

TRADE MARKS (AMENDMENT) RULES 2009

(Legal Notice 18 of 2009)

MADE by the Governor under section 70 of the Trade Marks Ordinance.

Citation

1. These Rules may be cited as the Trade Marks (Amendment) Rules 2009.

Replacement of Schedule 1 to the Trade Marks Rules

2. Schedule 1 to the Trade Marks Rules is revoked and replaced by the following new Schedule-

“SCHEDULE I

(Rule 3)

LIST OF FEES PAYABLE

No.	Matter or Proceeding	Fee (\$)	Corresponding Form
1	On application not otherwise charged to register a trade mark for one or more goods in one class	100	TM 2
1A	On application not otherwise charged to register a series of trade marks for one or more goods included in one class	100	TM 2
1B	On application to register a defensive trade mark for one or more goods included in one class	100	TM 34
1C	On application to register a standard trade mark for one or more goods included in one class	75	TM 41
1D	On application made at the same time to register one standard trade mark for goods not all included in one class— In respect of every class Total fee in no case to exceed \$640 For any number of classes	75	TM
1E	On application pursuant to section 52(1) to register a trade mark registered in the United Kingdom for one or more goods in one class	50	TM 2
2	On request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used	150	TM 4

3	On notice of opposition for each application opposed, by opponent	150	TM 5
3A	On filing a counterstatement in answer to a notice of opposition, by the applicant for each application opposed	50	TM 6
3B	On the hearing of each opposition, by applicant and by opponent respectively	75	TM 7
4	For registration of a trade mark for one or more goods included in one class	100	TM 9
4A	For registration of a series of marks for one or more goods included in one class—		
	For the first mark	100	TM 9
	For every other mark of the series	30	
4B	For registration under section 48 of a standard trade mark for one or more goods included in one class	100	TM 9
4C	For registration under application made at the same time of one standard trade mark under section 48, for goods not all included in one class—	100	TM 9
	In respect of every class		
	Total fee in no case to exceed \$600 for any number of classes		
4D	For registration of a defensive trade mark for one or more goods included in one class	100	TM 9
4E	For registration pursuant to section 52(1) of a trade mark already registered in the United Kingdom for one or more goods included in one class	50	TM 9
5	Upon each entry in the register that a registered mark is associated with a newly registered mark	30	TM 9
6	On application to register a registered user of a registered trade mark in respect of goods within the specification thereof	50	TM 36
6A	On application to enter the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case—	50	
	For the first mark		

	For every other mark of the proprietor included in the application	30	TM 36
6B	On application by the proprietor of a trade mark for the variation of the registration of a registered user of that trade mark	50	TM 37
6C	On application by the proprietor of more than one trade mark to vary the entries of a registered user thereof—	50	
	For the first mark		
	For every other mark of the proprietor for which the same user is registered, included in the application	30	TM 37
6D	On application by the registered proprietor or any registered user of a trade mark, or any other person, for cancellation of the registration of a registered user of that trade mark	40	TM 38 or TM 39
6E	On application by the proprietor or registered user of more than one trade mark or any other person, for cancellation of the entries of a registered user thereof—	40	
	For the first mark		
	For every other mark of the same proprietor for which the same user is registered, included in the application	20	TM 38 or TM 39
6F	On a notice of intention to intervene in proceedings under Rules 83, 84 or 89	150	TM 40
7	On request to enter in the Register and advertise a certificate of validity, under section 43 and Rule 76.	100	TM 44
8A	On application to register a subsequent proprietor in cases of assignment or transmission of mark	100	TM 17 or TM 19
8A	On application to register a subsequent proprietor of more than one mark registered in the same name, the devolution of title being the same in each case—	100	TM 17
	For the first mark	50	or TM 19
	For every other mark		

9	On application to change the name of a proprietor of a mark where there has been no alteration in the proprietorship	50	TM 24
9A	On application to change the name of a proprietor of more than one mark registered in the same name, the change being the same in each case—	50	
	For the first mark	30	TM 24
	For every other mark		
10	For renewal of registration of a trade mark at expiration of last registration	50	TM 11 or TM14
10A	For renewal of registration of a series of marks at the expiration of last registration—	50	TM 11 or
	For the first mark of the series	25	TM 14
	For every other mark of the series		
10B	For renewal of registration of the same standard mark with the same date for goods in more than one class—		TM 11 or
	In respect of every class	50	TM 14
	Total fee in no case to exceed \$700		
	For any number of classes		
10C	Additional fee under Rule 62	40	TM 15
10D	Additional fee under Rule 63	50	TM 16
11	For altering any entry of an address on the Register under Rule 72—	10	
	For the first entry		
	For every other entry where the address and the alteration are the same as in the first entry	2	TM 21
12	For cancelling or making one or more entries of an address for service of a registered proprietor or a registered user of a trade mark, on application made after the registration in each case—	5	TM 35
	For each entry		
12A	For altering one or more entries of an address for service in the Register—	5	TM 35
	For each entry		
	Total fee in no case to exceed \$70 for any number of entries included		

	in one application for alteration, where the address and the alteration are in each case the same		
13	For every entry in the Register of a rectification thereof, or an alteration therein, not otherwise charged	15	TM 32
14	For cancelling the entry of a trade mark on the Register on the application of the registered proprietor of that trade mark	5	TM 25
15	For striking out goods from those for which a trade mark is registered on the application of the registered proprietor of that trade mark	10	TM 26
16	On request, not otherwise charged, for correction of clerical error or for permission to amend application	10	TM 23
17	On an application to the Registrar for leave to add to or alter a registered trade mark	25	TM 28
17A	On an application to the Registrar for leave to add to or alter more than one registered trade mark of the same proprietor, being identical marks, the addition or alteration to be made, in each case, being the same— For the first mark	25	
	For every other mark	10	TM 28
17B	On notice of opposition to application for leave to add to or alter registered trade marks, for each application opposed	25	TM 29
18	On request by registered proprietor of a trade mark for entry of disclaimer or memorandum on the Register	10	TM 27
19	On application under Rule 37 to expunge or vary the registration of a standard trade mark, or to vary the deposited regulations of a standard trade mark or of standard trade marks of the same proprietor where the regulations are substantially the same	25	TM 43
20	For a search under Rule 104 in respect of one class— Without application for the		

	Registrar's advice under Rule 17	15	TM 30
	With application for the Registrar's advice under Rule 17	20	TM 30
21	On request for the Registrar's preliminary advice under Rule 17 for each trade mark submitted in respect of one class	10	TM 31
22	On request for certificate of registration of a trade mark under Rule 99	5	TM 33
22A	On request for certificate of registration of a series of trade marks under Rule 99	5	TM 33
23	For inspecting Register in connection with any particular trade mark, for every quarter of an hour	1	
24	For making authorised search amongst the classified representations of trade marks, for every quarter of an hour	1	
25	For certifying office copies, MSS, photographs or printed matter, per certificate	5	
26	In cases where the wood block or electrotype of the trade mark, for advertisement in the <i>Gazette</i> , exceeds 50 m.m. in breadth or depth, or in breadth and depth—		
	For every 25 m.m. or part thereof over 50 m.m. in breadth	2	
	For every 25 m.m. or part thereof over 50 m.m. in depth	2	
27	Application for apportionment of trade marks under Rule 88	35	TM 22

MADE this *3rd* day of September 2009

Gordon Wetherell
GORDON WETHERELL
GOVERNOR

