

FOI Release

Title: Rule 70(2) of the Trade Mark Rules 2008

Date of release: 14 September 2015

Information request:

Rule 70(2) of the Trade Mark Rules 2008 provides for the following:

“An interim decision (including a decision refusing leave to appeal under this paragraph) may only be appealed against independently of any appeal against a final decision with the leave of the registrar.”

Under the Freedom of Information Act 2000 please provide details of the following since the date of commencement of the Trade Mark Rules 2008.

1. The total number of interim decisions for which leave to appeal against a decision of the registrar have been requested in accordance with Rule 70(2) of the Trade Mark Rules 2008.
2. The total number of interim decisions for which leave to appeal has been granted by the registrar in accordance with Rule 70(2) of the Trade Marks Rules 2008.
3. Whether requests for leave to appeal of interim decisions in accordance with Rule 70(2) of the Trade Mark Rules 2008 are considered by a more senior official of the Intellectual Property Office than the person who made the interim decision.
4. Whether the registrar provides reasons when refusing to grant leave to appeal under Rule 70(2) of the Trade Mark Rules 2008 and, if not, why such reasons are not given.

Information released:

In reply to the first two parts of your request, the IPO does not hold figures of the numbers of interim decisions for which leave to appeal has been requested or granted in accordance with Rule 70(2).

In response to your third question, all requests for leave to appeal are considered by another Hearing Officer of equal grade. In reply to your last question the usual reason for refusing such a request is because the issue covered by the interim decision can be dealt with as part of the final substantive decision.