
STATUTORY INSTRUMENTS

2018 No. 825

The Trade Marks Regulations 2018

PART 2

Amendments to the 1994 Act

Raising of relative grounds in opposition proceedings in case of non-use

- 8.—**(1) Section 6A(1) is amended as follows.
- (2) In subsection (1)(c), for the words from “period” to the end substitute “relevant period”.
- (3) After subsection (1) insert—
- “(1A) In this section “the relevant period” means the period of 5 years ending with the date of the application for registration mentioned in subsection (1)(a) or (where applicable) the date of the priority claimed for that application.”.
- (4) In subsection (3)(a) for “period of five years ending with the date of publication of the application” substitute “relevant period”.
- (5) In subsection (4)(a)—
- (a) after “a form” insert “(the “variant form”)”;
- (b) after “registered” insert “(regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor)”.
- (6) After subsection (5) insert—
- “(5A) In relation to an international trade mark (EC) the reference in subsection (1) (c) to the completion of the registration procedure is to be construed as a reference to the publication by the European Union Intellectual Property Office of the matters referred to in Article 190(2) of the European Union Trade Mark Regulation.”.

(1) Section 6A was inserted by [S.I. 2004/946](#), regulations 3 and 4 and amended by [S.I. 2008/1067](#) regulations 3 and 4, [S.I. 2011/1043](#), article 4(1) and [S.I. 2016/299](#), the Schedule paragraph 1.