



REGISTER OF TRADE MARK AGENTS RULES, 1964.

STATUTORY INSTRUMENTS.

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SCHEDULE.

Fees payable in relation to the registration of Trade Mark Agents.

I, JOHN LYNCH, Minister for Industry and Commerce, in exercise of the powers conferred on me by section 69 of the Trade Marks Act, 1963 (No. 9 of 1963), hereby make the following rules:

Short title and commencement.

1.—

- (1) These Rules may be cited as the Register of Trade Mark Agents Rules, 1964.
- (2) These Rules shall come into operation on the 1st day of April, 1964.

Interpretation.

2.—

- (1) In these Rules, unless the context otherwise requires –
“the Journal” means the Official Journal of Industrial and Commercial Property;
“the Office” means the Industrial and Commercial Property Registration Office, situate at 45 Merrion Square, Dublin 2;
“section” means a section of the Trade Marks Act, 1963 (No. 9 of 1963).

(2) In these Rules a subsection of a section is indicated by a number enclosed in brackets immediately following the number of the section.

Fees.

3. The fees to be paid in relation to the registration of trade mark agents shall be those specified in the Schedule to these Rules.

Method of payment of fees.

4. Payment of a fee or fees by any person shall be made –

- (a) by lodgment of the sum at any branch in the State of the Bank of Ireland to the credit of the Paymaster-General's Supply Account at the Bank of Ireland, College Green, Dublin 2, accompanied by a Receivable Order in the form to be obtained at the Office, the lower part of which when received by the Bank shall be presented at the Office with the application, or
- (b) by cheque payable to the Minister for Industry and Commerce and crossed "& Co." and drawn on any bank carrying on business in the State, and presented at the Office with the application.

Application for registration in register of trade mark agents.

5. An application under section 69 for registration in the register of trade mark agents shall be made in writing to the Controller, and shall be accompanied by the prescribed fee or evidence of payment thereof, and shall contain: –

- (a) in case the applicant is an individual, the Christian names, surname, date of birth, nationality and private address of the individual, the name or style under which he carries on or proposes to carry on business as a trade mark agent (if other than his full name), and a statement of his educational and professional qualifications,
- (b) in case the applicant is a partnership, the Christian names, surname, date of birth and nationality of each of the partners, the name or style under which the partnership carries on or proposes to carry on business as a trade mark agent, and a statement that all the partners are registered in the register of trade mark agents,
- (c) the address at which the applicant carries on or proposes to carry on business as a trade mark agent,
- (d) in case the applicant is an individual who proposes to become a member of a partnership, the full name or style under which and the address at which the partnership carries on, or proposes to carry on, business as a trade mark agent,
- (e) in case the applicant claims to be eligible to be registered in the register of trade mark agents under section 69(4), a statement (in addition to the particulars otherwise required by this Rule) of the period prior to the commencement of the Act during which the applicant was in continuous practice as a trade mark agent in the State.

Consideration of applications.

6. Applications for registration in the register of trade mark agents shall be considered by a Board consisting of the Controller and other persons nominated for the purpose by the Minister.

Qualifications of applicants.

7.—

(1) For the purposes of section 69(3) a person shall possess such educational and professional qualifications and be of such personal character as to satisfy the Board, after such inquiries, including such oral or written examination in the law and practice of trade marks, as the Board deems necessary, that he is fit to practise as a trade mark agent.

(2) The Board shall treat the educational and professional qualifications of an applicant who is a solicitor qualified to practise as being satisfactory for the purpose of practising as a trade mark agent.

Entry in the register of trade mark agents.

8. Subject to the provisions of section 69 and these Rules, an applicant shall, upon payment of the prescribed fee, be registered by the Controller in the register of trade mark agents. The entry in the said register shall include the date of registration and, in case the applicant is a partnership, the business name and address thereof and the full name and private address and particulars of the qualifications for entry of each of the partners or, in any other case, the full name and the business name (if any) and private and business address of the applicant together with particulars of his qualification for entry, and such other particulars as the Controller considers desirable.

Publication of entries in register of trade mark agents.

9. The Controller shall publish in the Journal the particulars of every entry in the register of trade mark agents, and shall so publish before the end of March in each year a list in alphabetical order of the names entered in the said register.

Annual registration fee.

10. The prescribed annual fee in respect of each registration shall be payable before the 1st of December in each year in respect of the following year, and in case it is not paid within one month from that date the Controller shall send to the registered trade mark agent at his registered business address a notice in writing requiring him to pay the fee on or before a date to be mentioned in the notice, and in the case of failure to pay the fee within the time specified in the notice the Controller may cause his name to be erased from the register of trade mark agents.

Request for removal from register of trade mark agents.

11. Any person registered in the register of trade mark agents desiring to be removed from the said register shall make a request to that effect in writing to the Controller, who shall thereupon amend the said register accordingly.

Removal from register of trade mark agents under paragraph (a) of section 69(6).

12.—

(1) Before proceeding under paragraph (a) of section 69(6) to remove the entry of a person in the register of trade mark agents on the ground that the person has ceased to be eligible to be so registered, the Controller shall send to the person a notice in writing of his intention so to do and shall, if so required, appoint a hearing at which the person may be heard.

(2) If no request for a hearing is made within one month from the date of the notice referred to in paragraph (1), or within such further period as the Controller may allow, the Controller shall amend the said register accordingly.

Notice to Controller of application to the Court under paragraph (c) of section 69(7).

13. Where a person applies to the Court under paragraph (c) of section 69(7) for cancellation of a decision by the Controller to remove that person from the register of trade mark agents, the notice to the Controller of his application shall be in writing and shall be given at the time when the person so applies to the Court.

Application for restoration to register of trade mark agents.

14. A person desiring to be restored to the register of trade mark agents under paragraph (g) of – section 69(7) shall make an application to that effect in writing to the Controller.



Alteration of address.

15. A person who is entered in the register of trade mark agents whose private or business address is changed so that the entry in the said register is rendered incorrect shall forthwith request the Controller in writing to enter the appropriate change in the address in question in the said register, and the Controller shall thereupon enter the appropriate change in the address in the said register.

SCHEDULE.
FEES PAYABLE IN RELATION TO THE REGISTRATION
OF TRADE MARK AGENTS.

Rule 3

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1. On application for registration in the register of trade mark agents –			
(a) by a person qualifying under section 69(4), or by a registered patent agent, a solicitor or a partnership (not being a person removed from the said register under section 69(6) or a person whose name has been erased from the said register under section 69(7) or these Rules)	1	0	0
(b) by any other person	5	0	0
2. For entry in the register of trade mark agents –			
(a) by a person qualifying under section 69(4), or by a registered patent agent, a solicitor or a partnership (not being a person removed from the said register under section 69(6) or a person whose name has been erased from the said register under section 69(7) or these Rules)	1	0	0
(b) by any other person	5	0	0
3. Annual fee for registration as trade mark agent payable before 1st December in each year in respect of the following year –			
(a) by a person qualifying under section 69(4), or by a registered patent agent, a solicitor or a partnership (not being a person removed from the said register under section 69(6) or a person whose name has been erased from the said register under section 69(7) or these Rules)	1	0	0
(b) by any other person	3	0	0

GIVEN under my Official Seal, this 25th day of February, 1964.

JOHN LYNCH

Minister for Industry and Commerce.

EXPLANATORY NOTE.

(This note is not part of the instrument and does not purport to be a legal interpretation).

These Rules prescribe matters relating to the registration of Trade Mark Agents pursuant to Section 69 of the Trade Marks Act, 1963 (No. 9 of 1963).