
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend sections 51 and 52 of the Trade Marks Act 1994 (“the Act”) and also amend the Community Trade Mark Regulations 2006 (S.I. 2006/1027) (“the CTM Regulations”).

The CTM Regulations make provision for the operation of Council Regulation (EC) No. 40/94 of 20th December 1993 on the Community Trade Mark (OJNo. L11, 14.1.1994, p1) (“the Old Regulation”).

The amendments are necessitated by the repeal of the Old Regulation and its replacement by the codified Council Regulation (EC) No. 207/2009 on the European Union Trade Mark (OJ No. L78, 24.3.2009, p1) as amended by Regulation (EU) No. 2015/2424 of the European Parliament and of the Council of 16th December 2015 (OJ No. L341, 24.12.2015, p21) (“the New Regulation”).

The amendments to the Act and CTM Regulations reflect the change in terminology adopted in the New Regulation with the substitution of references to European Union trade marks for Community trade marks and also substitute references to Articles of the New Regulation for the corresponding Articles of the Old Regulation.

As a consequential matter, the Community Trade Mark (Fees) Regulations 1995 (S.I. 1995/3175) are revoked. Under the Old Regulation it was possible to file an application for a Community trade mark with either the Intellectual Property Office or the Office for Harmonisation in the Internal Market. The fee prescribed under the 1995 fees Regulations applied where an application was filed at the Intellectual Property Office. Under the New Regulation an application for a European Union Trade Mark may only be filed at the EU Intellectual Property Office and so applications may no longer be filed with the Intellectual Property Office, hence the revocation of the relevant fee regulation.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

An Explanatory Memorandum is available alongside the instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The European Union Trade Mark Regulations 2016.