

23 February 1994

Circular No.1 of 1994

Re : Accelerated Issue of  
Leave to Advertise

Introduction

The Trade Marks Registry ("the Registry") wishes to streamline the procedure regarding the issue of leaves to advertise.

2. The issue of an examination report by the Registry may be an unnecessary step where an application to register a straight forward trade mark is involved. The Registry currently issues a leave to advertise without the issue of an examination report when the application is accepted unconditionally. In future the Registry will, in certain other cases, issue a leave to advertise without issuing an examination report, (i.e. an accelerated issue of a leave to advertise ("ALP"))

Need to comply with Rule 19(1C) of Trade Marks Rules

3. Rule 19(1C) states that where an applicant does not object to conditions, amendments, disclaimers modifications or limitations imposed by the Trade Mark Registrar :

“... he shall within six months from the date of receipt of the notice file a written statement of his 'absence of objection and alter his application accordingly, and if he does not do so he shall be deemed to have withdrawn his application.”

4. In view of the importance of Rule 19(1C) there will be attached to each leave to advertise issued pursuant to the ALP system a Rule 19(1C) Confirmation Slip which applicants are required to return to the Registry stating that they do not object to the conditions set out in the leave to advertise. Failure to return the Rule 19(1)(c) Confirmation Slip or to confirm acceptance by other written means to the Registrar will result in the application being deemed withdrawn.

5. This is without prejudice to an applicant's right to object under Rule 19(1B) to the conditions imposed.

When ALP appropriate

6. The circumstances in which an ALP will be appropriate relate to leaves where the applied for mark is acceptable, subject to the imposition of the following conditions:

- (a) Disclaimers of totally indistinctive words e.g., "international", name of goods or services, letters and numerals in ordinary representation.
- (b) Where an applicant's pending application(s) for a mark in a particular class is to be associated with an identical or similar mark registered by the applicant in the same or related class.
- (c) Blank space condition;
- (d) Endorsement of transliteration and/or translation of Chinese marks or foreign words.
- (e) Statement as to identity of a portrait trade mark or ownership of building in a trade mark.



(Miss A.C. Waters)  
for Registrar of Trade Marks