

EXPLANATORY MEMORANDUM TO
THE TRADE MARKS AND DESIGNS (ADDRESS FOR SERVICE)
(AMENDMENT) RULES 2006

2006 No. 1029

1. This explanatory memorandum has been prepared by the Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Rules correct errors in the Registered Designs Rules 1995 and the Trade Marks Rules 2000. These errors were caused by amendments made to those Rules by the Patents, Trade Marks and Designs (Address For Service and Time Limits, etc) Rules 2006 (“the 2006 Rules”).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 These Rules are being issued free of charge to anyone who purchased the 2006 Rules. They also will come into force less than 21 days after being laid. This is because officials only noticed the error in the 2006 Rules on 31st March 2006. Therefore, this Instrument was made as soon as possible thereafter to ensure that the error is corrected instantaneously after the amendments made by the 2006 Rules come into force.

4. Legislative background

4.1 These Regulations are made under section 78 of the Trade Marks Act 1994 and section 36 of the Registered Designs Act 1949.

5. Extent

5.1 This instrument extends to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 The Comptroller-General of Patents Designs and Trade Marks is called the “registrar” in the Trade Marks Act 1994 (see section 62 of that Act) and the Registered Designs Act 1949 (see section 44 of that Act). However, he is called the “comptroller” in the Patents Act 1977 (see section 130 of that Act). In rule 8(5) of the Registered Designs Rules 1995 and rule 10(5) of the Trade Marks Rules 2000, as substituted by the 2006 Rules, he was given the incorrect short title of “comptroller”. These Rules change those reference so as to reflect his correct short title “registrar”.

8. Impact

8.1 This Instrument merely corrects a drafting error and so no Regulatory Impact Assessment has been prepared.

9. Contact

Paul Twyman at the Patent Office: tel: 01633 814454 or e-mail Paul.Twyman@patent.gsi.gov.uk can answer any questions on the Rules.