

*This Statutory Instrument has been made in consequence of a defect in SI 2008/1797 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2008 No. 2300**

**TRADE MARKS**

**The Trade Marks (Amendment) Rules 2008**

<i>Made</i>	- - - -	<i>28th August 2008</i>
<i>Laid before Parliament</i>		<i>1st September 2008</i>
<i>Coming into force</i>	- -	<i>1st October 2008</i>

The Secretary of State makes the following rules in exercise of the powers conferred by section 78 of the Trade Marks Act 1994(a).

**Citation and Commencement**

1. These Rules may be cited as the Trade Marks (Amendment) Rules 2008 and shall come into force on 1st October 2008.

**Amendment of the Trade Marks Rules 2008**

2. In Rule 40, paragraph (1) of the Trade Marks Rules 2008(b) delete “applicant” and substitute “proprietor”.

28th August 2008

*Baroness Delyth Morgan of Drefelin*  
Parliamentary Under Secretary of State for Intellectual Property and Quality  
Department for Innovation, Universities and Skills

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(a) 1994 c.26.  
(b) S.I. 2008/1797.

## **EXPLANATORY NOTE**

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

These Rules correct an error in the Trade Marks Rules 2008 (SI 2008/1797). In Rule 40(1) reference is made to the “applicant” having filed a Form TM8 whereas (as is clear from rule 39(3)) it is for the proprietor of the trade mark to file a Form TM8 if the proprietor wishes to contest the application for revocation. These Rules correct this error by deleting the reference to the “applicant” and substituting a reference to the “proprietor”.

A full impact assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

An Explanatory Memorandum is available alongside the instrument on the OPSI Website.

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