Draft Order laid before Parliament under section 8(5) of the Trade Marks Act 1994, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

TRADE MARKS

The Trade Marks (Relative Grounds) Order 2007

Made - - - -	*****
Coming into force - -	*1st October 2007*

A draft of this instrument was laid before Parliament in accordance with section 8(5) of the Trade Marks Act 1994(**1**) and approved by a resolution of each House of Parliament.

Accordingly the Secretary of State makes the following Order in exercise of the power conferred by section 8 of the Trade Marks Act 1994.

Citation and commencement

1. This Order may be cited as the Trade Marks (Relative Grounds) Order 2007 and shall come into force on 1st October 2007.

Refusing to register a mark on a ground mentioned in section 5 of the Trade Marks Act 1994

2. The registrar shall not refuse to register a trade mark on a ground mentioned in section 5 of the Trade Marks Act 1994 (relative grounds for refusal) unless objection on that ground is raised in opposition proceedings by the proprietor of the earlier trade mark or other earlier right.

3. Section 37(2) of the Trade Marks Act 1994 (search of earlier trade marks) shall cease to have effect.

4. The registrar may, in connection with an examination under section 37(1) of the Trade Marks Act 1994, carry out a search of earlier trade marks for the purpose of notifying the applicant and other persons about the existence of earlier trade marks that might be relevant to the proposed registration.

5.—(1) Only the persons specified in paragraph (2) may make an application for a declaration of invalidity on the grounds in section 47(2) of the Trade Marks Act 1994 (relative grounds).

(2) Those persons are—

(**1**) 1994 c.26.