

STATUTORY RULES AND ORDERS

1938 No. 661

TRADE MARKS

THE TRADE MARKS RULES, 1938. DATED JULY 6, 1938.

By virtue of the provisions of the Trade Marks Act, 1938^(a), the Board of Trade do hereby make the following Rules:—

Short Title and Commencement.

1. These Rules may be cited as the Trade Marks Rules, 1938, and shall come into operation on the 27th day of July, 1938, hereinafter called "the appointed day".

Short title
and com-
mencement

Interpretation.

2.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

Interpreta-
tion.

"the Act" means the Trade Marks Act, 1938.

"agent" means an agent duly authorised to the satisfaction of the Registrar.

"the Journal" means the Trade Marks Journal.

"the Office" means the Patent Office, Trade Marks Registry, 25 Southampton Buildings, London, W.C.2, or any subsequent address thereof.

"the Manchester Branch" means the Manchester Branch of the Trade Marks Registry of the Patent Office, 51, Regent House, Cannon Street, Manchester, 4, or any subsequent address thereof.

"the Keeper" means the Keeper of the Manchester Branch.

"Schedule" means one of the Schedules appended to these Rules and numbered I, II, III and IV.

"Section" means a Section of the Act, a Subsection being indicated by a number enclosed in brackets immediately following the number of the Section.

"Specification" means the designation of goods in respect of which a trade mark, or a registered user of a trade mark, is registered or proposed to be registered.

SCHEDULES.

SCHEDULE I.

FEES.

The following fees shall be paid in respect of applications, registrations and other matters under the Act. Such fees must in all cases be paid before or at the time of doing the matter in respect of which they are to be paid :—

Matter or Proceeding.	Amount.	Corresponding Form.
1. On application not otherwise charged to register a trade mark for a specification of goods included in one class	£ s. d. 1 0 0	T M—No. 2. Textile—No. 2.
1a. On application to register a series of trade marks under Section 21(2) for a specification of goods included in one class ...	1 0 0	T M—No. 2. Textile—No. 2.
1b. On application to register a defensive trade mark for a specification of goods included in one class	3 0 0	T M—No. 32.
1c. On application under Section 37 to register a certification trade mark for a specification of goods included in one class ...	1 0 0	T M—No. 6.
1d. On applications made at the same time under Section 37 to register one certification trade mark for specifications of goods not all included in one class— In respect of every class Total fee in no case to exceed £20 for any number of classes.	1 0 0	T M—No. 6.
2. On a request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used	1 0 0	T M—No. 5.
3. On notice of opposition before the Registrar under Section 18, for each application opposed, by opponent	2 0 0	T M—No. 7.
3a. On lodging a counter-statement in answer to a notice of opposition under Section 18, for each application opposed, by the applicant; or in answer to an application under any of the Sections 26, 27, 32 and 33, by the proprietor in respect of each trade mark; or in answer to a notice of opposition under Section 35 or Section 36, for each application or conversion opposed, by the proprietor	1 0 0	T M—No. 8.
3b. On the hearing of each opposition under Section 18, by applicant and by opponent respectively; or on the hearing of an application under any of the Sections 26, 27, 32 and 33, by applicant and by proprietor respectively; or on the hearing of an opposition under Section 35 or Section 36, by proprietor and by opponent respectively	2 0 0	T M—No. 9.

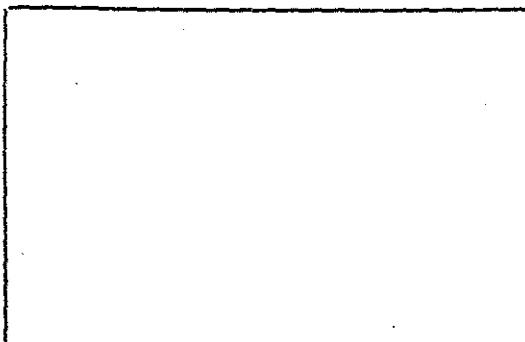
TRADE MARKS £1.

FORM TM—No. 2.

TRADE MARKS ACT, 1938.

Application for Registration of Trade Mark in Part * of the Register (other than a Mark for Textile Goods).

*Write distinctly here "A" or "B," according to the registration desired.



One representation to be fixed within this space and †four others to be sent on separate Forms TM—No. 4.

Representations of a large size may be folded, but must then be mounted upon linen or other suitable material and affixed hereto.

(a) Here specify the goods. Only goods included in one and the same class should be specified. A separate application Form is required for each class. (b) Here insert legibly the full name, description and nationality of the individual, firm, or body corporate making the application. The names of all partners in a firm must be given in full. If the applicant is a body corporate, the kind and country of incorporation should be stated. (c) Here insert the full trade or business address of the applicant. (d) Here insert the trading style (if any). (e) If the mark is already in use, strike out the words: "proposed to be," and insert "being." (f) For additional matter if required; otherwise to be left blank. (g) Signature.

Application is hereby made for Registration in Part * of the Register of the accompanying Trade Mark in Class....., in respect of (a).....

..... in the name of (b)..... whose trade or business address is (c).....

..... trading as (d)..... by whom it is (e) proposed to be used and who claim(s) to be the proprietor(s) thereof.

(f) Dated the.....day of.....19.....

(g) To the Registrar,

The Patent Office, Trade Marks Registry, 25, Southampton Buildings, Chancery Lane, London, W.C.2.

† An application from a person in Hallamshire specifying certain metal goods may be sent, if desired, to the Cutlers' Company, Cutlers' Hall, Sheffield, 1, and in that case is to be accompanied by six other representations each on a separate Form TM—No. 4.

TEXTILE—No.

Application for (To be accompanied)



Application of the accompanying Trade Mark in Class..... in the name of (b)..... whose trade or business address is (c)..... trading as (d)..... by whom it is (e) proposed to be used and who claim(s) to be the proprietor(s) thereof.

Dated this..... To the Registrar, The Patent Office, Trade Marks Registry, 25, Southampton Buildings, Chancery Lane, London, W.C.2.

The Manchester and Leeds Patent Office, 51, R. M.