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STATUTORY INSTRUMENTS

2013 No. 444

INTELLECTUAL PROPERTY

The Trade Marks and Registered Designs (Amendment) Rules 2013

Made - - - - 27th February 2013

Laid before Parliament 1st March 2013

Coming into force - - 31st March 2013

The Secretary of State makes the following Rules in exercise of the powers conferred by section 78 of the Trade Marks Act 1994⁽¹⁾ and section 36 of the Registered Designs Act 1949⁽²⁾.

In accordance with paragraph 24 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007⁽³⁾, the Secretary of State has consulted the Administrative Justice and Tribunals Council before making these Rules.

Citation and commencement

1. These Rules may be cited as the Trade Marks and Registered Designs (Amendment) Rules 2013 and come into force on 31st March 2013.

Amendments to the Trade Marks Rules 2008

2. The Trade Marks Rules 2008⁽⁴⁾ are amended as follows.

3.—(1) Rule 18 (Opposition proceedings: filing of counter-statement and cooling off period (Forms TM8, TM9c & TM9t)) is amended as follows.

(2) In paragraph (3) for “shall begin on the notification date and end two months after that date” substitute “is the period of two months beginning immediately after the notification date”.

(3) In paragraph (4)(b) for “beginning on” substitute “beginning immediately after”.

(1) [1994 c.26](#).

(2) [1949 c.88](#); section 36 was amended by the Copyright, Designs and Patents Act 1988; Schedule 3, paragraph 26; there are other amendments but none are relevant to these Rules.

(3) [2007 c.15](#).

(4) [S.I. 2008/1797](#), to which there are amendments not relevant to these Rules.

(4) In the tailpiece to paragraph (4) for “shall begin on the notification date and end nine months after that date” substitute “is the period of nine months beginning immediately after the notification date”.

(5) In the tailpiece to paragraph (5) for “shall begin on the notification date and end eighteen months after that date” substitute “is the period of eighteen months beginning immediately after the notification date”.

(6) In the tailpiece to paragraph (6) after “two months” insert “beginning immediately”.

4. In the rules set out in Schedule 1 to these Rules, for “beginning with” substitute “beginning immediately after”.

Amendments to the Registered Designs Rules 2006

5. The Registered Designs Rules 2006(5) are amended as follows.

6. In rule 23(2)(a)(i) omit the words “not resident in” and insert the same words in rule 23(2)(a) after “the United Kingdom but”.

7. In the rules set out in Schedule 2 to these Rules, for “beginning with” substitute “beginning immediately after”.

Transitional Provisions

8. Where, immediately before these Rules come into force, any period of time prescribed by rule 18 of the Trade Marks Rules 2008 or any of the rules set out in the Schedules to these Rules has effect in relation to any act or proceeding and has not expired, those rules as amended by these Rules shall apply in determining the expiry of that period.

27th February 2013

Younger of Leckie
Parliamentary Under Secretary of State for
Business, Innovation and Skills
Department for Business, Innovation and Skills

SCHEDULE 1

Rule 4

Trade Marks Rules 2008

- Rule 12(2) (Failure to provide an address for service)
- Rule 17(2) (Opposition proceedings: filing of notice of opposition; section 38(2) (Form TM7))
- Rule 17(3) (Opposition proceedings: filing of notice of opposition; section 38(2) (Form TM7))
- Rule 25(3)(b) (Amendment of application after publication; section 39 (Form TM7))
- Rule 30(5)(b) (Amendment of regulations of collective and certification marks)
- Rule 32(4)(b) (Alteration of registered trade marks; section 44 (Forms TM25 and TM7))
- Rule 43(2) (Setting aside cancellation of application or revocation or invalidation of registration; (Form TM29))
- Rule 71(2) (Appeal to person appointed; section 76)
- Rule 71(4) (Appeal to person appointed; section 76)
- Rule 77(4)(a) (Alteration of time limits (Form TM9))

SCHEDULE 2

Rule 7

Registered Designs Rules 2006

- Rule 7(3) (Convention applications)
- Rule 7(7) (Convention applications)
- Rule 8(3) (Substantive and formal examination of application)
- Rule 9(2) (Representation of design for publication)
- Rule 10(1) (Time limits under section 3(5) and section 3B)
- Rule 10(2) (Time limits under section 3(5) and section 3B)
- Rule 12(4) (Extension of duration of right in registered design)
- Rule 13(2) (Restoration of a lapsed right in a design under section 8A)
- Rule 13(5) (Restoration of a lapsed right in a design under section 8A)
- Rule 29(2)(a) (Inspection of documents)
- Rule 30(2)(a) (Confidential information)
- Rule 43(2) (Failure to furnish an address for service)

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Trade Marks Rules 2008 ([S.I. 2008/1797](#)) (as amended) (“the Trade Marks Rules”) and the Registered Designs Rules 2006 ([S.I. 2006/1975](#)) (as amended) (“the Design rules”).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rules 2 to 4 and Rule 7 amend various time periods prescribed in the Trade Marks Rules and the Design Rules so that when computing a period of time by reference to a relevant event, the date on which the relevant event occurred is not included.

Rule 6 corrects a defect in the drafting of rule 23(2)(a) of the Design rules. Rule 23 empowers the registrar to require a person to give security for the costs of any application or appeal if one or more specified conditions applies. The condition in rule 23(2)(a) is amended so that it applies where a person is resident outside the UK but is not resident in either a Brussels Contracting State, a Lugano Contracting State or a Regulation State.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Intellectual Property Office, Trade Marks Law Section, Concept House, Newport, South Wales, NP10 8QQ and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.