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STATUTORY INSTRUMENTS

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**2000 No. 136**

**The Trade Marks Rules 2000**

***Request for information, inspection of documents and confidentiality***

*Request for information; s. 67(1) (Form TM31C)*

**48.** A request for information relating to an application for registration or to a registered trade mark shall be made on Form TM31C.

*Information available before publication; section 67(2)*

**49.**—(1) Before publication of an application for registration the registrar shall make available for inspection by the public the application and any amendments made to it and any particulars contained in a notice given to the registrar under rule 41.

(2) Nothing in section 67(2) relating to publication of information shall be construed as preventing the publication of decisions on cases relating to trade marks decided by the registrar.

*Inspection of documents; ss. 67 & 76(1)*

**50.**—(1) Subject to paragraphs (2) and (3) below, the registrar shall permit all documents filed or kept at the Office in relation to a registered mark or, where an application for the registration of a trade mark has been published, in relation to that application, to be inspected.

(2) The registrar shall not be obliged to permit the inspection of any such document as is mentioned in paragraph (1) above until she has completed any procedure, or the stage in the procedure which is relevant to the document in question, which she is required or permitted to carry out under the Act or these Rules.

(3) The right of inspection under paragraph (1) above does not apply to—

- (a) any document until fourteen days after it has been filed at the Office;
- (b) any document prepared in the Office solely for use therein;
- (c) any document sent to the Office, whether at its request or otherwise, for inspection and subsequent return to the sender;
- (d) any request for information under rule 48 above;
- (e) any document issued by the Office which the registrar considers should be treated as confidential;
- (f) any document in respect of which the registrar issues directions under rule 51 below that it be treated as confidential.

(4) Nothing in paragraph (1) shall be construed as imposing on the registrar any duty of making available for public inspection—

- (a) any document or part of a document which in her opinion disparages any person in a way likely to damage him; or
- (b) any document or information filed at or sent to or by the Office before 31st October 1994, or

(c) any document or information filed at or sent to or by the Office after 31st October 1994 relating to an application for registration of a trade mark under the Trade Marks Act 1938.

(5) No appeal shall lie from a decision of the registrar under paragraph (4) above not to make any document or part of a document available for public inspection.

#### *Confidential documents*

**51.—**(1) Where a document other than a form required by the registrar and published in accordance with rule 3 above is filed at the Office and the person filing it requests, at the time of filing or within fourteen days of the filing, that it or a specified part of it be treated as confidential, giving his reasons, the registrar may direct that it or part of it, as the case may be, be treated as confidential, and the document shall not be open to public inspection while the matter is being determined by the registrar.

(2) Where such direction has been given and not withdrawn, nothing in this rule shall be taken to authorise or require any person to be allowed to inspect the document or part of it to which the direction relates except by leave of the registrar.

(3) The registrar shall not withdraw any direction given under this rule without prior consultation with the person at whose request the direction was given, unless the registrar is satisfied that such prior consultation is not reasonably practical.

(4) The registrar may where she considers that any document issued by the Office should be treated as confidential so direct, and upon such direction that document shall not be open to public inspection except by leave of the registrar.

(5) Where a direction is given under this rule for a document to be treated as confidential a record of the fact shall be filed with the document.