

**TRADE MARKS AND SERVICE MARKS AMENDMENT
REGULATIONS 2003**

BR 8/2003

TRADE MARKS ACT 1974

1974 : 93

**TRADE MARKS AND SERVICE MARKS AMENDMENT
REGULATIONS 2003**

In exercise of the powers conferred upon the Minister of Labour, Home Affairs and Public Safety by section 38 of the Trade Marks Act 1974, the following regulations are hereby made:—

Citation and Commencement

1 (1) These Regulations may be cited as the Trade Marks and Service Marks Amendment Regulations 2003.

(2) These Regulations shall come into operation on 17th February 2003.

Interpretation

2 In these Regulations, the "principal Regulations" mean the Trade Marks and Service Marks Regulations 1993.

Amends Regulation 4 of the principal Regulations

3 (1) Regulation 4(1) of the principal Regulations is amended by inserting next after the word "Third" the words "or Fourth".

(2) Regulation 4(2) is revoked and the following substituted —

"For the purposes of trade marks registrations dated before, on or after 1st July 1975 but before 17th February 2003, and of registrations of registered users thereunder in respect of which the specifications have been converted in accordance with regulation 5, goods are classified in accordance with Part I of the Third Schedule or Part I of the Fourth Schedule;

(3) Regulation 4(3) is revoked and the following substituted —

"For the purposes of service marks registered on or after 19th June 1993, but before 17th February 2003, and of

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registered users thereunder, in respect of which the specifications have been converted in accordance with regulation 5, services are classified in accordance with Part II of the Third Schedule or Part II of the Fourth Schedule.

- (4) The following Regulation is inserted after Regulation 4(3) —

"(4) For the purposes of trade mark registrations, goods and services are classified in accordance with the Fourth Schedule."

Amends Regulation 5 of the principal Regulations

- 4 (1) Regulation 5(1) of the principal Regulations is revoked and the following substituted —

"Where the specification of a registered trade mark is founded on the Second or Third Schedule the registered proprietor may make application to the Registrar in writing accompanied by the appropriate fee for the conversion of that specification so that it may be founded on the Third or Fourth Schedule, whether with or without the striking out of goods or services therefrom, but so that the registration retains its original date, and he shall include in the application a request for the like conversion of the specification of the goods or services of any registered user under that registration."

- (2) Regulation 5(3) is revoked and the following substituted —

"Two or more registrations of a trade mark in respect of goods or services falling within the same class of the Third or Fourth Schedule, having the same date of registration, may be amalgamated upon conversion in accordance with this regulation."

Amends Regulation 19 of the principal Regulations

- 5 Regulation 19(1) of the principal Regulations is amended by deleting the word "Third" and substituting the word "Fourth".

Amends Regulation 20 of the principal Regulations

- 6 Regulation 20(3) of the principal Regulations is amended by deleting the word "Third" and substituting the word "Fourth".

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Amends Regulation 93 of the Principal Regulations

7 Regulation 93(1) of the principal regulations is amended by deleting the words "Second or Third Schedule" and substituting the words " Second, Third or Fourth Schedule".

Adds Fourth Schedule to the principal Regulations

8 After the Third Schedule of the principal Regulations there is inserted —

**"FOURTH SCHEDULE
CLASSIFICATION OF GOODS AND SERVICES**

(Regulations 4(2), 4 (3), and 20(3))

PART I - 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,

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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.

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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; steel wool;

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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.

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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.

PART II - 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.

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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."

Made this 11th day of February, 2003

Minister of Labour, Home Affairs and Public Safety