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STATUTORY INSTRUMENTS

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**2008 No. 1797**

**The Trade Marks Rules 2008**

*Agents*

**Proof of authorisation of agent may be required; section 82 (Form TM33)**

**60.**—(1) Where an agent has been authorised under section 82, the registrar may in a particular case require the personal signature or presence of the agent or the person authorising the agent to act as agent.

(2) Subject to paragraph (3), where a person appoints an agent for the first time or appoints one agent in substitution for another, the newly appointed agent shall file Form TM33.

(3) Where after a person has become a party to proceedings involving a third party before the registrar, the person appoints an agent for the first time or appoints one agent in substitution for another, the newly appointed agent shall file Form TM33P.

(4) Any act required or authorised by the Act in connection with the registration of a trade mark or any procedure relating to a trade mark may not be done by or to the newly appointed agent until on or after the date on which the newly appointed agent files Form TM33 or TM33P as appropriate.

(5) The registrar may by notice in writing require an agent to produce evidence of his authority under section 82.

**Registrar may refuse to deal with certain agents; section 88**

**61.** The registrar may refuse to recognise as agent in respect of any business under the Act—

- (a) a person who has been convicted of an offence under section 84;
- (b) an individual whose name has been erased from and not restored to, or who is suspended from, the register of trade mark agents on the ground of misconduct;
- (c) a person who is found by the Secretary of State to have been guilty of such conduct as would, in the case of an individual registered in that register, render that person liable to have their name erased from it on the ground of misconduct;
- (d) a partnership or body corporate of which one of the partners or directors is a person whom the registrar could refuse to recognise under paragraph (a), (b) or (c).