

## **TRADEMARKS RULES (2001)**

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Law N°. 3832/2001

The Trade Marks (Amendment) Rules 2001

Made 29th November 2001

Laid before Parliament 4th December 2001

Coming into force 1st January 2002

The Secretary of State, in exercise of the powers conferred upon her by sections 34(1), 65 and 78 of the Trade Marks Act 1994 <sup>1</sup>, after consultation with the Council on Tribunals pursuant to section 8(1) of the Tribunals and Inquiries Act 1992 <sup>2</sup>, hereby makes the following

### **RULES** ➡

1. These Rules may be cited as the Trade Marks (Amendment) Rules 2001 and shall come into force on 1st January 2002.

2. The Trade Marks Rules 2000 <sup>3</sup> are amended as set out in rules 3 to 8 below.

3. For rule 7 (classification of goods and services), there shall be substituted the following:

" 7. - (1) For the purposes of trade mark registrations dated before 1st January 2002, goods and services shall be classified in accordance with Schedule 3 <sup>4</sup>, except where a specification is reclassified under rule 46 below to Schedule 4.

(2) For the purposes of trade mark registrations dated on or after 1st January 2002, goods and services shall be classified in accordance with Schedule 4, which sets out the latest version of the classes of the International Classification of Goods and Services <sup>5</sup>."

4. - (1) In rule 8 (application may relate to more than one class and shall specify the class), for the words "Schedule 3", in each place where they appear, there shall be substituted "Schedule 4".

(2) The amendments made by this rule do not apply to applications made before 1st January 2002.

5. In rule 46(1)(a) (change of classification), for the words "Schedule 2 to one founded on Schedule 3" there shall be substituted "Schedule 3 to one founded on Schedule 4".

6. Schedule 2 is hereby revoked.

7. In the heading to Schedule 3, for the words "Rule 7(2)" there shall be substituted "Rule 7(1)".

8. After Schedule 3, there shall be inserted -

## **SCHEDULE 4** ➡

Rule 7(2)

### **CLASSIFICATION OF GOODS AND SERVICES**

#### **Goods**

**Class 1** Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

**Class 2** Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

**Class 3** Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

**Class 4** Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.

**Class 5** Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

**Class 6** Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

**Class 7** Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

**Class 8** Hand tools and implements (hand-operated); cutlery; side arms; razors.

**Class 9** Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or

reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

**Class 10** Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

**Class 11** Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

**Class 12** Vehicles; apparatus for locomotion by land, air or water.

**Class 13** Firearms; ammunition and projectiles; explosives; fireworks.

**Class 14** Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.

**Class 15** Musical instruments.

**Class 16** Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

**Class 17** Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

**Class 18** Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

**Class 19** Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

**Class 20** Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

**Class 21** Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

**Class 22** Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

**Class 23** Yarns and threads, for textile use.

**Class 24** Textiles and textile goods, not included in other classes; bed and table covers.

**Class 25** Clothing, footwear, headgear.

**Class 26** Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

**Class 27** Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

**Class 28** Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

**Class 29** Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.

**Class 30** Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

**Class 31** Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.

**Class 32** Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

**Class 33** Alcoholic beverages (except beers).

**Class 34** Tobacco; smokers' articles; matches.

### **Services**

**Class 35** Advertising; business management; business administration; office functions.

**Class 36** Insurance; financial affairs; monetary affairs; real estate affairs.

**Class 37** Building construction; repair; installation services.

**Class 38** Telecommunications.

**Class 39** Transport; packaging and storage of goods; travel arrangement.

**Class 40** Treatment of materials.

**Class 41** Education; providing of training; entertainment; sporting and cultural activities.

**Class 42** Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.

**Class 43** Services for providing food and drink; temporary accommodation.

**Class 44** Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

**Class 45** Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals."

*Melanie Johnson, Parliamentary Under-Secretary of State, for Competition, Consumers and Markets Department of Trade and Industry, 29th November 2001*

## **EXPLANATORY NOTE** ➔

### **(This note is not part of the Rules)**

These Rules amend the Trade Marks Rules 2000 (S.I. 2000/136), made under the Trade Marks Act 1994, by the amendment of Rules 7, 8 and 46, the revocation of Schedule 2 to those Rules and the addition of Schedule 4.

Rule 7 is amended to reflect the reclassification which has taken place of trade mark registrations dated before 27th July 1938, and to allow for classification under the Eighth Edition of the International Classification of Goods and Services (made under the Nice Agreement concerning the International Classification of Goods and Services for the purposes of the Registration of Marks of 15th June 1957) on or after 1st January 2002. (The Eighth Edition changes the headings of classes 4, 5, 9, 16, 29 and 42 and creates new classes, 43, 44 and 45.)

Rule 8 is amended to reflect the amended rule 7 to allow applications made before 1st January 2002 to proceed under Schedule 3 and applications made on or after 1st January 2002 to proceed under the new Schedule 4.

Rule 46(1) is amended to reflect the amended rule 7 and update the powers of reclassification of the registrar.

Schedule 2, which set out the classification system in force before 27th July 1938, is revoked.

A new Schedule 4 sets out the latest version of the classes of the International Classification of Goods and Services.

A regulatory impact assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies of the assessment are also available from the Trade Marks Directorate of the Patent Office, Room 2.057, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ.

The Eighth Edition of the International Classification may be ordered from the World Intellectual Property Organisation (WIPO), 34, chemin des Colombettes, P.O. Box 18, CH - 1211 Geneva 20.

1: 1994 c. 26. ➡

2: 1992 c. 53. ➡

3: S.I. 2000/136. ➡

4: Schedule 3 sets out the classes of the Seventh Edition of the International Classification of Goods and Services (the International Classification is referred to in the following footnote). ➡

5: The International Classification is drawn up under the Nice Agreement concerning the International Classification of Goods and Services for the purposes of the Registration of Marks of 15th June 1957 (as last revised on 13th May 1977) (Cmnd 7671). The latest version of the International Classification is the Eighth Edition which has a coming into force date of 1st January 2002. ➡

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