



Trade Descriptions Act 1968

1968 CHAPTER 29

Miscellaneous and supplemental.

34 Trade marks containing trade descriptions.

The fact that a trade description is a trade mark, or part of a trade mark, ^{F1} . . . does not prevent it from being a false trade description when applied to any goods, except where the following conditions are satisfied, that is to say—

- (a) that it could have been lawfully applied to the goods if this Act had not been passed; and
- (b) that on the day this Act is passed the trade mark either is registered under the Trade Marks Act 1938 or is in use to indicate a connection in the course of trade between such goods and the proprietor of the trade mark; and
- (c) that the trade mark as applied is used to indicate such a connection between the goods and the proprietor of the trade mark or [^{F2}, in the case of a registered trade mark, a person licensed to use it]; and
- (d) that the person who is the proprietor of the trade mark is the same person as, or a successor in title of, the proprietor on the day this Act is passed.

Textual Amendments

F1 Words in s. 34 omitted (31.10.1994) by 1994 c. 26, s. 106(1), **Sch. 4 para. 4(a)**; S.I. 1994/2550, **art.2**.

F2 Words in s. 34(c) substituted (31.10.1994) by 1994 c. 26, s. 106(1), **Sch. 4 para. 4(b)**; S.I. 1994/2550, **art.2**.

Changes to legislation:

There are currently no known outstanding effects for the Trade Descriptions Act 1968, Section 34.