
STATUTORY INSTRUMENTS

2018 No. 825

The Trade Marks Regulations 2018

PART 2

Amendments to the 1994 Act

Absolute grounds for refusal of registration

4.—(1) Section 3 is amended as follows.

(2) In subsection (2), after “the shape” in each place insert “, or another characteristic.”.

(3) In subsection (4)(1), after “EU law” insert “other than law relating to trade marks”.

(4) After subsection (4), insert—

“(4A) A trade mark is not to be registered if its registration is prohibited by or under—

- (a) any enactment or rule of law,
- (b) any provision of EU law, or
- (c) any international agreement to which the United Kingdom or the EU is a party,

providing for the protection of designations of origin or geographical indications.

(4B) A trade mark is not to be registered if its registration is prohibited by or under—

- (a) any provision of EU law, or
- (b) any international agreement to which the EU is a party,

providing for the protection of traditional terms for wine or traditional specialities guaranteed.

(4C) A trade mark is not to be registered if it—

- (a) consists of, or reproduces in its essential elements, an earlier plant variety denomination registered as mentioned in subsection (4D), and
- (b) is in respect of plant varieties of the same or closely related species.

(4D) Subsection (4C)(a) refers to registration in accordance with any—

- (a) enactment or rule of law,
- (b) provision of EU law, or
- (c) international agreement to which the United Kingdom or the EU is a party,

providing for the protection of plant variety rights.”