

Subsidiary Legislation made under s.16.

Trade Marks Rules

1949.01.06

Commencement **.2024**

Amending enactments	Relevant current provisions	Commencement date
LN. 1971/008	—	
1971/049	r. 8(1)	
1985/037	r. 8(1).	1.4.1985
1988/031	r. 8(2).	25.2.1988
1989/018	r. 8(1)(a)-(d).	1.4.1989

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ARRANGEMENT OF RULES

Rule

1. Title.
2. Applications generally.
3. Prints of device accompanying application for registration.
4. Change of title, applications as to.
5. Supply of prints necessary for certificate or for copies.
6. Enlargement of time.
7. Evidence of renewal.
8. Fees.
9. Form of register.
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SCHEDULE

Forms.

Title.

1. These rules may be cited as the Trade Marks Rules.

Applications generally.

2. Every application or request to the Registrar of Trade Marks under the provisions of the Act shall be made in writing and shall be signed by the party applying or by a person duly authorized on his behalf or by a solicitor.

Prints of device accompanying application for registration.

3. Where the trade mark to be registered is a device, every application under section 4 of the Act shall be accompanied by two prints of the trade mark.

Applications as to change of title.

4. An application for an entry in the trade marks register under section 10 shall be accompanied by a certified copy of the document or documents showing the assignment or transfer of the privileges and rights in the trade mark or of any other instrument showing a change in the title to or giving an interest in such privileges and rights. Such copy shall be deemed to be certified as a true copy if—

- (a) in British territory or in any place under the protection of the Crown or where the Crown has jurisdiction, it is—
 - (i) duly certified as a true copy by an official of the Government to whose custody the original is committed, or
 - (ii) duly certified as a true copy by a notary public of such territory or place ;
or
 - (iii) duly certified as a true copy on oath by the person holding the original at the time of the application before some person having authority to administer an oath ;
- (b) in any other place, it is—
 - (i) duly certified as a true copy by an official of the Government to whose custody the original is committed; the signature or seal of such official being authenticated by any of the British officials mentioned in section 6 of the Commissioners for Oath Act, 1889; or

- (ii) duly certified as a true copy by a notary of such place, the certificate of the notary being authenticated as in paragraph (i) ; or
- (iii) duly certified as a true copy on oath by the person holding the original at the time of the application before a person having authority to administer an oath as provided by section 3 of Commissioners for Oaths Act, 1889, the status of the person administering the oath being authenticated in section 6 of that Act.

Supply of prints necessary for certificate or for copies.

5. On every application for a certificate or for copies, the person bespeaking the same shall, if necessary for the purpose of such certificate or copies where the trade mark is a device, supply the Registrar with a print or prints of the trade mark.

Enlargement of time.

6. The time prescribed under section 14 of the Act may be enlarged by the Registrar, if he thinks fit, upon such terms as he may direct.

Evidence of renewal.

7. A certificate of the Registrar of Trade Marks in the United Kingdom that a trade mark has been renewed shall be sufficient evidence of the fact.

Fees.

8.(1) The fees to be paid to the Registrar under the Act are as follows:

(a) On an application under Section 4 (to include the issue of the certificate of registration under Section 5).	£30
(b) On an application under Sections 10, 12 or a notification of renewal under Section 14.	£15
(c) On a request under Section 15.	£ 8
(d) On a certificate by the registrar.	£ 5
(e) On a search of the register.	£ 2
(f) On a search of the record or document relating to a particular trade mark.	£ 1
(g) For photocopies of documents lodged on the file.	10 pence Per page plus search fee of £1 plus search

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(h) For certified copies of documents lodged on the file	20 pence Per page plus search fee of £1
(i) For examining photocopies or copies of documents and marking as an office copy.	£1.50 per page.

Form of register.

9. The Trade Marks register shall be kept in the following form :-

TRADE MARKS REGISTER.

Registered No.	Official number of trade mark in UK	Name, address and description of Proprietor	Date of Registration.		Duration	Renewals , if any	Registered user, if any.	
			In UK	In Gibraltar.			Name, address and description.	Conditions or restrictions if any

Forms.

10. The forms contained in the Schedule with such variations as the circumstances of each case require shall be the forms to be used under the Act.

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SCHEDULE.

FORM NO. 1.—APPLICATION UNDER SECTION 4.

To the Registrar of Trade Marks,
Gibraltar.

I hereby apply for the registration of the following trade marks registered in the United Kingdom, namely :—

Dated this day of , 20 .

Documents accompanying this application :—

FORM NO. 2.—APPLICATION UNDER SECTION 10.

To the Registrar of Trade Marks,
Gibraltar.

I hereby apply for the entry on the Trade Marks Register of the assignment, transfer or devolution of the proprietorship in the following trade mark, namely:—

Dated this day of , 20 .

Documents accompanying this application :—

FORM NO. 3.—APPLICATION UNDER SECTION 12.

To the Registrar of Trade Marks,
Gibraltar.

I hereby apply for the entry on the Trade Marks Register as a registered user under section 28 of the Trade Marks Act, 1938, of the following trade mark, namely :—

Dated this day of , 20 .

Documents accompanying this application :—

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FORM NO. 4.-NOTIFICATION UNDER SECTION 14.

To the Registrar of Trade Marks,
Gibraltar.

Take notice of the renewal in the United Kingdom for years of the following trade mark,
namely:—

Dated this day of , 20 .

Documents accompanying this application :—

FORM NO. 5.-REQUEST UNDER SECTION 15.

To the Registrar of Trade Marks,
Gibraltar.

I hereby request you to :—

(set out whatever is required under paragraph (a), (b) or (c) of section 15).

Dated this day of , 20 .