

L.N. 39 of 2004**TRADE MARKS (AMENDMENT) RULES 2004**

(Made under section 91 of the Trade Marks Ordinance (Cap. 559))

1. Commencement

These Rules shall come into operation on 7 May 2004.

2. Proof of authorization of agent may be required, etc.

(s. 88 of the Ordinance)

Rule 103 of the Trade Marks Rules (Cap. 559 sub. leg. A) is amended by adding—

“(3) A person who is authorized by another person to act as his agent shall, on or before the first occasion on which he acts as agent, notify the Registrar of the address in Hong Kong where he resides or carries on his business activities, which notice shall be given in the specified form or in writing.

(4) If a person who has given notice under subrule (3) changes the address in Hong Kong where he resides or carries on his business activities, he shall notify the Registrar of the change as soon as practicable thereafter, which notice shall be given in the specified form or in writing.

(5) No act required or authorized by the Ordinance or these Rules to be done by or to any person may be done by or to an agent of that person before the date on which the agent notifies the Registrar in accordance with subrule (3).”.

3. Registrar may refuse to deal with certain agents

(s. 88 of the Ordinance)

(1) Rule 104(e) is amended by adding “repealed” before “Securities”.

(2) Rule 104 is amended by adding—

“Note: Section 88(3) of the Ordinance provides that the Registrar shall refuse to recognize as an agent a person having neither residence nor a place of business in Hong Kong.”.

S. R. SELBY

Registrar of Trade Marks

6 March 2004

Explanatory Note

These Rules amend rule 103 of the Trade Marks Rules (Cap. 559 sub. leg. A) (“the principal Rules”) to require an agent to notify the Registrar of Trade Marks of the address in Hong Kong where he resides or carries on his business activities. These Rules also make a technical amendment to rule 104 of the principal Rules and insert a note at the end of that rule regarding the Registrar’s powers under section 88 of the Trade Marks Ordinance (Cap. 559).