



9 August 2023

(23-5415)

Page: 1/2

**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLE 63.2 OF THE TRIPS AGREEMENT**

IRELAND: TRADE MARKS (AMENDMENT) RULES 2019
(S.I. NO. 628/2019)

Notifying Member	IRELAND
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Details of the notified legal text

Title	TRADE MARKS (AMENDMENT) RULES 2019 (S.I. NO. 628/2019)
Subject matter	Trademarks
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2023/IP/IRL/23_10890_00_e.pdf
Notification status	<input type="checkbox"/> First notification <input checked="" type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/IRL/T/10 ; IP/N/1/IRL/T/2

Brief description of the notified legal text

The amendment of Rule 10 is a consequence of the separation of procedures for dealing with rectifications of the register and revocations (Rule 41) from those dealing with applications for declarations of invalidity (now under new Rule 41A).

The inclusion of new Rule 17A is to set out the modalities for filing observations on bad faith grounds in relation to a trademark application.

The inclusion of new Rule 18A is for the purpose of setting a maximum period for any stay requested in opposition proceedings.

The amendment to Rule 19 is to set out when, in opposition proceedings, an applicant for the registration of a trademark may request the opponent to furnish proof of use.

The amendment to Rule 20 sets out the requirements for an opponent, subject to a request pursuant to section 43A of the Trade Marks Act of 1996, to file proof of use of their trademark.

The amendments to Rule 41 are for the purposes of confining the rule to provisions relating to revocations and rectifications of the register.

New Rules 41A, 41B and 41C are for the purposes of setting out separate procedures for a declaration of invalidity which were previously in Rule 41.

The amendment to Rule 60 is to ensure that applications for a declaration of invalidity continue to be available for inspection under certain prescribed conditions.

The amendment to Rule 63 is to provide that the time-period for filing a counter-statement in invalidity proceedings cannot be extended beyond the period provided for in Rule 41B(1).

The amendment to Schedule 3 of SI 482 of 2001 - Patents, Trade Marks and Designs (Fees) Rules, 2001 is for the purposes of inserting a reference to new Rule 41A in the fee item at reference No. 15.

Language(s) of notified legal text	English
Entry into force	11 December 2019
Other date	Adoption: 11 December 2019

Notification details

Submission date of notification	8 May 2023
Other information	
Agency or authority responsible	Intellectual Property Unit Department of Enterprise, Trade and Employment trademarks@enterprise.gov.ie

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.