

**EXPLANATORY MEMORANDUM TO
THE TRADE MARKS (AMENDMENT) RULES 2008**

2008 No. 2300

1. This explanatory memorandum has been prepared by the Department for Innovation, Universities and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Trade Marks Rules 2008 (S.I. 2008/1797) (“the 2008 Rules”) revoke and replace the Trade Marks Rules 2000 (S.I.2000/136) with effect from 1st October 2008. This Statutory Instrument makes a minor correction to the 2008 Rules.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Since laying the 2008 Rules we have discovered a minor error. Rule 40(1) makes reference to “the applicant” having filed a Form TM8 which is incorrect (as is apparent from a reading of rule 39(3)) and the reference should instead be to “the proprietor”.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 This change is to correct an error in the 2008 Rules, there is no policy change.

8. Impact

8.1 This correction will have no direct impact. A full impact assessment was completed for the 2008 Rules which covers the impact of this change.

9. Contact

Allan James at the UK Intellectual Property Office (an executive agency of the Department for Innovation Universities and Skills) Tel: GTN 1214 1056 or e-mail: Allan.James@ipo.gov.uk can answer any queries regarding the instrument.