

SCHEDULE 2

Regulation 3

Fees payable in respect of a comparable trade mark (EU)

1. The renewal of the registration of a comparable trade mark (EU) under section 43 of the 1994 Act is subject to the payment of a renewal fee and, in the circumstances referred to in section 43(3) of the 1994 Act, payment of an additional renewal fee.

2. The renewal of the registration of a comparable trade mark (EU) under paragraph 5 of Schedule 2A to the 1994 Act is subject to the payment of a renewal fee as if the renewal had been requested under section 43(1) of the 1994 Act before the expiry of the registration.

3. If a renewal fee is paid in respect of only some of the goods or services for which a comparable trade mark (EU) is registered, the registration is to be renewed for those goods or services only.

4. A request for information or inspection of documents relating to a comparable trade mark (EU) made under section 67 of the 1994 Act is subject to payment of the appropriate fee (if any).

5. The Trade Marks (Fees) Rules 2008(1) apply to comparable trade marks (EU) as they apply to other registered trade marks.

6. The Commissioners for Her Majesty's Revenue and Customs may by regulations made by statutory instrument require the proprietor or a licensee of a comparable trade mark (EU) who is giving notice under section 89 of the 1994 Act to pay such fees in respect of the notice as may be specified by the regulations.

7. Regulations under paragraph 6 may make different provision as respects different classes of case to which they apply and may include such incidental and supplementary provisions as the Commissioners consider expedient.

8. A statutory instrument containing regulations under paragraph 6 is subject to annulment in pursuance of a resolution of either House of Parliament.

9. The Trade Marks (Customs) Regulations 1994, to the extent that they make provision which could be made under paragraph 6, are to be treated as if they had been made under paragraph 5 as well as under section 90 of the 1994 Act.

(1) S.I. 2008/1958 as amended by S.I. 2009/2089, rules 15 to 19, S.I. 2010/33, rules 13 to 14, S.I. 2012/1003, rule 3(2), S.I. 2013/2236, rules 2(1) to (e).