

# Rectifying an error or omission in your trade mark in the UK register

## Introduction

This leaflet explains how to apply to rectify an error or omission in your trade mark in the UK register of trade marks.

If you want to rectify an error or omission in someone else's trade mark, you should read our booklet 'Rectifying an error or omission in a trade mark in the UK register'.

## What is rectification?

Rectification is the legal procedure which allows you to apply to correct (rectify) an error or omission that has been made in the details of a trade mark recorded in the UK register of trade marks. It does not allow you to change the mark itself.

## When can I apply to rectify my trade mark?

You can do this at any time after your trade mark has been registered.

## Where do I apply?

You may apply to the Trade Marks Registry. We explain how to do this below.

You may also apply to the High Court. If there already court proceedings about the trade mark ongoing, you **must** apply to the High Court.

## How do I apply?

You should send us:

- an 'Application to rectify the register' (form TM26(R) by fax or post;
- a statement of your reasons for applying; and
- any evidence you wish to give in support of your application.

You can get a copy of form TM26(R) from our website at [www.ipo.gov.uk](http://www.ipo.gov.uk)

You may send one application form covering different registrations, if you want to make the same correction to all registrations and your reasons are also the same.

Our fax number is 01633 811175

## What does it cost?

There is no fee.

## **What should I tell you?**

You must say in your statement of reasons:

- why you want to rectify your registration; and
- how the error or omission happened.

You may send us any evidence you wish to support the information given in your statement of reasons.

## **How should I present my evidence?**

You should give your evidence in the form of a :

- witness statement;
- statutory declaration; or
- affidavit

You can get help about how to present your evidence from our website at [www.ipo.gov.uk](http://www.ipo.gov.uk) under 'Downloadable Information'.

## **What may happen as a result of rectification?**

An application to rectify can result in either:

1. we refuse your request and will leave the details as they are in the register; or
2. we agree your request and change the register of trade marks to show the details as you have asked for. This means the register will show the details of the mark as if the error or omission had never been made.

## **What if I do not agree with your refusal of my request?**

If we refuse your request we will give you our reasons in writing (this is called our decision). If you do not agree with our decision you can ask for it to be overturned by putting in an appeal. We have a separate booklet 'How to appeal against a decision made by the Trade Marks Registry' which explains this. You can get a copy from our website at [www.ipo.gov.uk](http://www.ipo.gov.uk) or by phoning us on 08459 500 505. There are strict deadlines for putting in an appeal (only 14 days in some cases), so please do not delay.