



# Trade Marks Act 1994

## CHAPTER 26

### TRADE MARKS ACT 1994

#### PART I

##### REGISTERED TRADE MARKS

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- 16 Order for delivery up of infringing goods, material or articles.
- 17 Meaning of “infringing goods, material or articles”.
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- 100 Burden of proving use of trade mark.
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- 106 Consequential amendments and repeals.
- 107 Territorial waters and the continental shelf.
- 108 Extent.
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- 110 Short title.

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SCHEDULES

SCHEDULE 1 — Collective marks

*General*

- 1 The provisions of this Act apply to collective marks subject...

*Signs of which a collective mark may consist*

- 2 In relation to a collective mark the reference in section...

*Indication of geographical origin*

- 3 (1) Notwithstanding section 3(1)(c), a collective mark may be registered...

*Mark not to be misleading as to character or significance*

- 4 (1) A collective mark shall not be registered if the...

*Regulations governing use of collective mark*

- 5 (1) An applicant for registration of a collective mark must...

*Approval of regulations by registrar*

- 6 (1) A collective mark shall not be registered unless the...
- 7 (1) The registrar shall consider whether the requirements mentioned in...
- 8 The regulations shall be published and notice of opposition may...

*Regulations to be open to inspection*

- 9 The regulations governing the use of a registered collective mark...

*Amendment of regulations*

- 10 (1) An amendment of the regulations governing the use of...

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*Infringement: rights of authorised users*

- 11 The following provisions apply in relation to an authorised user...  
12 (1) The following provisions (which correspond to the provisions of...

*Grounds for revocation of registration*

- 13 Apart from the grounds of revocation provided for in section...

*Grounds for invalidity of registration*

- 14 Apart from the grounds of invalidity provided for in section...

SCHEDULE 2 — Certification marks

*General*

- 1 The provisions of this Act apply to certification marks subject...

*Signs of which a certification mark may consist*

- 2 In relation to a certification mark the reference in section...

*Indication of geographical origin*

- 3 (1) Notwithstanding section 3(1)(c), a certification mark may be registered...

*Nature of proprietor's business*

- 4 A certification mark shall not be registered if the proprietor...

*Mark not to be misleading as to character or significance*

- 5 (1) A certification mark shall not be registered if the...

*Regulations governing use of certification mark*

- 6 (1) An applicant for registration of a certification mark must...

*Approval of regulations, &c.*

- 7 (1) A certification mark shall not be registered unless—  
8 (1) The registrar shall consider whether the requirements mentioned in...  
9 The regulations shall be published and notice of opposition may...

*Regulations to be open to inspection*

- 10 The regulations governing the use of a registered certification mark...

*Amendment of regulations*

- 11 (1) An amendment of the regulations governing the use of...

*Consent to assignment of registered certification mark*

- 12 The assignment or other transmission of a registered certification mark...

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*Infringement: rights of authorised users*

- 13 The following provisions apply in relation to an authorised user...  
14 In infringement proceedings brought by the proprietor of a registered...

*Grounds for revocation of registration*

- 15 Apart from the grounds of revocation provided for in section...

*Grounds for invalidity of registration*

- 16 Apart from the grounds of invalidity provided for in section...

SCHEDULE 3 — Transitional provisions

*Introductory*

- 1 (1) In this Schedule— “existing registered mark” means a trade...

*Existing registered marks*

- 2 (1) Existing registered marks (whether registered in Part A or...  
3 (1) A condition entered on the former register in relation...

*Effects of registration: infringement*

- 4 (1) Sections 9 to 12 of this Act (effects of...

*Infringing goods, material or articles*

- 5 Section 16 of this Act (order for delivery up of...

*Rights and remedies of licensee or authorised user*

- 6 (1) Section 30 (general provisions as to rights of licensees...

*Co-ownership of registered mark*

- 7 The provisions of section 23 of this Act (co-ownership of...

*Assignment, &c. of registered mark*

- 8 (1) Section 24 of this Act (assignment or other transmission...

*Licensing of registered mark*

- 9 (1) Sections 28 and 29(2) of this Act (licensing of...

*Pending applications for registration*

- 10 (1) An application for registration of a mark under the...

*Conversion of pending application*

- 11 (1) In the case of a pending application for registration...

*Trade marks registered according to old classification*

- 12 The registrar may exercise the powers conferred by rules under...

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*Claim to priority from overseas application*

- 13 Section 35 of this Act (claim to priority of Convention...  
14 (1) Where before the commencement of this Act a person...

*Duration and renewal of registration*

- 15 (1) Section 42(1) of this Act (duration of original period...

*Pending application for alteration of registered mark*

- 16 An application under section 35 of the 1938 Act (alteration...

*Revocation for non-use*

- 17 (1) An application under section 26 of the 1938 Act...

*Application for rectification, &c.*

- 18 (1) An application under section 32 or 34 of the...

*Regulations as to use of certification mark*

- 19 (1) Regulations governing the use of an existing registered certification...

*Sheffield marks*

- 20 (1) For the purposes of this Schedule the Sheffield register...

*Certificate of validity of contested registration*

- 21 A certificate given before the commencement of this Act under...

*Trade mark agents*

- 22 (1) Rules in force immediately before the commencement of this...

SCHEDULE 4 — Consequential amendments

*General adaptation of existing references*

- 1 (1) References in statutory provisions passed or made before the...

*Patents and Designs Act 1907 (c.29)*

- 2 (1) The Patents and Designs Act 1907 is amended as...

*Patents, Designs, Copyright and Trade Marks (Emergency) Act 1939(c.107)*

- 3 (1) The Patents, Designs, Copyright and Trade Marks (Emergency) Act...

*Trade Descriptions Act 1968 (c.29)*

- 4 In the Trade Descriptions Act 1968, in section 34 (exemption...

*Solicitors Act 1974 (c.47)*

- 5 (1) Section 22 of the Solicitors Act 1974 (preparation of...



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*House of Commons Disqualification Act 1975 (c.24)*

6 In Part III of Schedule 1 to the House of...

*Restrictive Trade Practices Act 1976 (c.34)*

7 In Schedule 3 to the Restrictive Trade Practices Act 1976...

*Copyright, Designs and Patents Act 1988 (c.48)*

8 (1) The Copyright, Designs and Patents Act 1988 is amended...

*Tribunals and Inquiries Act 1992 (c.53)*

9 In Part I of Schedule 1 to the Tribunals and...

SCHEDULE 5 — Repeals and revocations

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**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- [S.I. 2005/1126](#) commences (2005 c. 11)
- [S.I. 2005/3495](#) commences (2005 c. 15)
- [S.I. 2006/1014](#) commences (2005 c. 4)
- [S.I. 2007/1064](#) commences (2006 c. 12)
- [S.I. 2007/3495](#) commences (2006 c. 46. This SI is amended by SI 2008/674 and SI 2008/2860)
- [S.I. 2008/1653](#) commences (2007 c. 15)
- [S.I. 2008/2860](#) commences (2006 c. 46. This SI is amended by SI 2009/1802, SI 2009/1941 and SI 2009/2476)
- [S.I. 2009/1604](#) commences (2005 c. 4)
- [S.I. 2009/3250](#) commences (2007 c. 29)
- Act amendment to earlier affecting provision 2007 c. 29 s. 184(3) by [S.I. 2009/3339](#)
- Act amendment to earlier affecting provision SI 1996/729 by [S.I. 2004/1497](#)
- Act applied by [S.I. 2006/1027](#)
- Act applied (with modifications) by [S.I. 2006/1027](#)
- Act applied (with modifications) by SI 1996/1908 reg. 4 (as substituted) by [S.I. 2004/2332](#)
- Act applied (with modifications) by SI 1996/714 art. 10C(2) (as substituted) by [S.I. 2004/948](#)
- Act applied by 1995 c. 32 s. 12B(1) (as inserted) by [2006 c. 12](#)
- Act applied in part (with modifications) by [S.I. 2008/2206](#)
- Act ceased to have effect by [S.I. 2007/1976](#)
- Act inserted by [2005 c. 4](#)
- Act inserted by [2007 c. 29](#)
- Act inserted by [S.I. 2004/946](#)
- Act inserted by [S.I. 2005/587](#)
- Act inserted by [S.I. 2008/1067](#)
- Act omitted by [S.I. 2004/946](#)
- Act repealed by [2005 c. 11](#)
- Act repealed by [2007 c. 29](#) (This Act is amended by 2009 c. 25 Sch. 21 para. 97 Sch. 23 Pt. 9)
- Act repealed by [S.I. 2009/1941](#)
- Act substituted by [2005 c. 11](#)
- Act substituted by [2007 c. 15](#)
- Act substituted by [2007 c. 29](#)
- Act substituted by [S.I. 2004/1473](#)
- Act substituted for s. 6(1)(b) by [S.I. 2004/2332](#)
- Act substituted for s. 83 by [2007 c. 29](#) (This Act is amended by SI 2009/3339 art. 2)
- Act text amended by [2004 c. 14](#)
- Act text amended by [2005 c. 11](#)
- Act text amended by [2005 c. 15](#)
- Act text amended by [2005 c. 4](#)
- Act text amended by [2006 c. 46](#)
- Act text amended by [2007 c. 15](#)
- Act text amended by [2007 c. 29](#)
- Act text amended by [S.I. 2004/2332](#)
- Act text amended by [S.I. 2004/946](#)
- Act text amended by [S.I. 2005/587](#)
- Act text amended by [S.I. 2006/1028](#)
- Act text amended by [S.I. 2008/1067](#)

- Act text amended by [S.I. 2008/1277](#)
- Act text amended by [S.I. 2009/3348](#)
- Act text amended by [S.I. 2011/1043](#)