

L.N. 92 of 2025

Trade Marks (Amendment) Rules 2025

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

1. Commencement

These Rules come into operation on 1 October 2025.

2. Trade Marks Rules amended

The Trade Marks Rules (Cap. 559 sub. leg. A) are amended as set out in rules 3 to 10.

3. Rule 36 amended (application for revocation)

After rule 36(3)—

Add

“(4) On receiving an application filed under subrule (1), the Registrar must—

- (a) enter in the register a notice of the application; and
- (b) publish a notice of the fact of the filing of the application in the official journal.”.

4. Rule 40 amended (application for revocation)

After rule 40(3)—

Add

“(4) On receiving an application filed under subrule (1), the Registrar must—

- (a) enter in the register a notice of the application;
and
- (b) publish a notice of the fact of the filing of the application in the official journal.”.

5. Rule 46 amended (application for declaration of invalidity)

After rule 46(3)—

Add

- “(4) On receiving an application filed under subrule (1), the Registrar must—
- (a) enter in the register a notice of the application;
and
 - (b) publish a notice of the fact of the filing of the application in the official journal.”.

6. Rule 50 amended (procedure where application is made by a person other than the owner)

After rule 50(2)—

Add

- “(2A) On receiving an application filed under rule 48, the Registrar must—
- (a) enter in the register a notice of the application;
and
 - (b) publish a notice of the fact of the filing of the application in the official journal.”.

7. Part 6, Division 6 added

Part 6, after Division 5—

Add

“Division 6—Reference to Court

51A. Reference to court under section 77(1)(b) of Ordinance

- (1) This rule applies if—
 - (a) a person (*applicant*) has made an application to the Registrar under the Ordinance on a question concerning a registered trade mark or an application for registration of a trade mark (*original application*); and
 - (b) the Registrar decides to refer the original application to the court under section 77(1)(b) of the Ordinance (*reference to court*).
- (2) The Registrar must, as soon as practicable after deciding to make the reference to court, give written notice of the decision to—
 - (a) every party to the original application known to the Registrar at the time of making the decision; and
 - (b) the Registrar of the High Court.
- (3) If the applicant wishes to commence proceedings before the court in relation to the original application, the applicant must commence the proceedings within 1 month after the date of the written notice given under subrule (2).
- (4) If the applicant fails to commence proceedings in relation to the original application under subrule (3), the applicant is to be treated as having abandoned the original application.
- (5) As soon as practicable after being served with a copy of the originating summons by which proceedings in relation to the original application are commenced

under subrule (3), the Registrar must file with the court any document or other thing that was filed for the purpose of the original application with the Registrar.

(6) The Registrar must also—

- (a) enter in the register a notice of the reference to court; and
- (b) publish a notice of the fact of the reference to court in the official journal.”.

8. Rule 94 amended (extension of time limits)

Rule 94(2), after “50(7),”—

Add

“51A(3),”.

9. Rule 117 amended (filing of court orders, declarations and certificates)

Rule 117—

Repeal subrule (1)

Substitute

- “(1) If the court has made an order or declaration, or has granted a certificate, under the Ordinance in favour of a person, the person or, if there is more than one such person, the person directed by the court, must file a sealed copy of the order, declaration or certificate with the Registrar.”.

10. Rule 123 added

After rule 122—

Add

“123. Transitional provision relating to Trade Marks (Amendment) Rules 2025

The amendments to rules 36, 40, 46 and 50 effected by the Trade Marks (Amendment) Rules 2025 (***Amendment Rules***) do not apply to applications filed under rule 36, 40, 46 or 48 before the date on which the Amendment Rules come into operation.”.

David WONG Fuk-loi
Registrar of Trade Marks

6 May 2025

Explanatory Note

These Rules amend the Trade Marks Rules (Cap. 559 sub. leg. A) (*principal Rules*) to—

- (a) provide a mechanism for notifying the public of certain applications made under the Trade Marks Ordinance (Cap. 559) (*Ordinance*); and
 - (b) provide for the procedure for referring an application to the Court of First Instance under section 77(1)(b) of the Ordinance.
2. These Rules also add a new rule 123 to the principal Rules to provide for transitional arrangements.