
STATUTORY INSTRUMENTS

1955 No. 461

TRADE MARKS

The Trade Marks (Amendment) Rules, 1955

<i>Made - - - -</i>	<i>24th March, 1955</i>
<i>Laid before Parliament</i>	<i>31st March, 1955</i>
<i>Coming into Operation</i>	<i>1st April, 1955</i>

Whereas, in pursuance of the requirements of sub-section (3) of Section 40 of the Trade Marks Act, 1938(a), the Board of Trade have, before making the following Rules under the Act, published notice of their intention to make such Rules and of the place where copies of the draft Rules may be obtained by advertising such notice in the Trade Marks Journal and the Official Journal (Patents) on the 2nd and 9th days of February, 1955, being the manner which the Board considered most expedient so as to enable persons affected to make representations to the Board before the Rules were finally settled:

Now, therefore, the Board of Trade, in pursuance of the powers conferred on them by Sections 40 and 41 of the said Act and all other powers enabling them in that behalf, hereby, and as regards rule 1 hereof with the sanction of the Treasury, make the following Rules:—

Amendment of the Trade Marks Rules, 1938: New Fees

1.—(1) The fee payable after 30th June, 1955, in respect of any of the trade mark matters referred to in Schedule I hereto shall be the amount appropriate to that matter specified in that Schedule; and, accordingly, the Trade Marks Rules, 1938(b), (hereinafter referred to as "the principal Rules") shall have effect after that date as if for Schedule I thereto there were substituted Schedule I to these Rules.

(2) Notwithstanding anything contained in rule 3 of the principal Rules—

(a) on filing Form T.M. No. 11 on or before 30th June, 1955, in respect of the renewal of registration of a trade mark or a series of trade marks the last registration of which mark or series is due to expire after 30th June, 1955, the renewal fee payable shall be that which would be payable if that form were filed in respect of the renewal of registration of that mark or series after 30th June, 1955;

(b) on filing Form Cotton No. 6 on or before 30th June, 1955, to secure the continued inclusion of a mark in the collection of refused marks pursuant to rule 102 of the principal Rules in a case in which the relevant period of fourteen years mentioned in that rule is due to expire after 30th June, 1955, the continuance fee payable shall be the amount specified in item 26 of Schedule I to these Rules.

(a) 1 & 2 Geo. 6. c. 22.

(b) S.R. & O. 1938/661 (Rev. XXIII, p. 3: 1938 II, p. 3257).

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. 2 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	2 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	2 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 £40 for any number of classes.	2 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	3 0 0	T M—No. 5
3 On notice of opposition before the Registrar under Section 18, for each application opposed, by opponent	3 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	2 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	3 0 0	T M—No. 9
3c On notice of opposition before the Board of Trade under sub-paragraph (2) of paragraph 2 of the first Schedule to the Act, for each application opposed, by the opponent	3 0 0	T M—No. 37
3d On lodging a counter-statement in answer to a notice of opposition before the Board of Trade under sub-paragraph (2) of paragraph 2 of the first Schedule to the Act, for each application opposed, by the applicant	2 0 0	T M—No. 38

