

## 09 Relative grounds - Representations of the Royal Family

### 1. Introduction

Subpart 3 of Part 2 of the Trade Marks Act 2002 (the Act) contains the relative grounds for not registering a trade mark, and incorporates sections 22 to 30 of the Act. Relative grounds are concerned with the conflict between the rights of the Applicant and those of other persons. These guidelines focus on the registrability of a trade mark under sections 24 of the Act.

Section 24 of the Act refers to marks that contain representations of the Royal Family. Under this section, the Commissioner must not register marks that contain representations of Her Majesty or any member of the Royal Family in the absence of consent.

### 2. Representations of the Royal Family

The Commissioner is prohibited from registering a trade mark that contains a representation, or an imitation of any representation, of Her Majesty or any member of the Royal Family in the absence of the relevant consent. Section 24 of the Act states:

The Commissioner must not register a trade mark that contains a representation of Her Majesty or any member of the Royal Family, or an imitation of any such representation, unless the applicant has obtained the consent of Her Majesty or the relevant member of the Royal Family to the registration of the trade mark.

A concern will be raised under section 24 of the Act where a trade mark application contains a representation, or an imitation of any representation, of Her Majesty or any member of the Royal Family. The Examiner will request that the Applicant supply the written consent of Her Majesty or the appropriate member of the Royal Family to the registration and use of the trade mark.

IPONZ has provided a guide for Applicants of persons that are regarded by the Queen as members of the Royal Family for the purposes of the UK Trade Marks Act 1994 in Appendix 1 [link to Appendix 1]. This list is merely indicative and is not exhaustive.

#### [Appendix 1](#)

[Her Majesty The Queen](#)

[His Royal Highness The Duke of Edinburgh](#)

[Their Royal Highnesses The Prince of Wales and The Duchess of Cornwall](#)

[Their Royal Highnesses The Duke and Duchess of Cambridge](#)

[His Royal Highness The Prince Henry of Wales](#)

[His Royal Highness The Duke of York](#)

[Her Royal Highness Princess Beatrice of York](#)

[Her Royal Highness Princess Eugenie of York](#)

[Their Royal Highnesses The Earl and Countess of Wessex](#)

[Viscount Severn](#)

[The Lady Louise Mountbatten-Windsor](#)

[Her Royal Highness The Princess Royal and Vice Admiral Timothy Laurence](#)

[Mr. and Mrs. Peter Phillips](#)

[Miss Savannah Philips](#)

[Miss Isla Phillips](#)

[Mr. and Mrs. Michael Tindall](#)

[The Viscount and Viscountess Linley](#)

[The Honourable Charles Armstrong-Jones](#)

[The Honourable Margarita Armstrong-Jones](#)

[The Lady Sarah Chatto and Mr. Daniel Chatto](#)

[Mr. Samuel Chatto](#)

[Mr Arthur Chatto](#)

[Their Royal Highnesses The Duke and Duchess of Gloucester](#)

[Their Royal Highnesses The Duke and Duchess of Kent](#)

[Their Royal Highnesses Prince and Princess Michael of Kent](#)

[Her Royal Highness Princess Alexandra, the Honourable Lady Ogilvy](#)

[Sarah, Duchess of York](#)