

**THE TRADE MARKS (AMENDMENT
ETC.) (EU EXIT) REGULATIONS 2018**

1. Citation, commencement and interpretation
 2. Certain trade marks registered as European Union trade marks to have effect under the 1994 Act
 3. Fees payable in respect of a comparable trade mark (EU)
 4. Other amendments to the 1994 Act
 5. Amendments to the Rules
 6. Consequential amendments etc
- Signature

SCHEDULE 1 — Amendments to the 1994 Act to make provision for certain trade marks registered as European Union trade marks to be treated as registered trade marks and about certain applications for such marks

1. The 1994 Act is amended as follows.
2. After section 52 (and before the italic heading before section...
3. After Schedule 2, insert— SCHEDULE2A EUROPEAN UNION TRADE MARKS Section...

SCHEDULE 2 — Fees payable in respect of a comparable trade mark (EU)

1. The renewal of the registration of a comparable trade mark...
2. The renewal of the registration of a comparable trade mark...
3. If a renewal fee is paid in respect of only...
4. A request for information or inspection of documents relating to...
5. The Trade Marks (Fees) Rules 2008 apply to comparable trade...
6. The Commissioners for Her Majesty's Revenue and Customs may by...
7. Regulations under paragraph 6 may make different provision as respects...

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 No. 269*

8. A statutory instrument containing regulations under paragraph 6 is subject...
9. The Trade Marks (Customs) Regulations 1994, to the extent that...

SCHEDULE 3 — Other amendments to the 1994 Act

1. Further amendments to the 1994 Act
2. Absolute grounds for refusal of registration
3. Relative grounds for refusal of registration
4. Meaning of “earlier trade mark”
5. Raising of relative grounds in opposition proceedings in case of non-use
6. Right to prevent goods entering the UK without being released for free circulation
7. Limits on effect of registered trade mark
8. Order as to disposal of infringing goods, material or articles
9. Grounds for invalidity of registration
10. Meaning of “European Union trade mark”
11. Power to make provision in connection with European Union Trade Mark Regulation
12. Privilege for communications with registered trade mark agents
13. Minor definitions
14. Index of defined expressions
15. (1) Section 104 is amended as follows.

SCHEDULE 4 — Amendments to the Rules

1. Amendments to the Rules
2. (1) Rule 2 is amended as follows.
3. After rule 2 insert— Comparable trade mark (EU) These Rules apply to a comparable trade mark (EU) as...
4. (1) Rule 4 is amended as follows.
5. After rule 5 insert— Application for registration based upon an...
6. In rule 11(4) for “another EEA state” substitute “an EEA...
7. In rule 14(3) for “section 6(1)(a) or (b)” substitute “section...
8. In rule 17A(6)(d), omit “or (EU)”.
9. After rule 29 insert— Filing of regulations for EU collective...
10. After rule 37 insert— Restoration of a European Union trade...
11. (1) Rule 47 is amended as follows.

SCHEDULE 5 — Consequential amendments, repeals, revocations, transitional and saving provisions

1. Consequential amendments
2. In sections 114(6)(c), 204(6)(c) and 231(6)(c) of the Copyright, Designs...
3. In regulation 5(7)(b) of the Olympics Association Right (Infringement Proceedings)...
4. In regulation 1C(5)(d) of the Community Design Regulations 2005 omit...
5. In regulation 4(8)(b) of the Olympics, Paralympics and London Olympics...
6. Repeals and revocations
7. Transitional and Saving Provisions

Explanatory Note