STATUTORY INSTRUMENTS

2020 No. 1317

The Patents, Trade Marks and Designs (Address for Service) (Amendment) (EU Exit) Rules 2020

Transitional and Saving Provision – pending applications

7.—(1) This rule applies where—

(a) before the Commencement Date, a person ("an applicant") has filed an application for the grant of a patent or the registration of a trade mark or a registered design ("an application"),

(b) the applicant has filed an EEA address for service in accordance with the address for service rules, and

(c) as at the time immediately before the Commencement Date, the application has been neither granted or registered nor finally refused.

(2) Where this rule applies—

(a) in relation to an application for the grant of a patent or the registration of a registered design—

(i) the EEA address for service continues on and after the Commencement Date to be the applicant's address for service pending the grant of the patent or registration of the registered design or final refusal of the application unless and until the applicant substitutes a new address for service, and

(ii) if the applicant substitutes a new address for service, the new address for service may be any address for service permitted by the address for service rules as in force immediately before the Commencement Date;

(b) in relation to an application for the registration of a trade mark—

(i) subject to sub-paragraph (ii) below, paragraph (2)(a) applies in relation to the application as it applies in relation to an application for registration of a registered design;

(ii) where opposition proceedings are initiated in respect of the application on or after the Commencement Date, the applicant must provide a new address for service which complies with the address for service rules in force on the Commencement Date.

(3) For the purposes of this rule, an application is finally refused when—

(a) it has been determined, and

(b) there is no further possibility of the determination being varied or set aside (disregarding any power to grant permission to appeal out of time).