

1964 No. 227

TRADE MARKS

The Trade Marks (Amendment) Rules 1964

<i>Made - - - -</i>	<i>18th February 1964</i>
<i>Laid before Parliament</i>	<i>25th February 1964</i>
<i>Coming into Operation</i>	<i>4th March 1964</i>

Whereas, in pursuance of the requirements of section 40(3) 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 22nd and 29th of January 1964, 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:

And whereas, in pursuance of the requirements of section 8 of the Tribunals and Inquiries Act 1958(b) the Board have consulted with the Council on Tribunals:

Now, therefore, the Board of Trade, in pursuance of the powers conferred on them by sections 40 and 41 of the Trade Marks Act 1938 and of all other powers enabling them in that behalf, and, as regards Rules 2 and 3 hereof, with the sanction of the Treasury, hereby make the following Rules:—

Amendment of Trade Marks Rules 1938

1. There shall be substituted for Classes 1, 2, 7 and 20 in Schedule 4 to the Trade Marks Rules 1938(c) as amended(d) (hereinafter referred to as "the Rules") the following:—

" 1. Chemical products used in industry, science, photography, agriculture, horticulture, forestry; artificial and synthetic resins; plastics in the form of powders, liquids or pastes, for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry."

" 2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; natural resins; metals in foil and powder form for painters and decorators."

" 7. Machines and machine tools; motors (except for land vehicles); machine couplings and belting (except for land vehicles); large size agricultural implements; incubators."

" 20. Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics."

(a) 1 & 2 Geo. 6. c. 22. (b) 6 & 7 Eliz. 2. c. 66. (c) S.R. & O. 1938/661 (Rev. XXIII, p. 3: 1938 II, p. 3257). (d) S.I. 1955/461, 1956/1844, 1959/1925, 1961/127, 1963/263 (1955 II, p. 2677; 1956 II, p. 2385; 1959 II, p. 2669; 1961 I, p. 180; 1963 I, p. 232).

2. With a view to adapting the Rules to the provision of the Public Offices Fees (Patents, Designs and Trade Marks) Order 1964(a) (under which fees are required in the cases therein prescribed to be collected in money) the Rules shall have effect subject to the following amendments:—

(a) for Rule 3 there shall be substituted the following:—

“3. The fees to be paid in respect of any matters arising under the Act shall be those specified in Schedule 1 to these Rules and in any case where a form specified in that Schedule as the corresponding form in relation to any matter is required to be used that form shall be accompanied by the fee specified in respect of that matter.”;

(b) for Rule 4 there shall be substituted the following:—

“4. The forms mentioned in these Rules are those contained in Schedule 2 to these Rules, modified as necessary to enable them to be used accompanied by the appropriate fee (if any) and such forms shall be used in all cases in which they are applicable and may be modified as directed by the Registrar to meet other cases.”;

(c) the Rules specified in column 1 of Schedule 2 to these Rules shall be amended in the manner specified in column 2 in relation thereto: Provided that in any case in which fees may lawfully be collected otherwise than in money by virtue of the Public Offices Fees (Patents, Designs and Trade Marks) Order 1964 (which provides that fees may be collected by means of impressed Inland Revenue stamps purchased prior to the coming into operation of that Order) the Rules shall continue to have effect as if the amendments made in this Rule had not been made.

Revocation and re-enactment of previous amendments of Trade Marks Rules 1938

3. There shall be substituted for Schedule 1 to the Rules, Schedule 1 to these Rules.

4. The Trade Marks Rules 1938 shall, subject to the provisions of Rule 2 hereof, continue to have effect subject to the amendments specified in Schedule 3 to these Rules.

5. The Rules specified in column 1 of Schedule 4 to these Rules are hereby revoked to the extent specified in column 3 of that Schedule.

Interpretation and citation

6. The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as if these Rules and the Rules hereby revoked were Acts of Parliament.

7. These Rules may be cited as the Trade Marks (Amendment) Rules 1964 and shall come into operation on 4th March 1964.

David Price,
Parliamentary Secretary
to the Board of Trade.

18th February 1964.

We sanction the making of Rules 2 and 3 of these Rules:

John Peel,
M. A. Hamilton,
Lords Commissioners of
Her Majesty's Treasury.

18th February 1964.

(a) S.I. 1964/45 (1964 I, p. 75).

(b) 52 & 53 Vict. c. 63.

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LIST OF FEES PAYABLE

Matter or Proceeding	Amount	Corresponding Form
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1 On application not otherwise charged to register a trade mark for a specification of goods included in one class	4 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 ...	4 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	5 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	4 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 £80 for any number of classes.	4 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

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