

## 1994 No. 2584 TRADE MARKS

The Trade Marks (Fees) Rules 1994

|                               |                                     |
|-------------------------------|-------------------------------------|
| <i>Made</i>                   | <i>5th October 1994</i>             |
| <i>Laid before Parliament</i> | <i>7th October 1994</i>             |
| <i>Coming into force</i>      | <i>31<sup>st</sup> October 1994</i> |

The Secretary of State, in exercise of the powers conferred by section 79 of the Trade Marks Act 1994<sup>1</sup> (“the Act”), of the power conferred on him by the Department of Trade and Industry (Fees) Order 1988<sup>2</sup>, and of all other powers enabling him in that behalf, hereby makes the following Rules:—

1. These Rules may be cited as the Trade Marks (Fees) Rules 1994 and shall come into force on 31st October 1994.

2. These Rules shall be construed as one with the Trade Marks Rules 1994<sup>3</sup>.

3. The fees to be paid in respect of any matters arising under the Act and the Trade Marks Rules 1994 shall be those specified in the Schedule to these Rules; and in any case where a form specified in the Schedule as the corresponding form in relation to any matter is specified in the Trade Marks Rules 1994 that form shall be accompanied (unless those Rules otherwise provide) by the fee, if any, specified in respect of that matter.

4. Where a fee has been paid in error, the registrar shall repay the same; and where a fee is paid in excess of the amount specified hereunder, the registrar shall remit the amount paid in excess.

5.—

(1) There are hereby revoked—

- (a) the Trade Marks and Service Marks (Fees) Rules 1992<sup>4</sup>;
- (b) the Trade Marks and Service Marks (Fees) (Amendment) Rules 1993<sup>5</sup>; and
- (c) the Trade Marks and Service Marks (Fees) (Amendment) Rules 1994<sup>6</sup>.

(2) Notwithstanding the revocation of the Rules referred to in paragraph (1), they shall continue to apply in respect of any matter arising under the Trade Marks and Service Marks Rules 1986<sup>7</sup> (as amended) for which a fee is specified thereunder, in so far as those Rules continue to apply to any application for registration of a trade mark or service mark filed before 31st October 1994 or to any proceedings thereunder commenced before that date.

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<sup>1</sup>1994 c.26.

<sup>2</sup>S.I. 1988/93, as amended by S.I. 1990/1473, which was made under section 102 of the Finance (No. 2) Act 1987 (c.51). The relevant provisions of that Order are article 5 and Part II of Schedule 1.

<sup>3</sup>S.I. 1994/2583.

<sup>4</sup>S.I. 1992/1069.

<sup>5</sup>S.I. 1993/3029.

<sup>6</sup>S.I. 1994/2581.

<sup>7</sup>S.I. 1986/1367.



*Ian Taylor*  
Parliamentary Under-Secretary of State  
for Trade and Technology  
Department of Trade and Industry

5th October 1994

Rule 3

## SCHEDULE FEES PAYABLE

(In this Schedule, references to a rule are references to that rule in the Trade Marks Rules 1994.)

| <i>Corresponding form</i> | <i>Item</i>                                                                                                                                                                                                                                                                                                                                                                                                                     | <i>Amount £</i>  |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| TM3                       | Application for registration of a trade mark (rule 5) or a series of trade marks (rule 21)<br>Class fee (rule 5), for each class over one                                                                                                                                                                                                                                                                                       | 225<br>125       |
| TM3A                      | Application for additional classes following examination of a mark (rule 8(3)), for each additional class                                                                                                                                                                                                                                                                                                                       | 125              |
| TM5                       | Request to the registrar for a statement of the reasons for his decision (rule 56(2))                                                                                                                                                                                                                                                                                                                                           | 100              |
| TM7                       | Notice of opposition to the registration of a mark (rule 13(1)), to the amendment of an application (rule 18(2)), or to the amendment of the regulations relating to a certification or collective trade mark (rule 23(4)), to the alteration of a registered trade mark (rule 25(3)), to the removal of matter from the register (rule 39(2)(a)), to the reclassification of a mark from Schedule 3 to Schedule 4 (rule 41(1)) | 200              |
| TM9                       | Request for extension of time (rule 62(2))                                                                                                                                                                                                                                                                                                                                                                                      | 50               |
| TM11                      | Renewal of registration (rule 28)<br>Class fee for each class over one<br>Delayed renewal of registration (rule 29(1))                                                                                                                                                                                                                                                                                                          | 250<br>200<br>50 |
| TM12                      | Request for division of an application (rule 19(1))                                                                                                                                                                                                                                                                                                                                                                             | 100              |
| TM13                      | Request for the restoration and renewal of a registration removed from the register for failure to renew (rule 30(1))                                                                                                                                                                                                                                                                                                           | 100              |
| TM15                      | Conversion of an application made under the Trade Marks Act 1938 (as amended) to one made under the Trade Marks Act 1994 (rule 68)                                                                                                                                                                                                                                                                                              | 100              |
| TM16                      | Request to enter details of an assignment (rule 35(1)(a))                                                                                                                                                                                                                                                                                                                                                                       | 50               |
| TM17                      | Request to merge either applications or registrations (rule 20(1))                                                                                                                                                                                                                                                                                                                                                              | 100              |
| TM23                      | Request by the registered proprietor for the partial surrender of a registered trade mark (rule 26(1)(b))                                                                                                                                                                                                                                                                                                                       | 50               |
| TM24                      | Application to record or cancel a registrable transaction other than an assignment or licence (rule 35(1)(d))                                                                                                                                                                                                                                                                                                                   | 50               |
| TM26                      | Request for the revocation, invalidation or rectification of a registration (rule 31(1))                                                                                                                                                                                                                                                                                                                                        | 200              |
| TM31C                     | Request for information about applications and registered trade marks (rule 42)                                                                                                                                                                                                                                                                                                                                                 | 20               |
| TM31R                     | Request for certified copy of an entry on the register (rule 37), per certificate                                                                                                                                                                                                                                                                                                                                               | 20               |



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| <i>Corresponding form</i> | <i>Item</i>                                                                                       | <i>Amount £</i> |
|---------------------------|---------------------------------------------------------------------------------------------------|-----------------|
| TM35                      | Filing of regulations governing the use of a certification or collective mark (rule 22)           | 200             |
| TM36                      | Request to amend regulations governing the use of a certification or collective mark (rule 23(1)) | 100             |
| TM50                      | Application for the registration of a licence under a registered trade mark (rule 35(1)(b))       | 50              |

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules revoke and replace the Trade Marks and Service Marks (Fees) Rules 1992 (S.I. 1992/1069, as amended), and make changes consequent upon the Trade Marks Act 1994. Changes of substance are as follows—

- (a) the introduction of a class fee for applications for registration or renewal of a registration which cover goods and services falling in more than one class of the international classification, consequent upon the introduction of “multi-class filings” (i.e. the ability to file single applications covering several classes rather than a single class - as was the case under the previous Rules);
- (b) the re-introduction of a fee for opposing the registration of a trade mark or for seeking its revocation or rectification of the register;
- (c) the introduction of a fee for extensions of the time-limits in which to carry out the registrar's instructions; this fee will apply to all extensions of time-limits requested after advertisement of the mark for opposition purposes and to any requests for extensions of time-limits sought after the first extension of three months following a hearing before the registrar;
- (d) the introduction of a fee for conversion of an application from one made under the Trade Marks Act 1938 (as amended) to one made under the Trade Marks Act 1994; this is a facility available under the transitional provisions of Schedule 3 to the 1994 Act during the first six months of the operation of that Act; and
- (e) the introduction of fees to cover division and merger of applications for registration, and merger of registrations; these are new facilities introduced by the Act.

Most of the fees in respect of other matters have been retained at the 1992 levels.