



# Trade Marks Act 1994

## CHAPTER 26

### TRADE MARKS ACT 1994

#### PART I

##### REGISTERED TRADE MARKS

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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

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 5(3) text amended by [S.I. 2004/2332 reg. 3](#)
- s. 5(3)(b) and word omitted by [S.I. 2004/946 reg. 7\(1\)](#)
- s. 6(1)(a) text amended by [S.I. 2004/2332 reg. 4\(a\)](#)
- s. 6(1)(b)(ba) substituted for s. 6(1)(b) by [S.I. 2004/2332 reg. 4\(b\)](#)
- s. 10(3) text amended by [S.I. 2004/946 reg. 7\(2\)\(a\)](#)
- s. 10(3)(b) and word omitted by [S.I. 2004/946 reg. 7\(2\)\(b\)](#)
- s. 10(8A)(a) text amended by [2007 c. 15 Sch. 13 para. 121](#)
- s. 19(6) words substituted by [S.I. 2006/1028 Sch. 2 para. 16](#)
- s. 21 applied (with modifications) by [S.I. 2006/1027 reg. 6](#)
- s. 21 applied (with modifications) by [SI 1996/1908 reg. 4 \(as substituted\) by S.I. 2004/2332 reg. 10](#)
- s. 25(4) words substituted by [S.I. 2006/1028 Sch. 2 para. 17](#)
- s. 37(2) ceased to have effect by [S.I. 2007/1976 art. 3](#)
- s. 40(1) text amended by [S.I. 2004/946 reg. 5](#)
- s. 47(2A)-(2E) inserted by [S.I. 2004/946 reg. 6](#)
- s. 47(2D) text amended by [S.I. 2008/1067 art. 5\(2\)](#)
- s. 47(2F) inserted by [S.I. 2008/1067 art. 5\(3\)](#)
- s. 52(3)(b) words substituted by [2007 c. 29 Sch. 21 para. 110](#)
- s. 53 text amended by [S.I. 2004/2332 reg. 5](#)
- s. 55(1)(b) words inserted by [S.I. 2006/1028 Sch. 2 para. 18](#)
- s. 69 words substituted by [2005 c. 4 Sch. 11 para. 31](#)
- s. 75 text amended by [S.I. 2005/587 art. 4\(2\)](#)
- s. 75(6) inserted by [S.I. 2005/587 art. 4\(3\)](#)
- s. 77(2)(a) substituted by [2007 c. 15 Sch. 10 para. 25\(2\)](#)
- s. 77(2)(b)(c) text amended by [2007 c. 15 Sch. 10 para. 25\(3\)](#)
- s. 77(5)(6) inserted by [2005 c. 4 Sch. 4 para. 238](#)
- s. 82 words inserted by [2007 c. 29 s. 184\(2\)](#)
- s. 83 83A substituted for s. 83 by [2007 c. 29 s. 184\(3\)](#) (This Act is amended by [SI 2009/3339 art. 2](#))
- s. 84(1) words substituted by [2007 c. 29 Sch. 21 para. 111\(a\)\(i\)](#)
- s. 84(1)(a) words inserted by [2007 c. 29 Sch. 21 para. 111\(a\)\(ii\)](#)
- s. 84(1)(b) words inserted by [2007 c. 29 Sch. 21 para. 111\(a\)\(iii\)](#)
- s. 84(2) words inserted by [2007 c. 29 s. 184\(4\)\(a\)](#)
- s. 84(2)(a) words inserted by [2007 c. 29 Sch. 21 para. 111\(b\)\(i\)](#)
- s. 84(2)(b) words inserted by [2007 c. 29 Sch. 21 para. 111\(b\)\(ii\)](#)
- s. 84(3) words substituted by [2007 c. 29 s. 184\(4\)\(b\)](#)
- s. 84(3)(a) words inserted by [2007 c. 29 Sch. 21 para. 111\(c\)\(i\)](#)
- s. 84(3)(b) words inserted by [2007 c. 29 Sch. 21 para. 111\(c\)\(ii\)](#)
- s. 85 repealed by [2007 c. 29 s. 184\(5\) Sch. 23](#) (This Act is amended by [2009 c. 25 Sch. 21 para. 97 Sch. 23 Pt. 9](#))
- s. 86(1) words substituted by [2007 c. 29 Sch. 21 para. 112](#)
- s. 87(1) words inserted by [2007 c. 29 Sch. 21 para. 113\(a\)](#)
- s. 87(1)(b) and word inserted by [2007 c. 29 Sch. 21 para. 113\(b\)](#)
- s. 87(2) substituted by [2007 c. 29 Sch. 21 para. 113\(c\)](#)
- s. 87(3) words substituted by [2007 c. 29 Sch. 21 para. 113\(d\)\(i\)](#)
- s. 87(3) words substituted by [2007 c. 29 Sch. 21 para. 113\(d\)\(ii\)](#)
- s. 87(3)(c) words inserted by [2007 c. 29 s. 184\(6\)](#)
- s. 88(b) words substituted by [2007 c. 29 Sch. 21 para. 114\(a\)](#)
- s. 88(c) words substituted by [2007 c. 29 Sch. 21 para. 114\(b\)](#)
- s. 88(1)(b) text amended by [S.I. 2009/3348 art. 5\(2\)](#)
- s. 88(1)(c) text amended by [S.I. 2009/3348 art. 5\(3\)](#)

- s. 89 applied by S.I. 2006/1027 reg. 7(1)
- s. 89(3) substituted by S.I. 2004/1473 reg. 13
- s. 90 applied by S.I. 2006/1027 reg. 7(1)
- s. 90 applied by 1995 c. 32 s. 12B(1) (as inserted) by 2006 c. 12 Sch. 3 para. 14
- s. 90(5) repealed by 2005 c. 11 Sch. 4 para. 57 Sch. 5
- s. 91 applied by S.I. 2006/1027 reg. 7(1)
- s. 91 heading substituted by 2005 c. 11 Sch. 4 para. 58(2)
- s. 91 text amended by 2005 c. 11 Sch. 4 para. 58(1)(a)(c)
- s. 91 text amended by 2005 c. 11 Sch. 4 para. 58(1)(b)
- s. 91 text amended by S.I. 2008/1277 Sch. 2 para. 54
- s. 92 applied (with modifications) by S.I. 2006/1027 reg. 8
- s. 92A applied (with modifications) by S.I. 2006/1027 reg. 8
- s. 92A(3)(b) text amended by 2005 c. 15 Sch. 16 para. 8
- s. 93 applied (with modifications) by S.I. 2006/1027 reg. 8
- s. 97 applied (with modifications) by S.I. 2006/1027 reg. 8
- s. 97(8) text amended by S.I. 2008/1277 Sch. 2 para. 55
- s. 98 applied (with modifications) by S.I. 2006/1027 reg. 8
- s. 98(14) text amended by S.I. 2008/1277 Sch. 2 para. 56
- s. 104 text amended by S.I. 2004/2332 reg. 6
- s. 104 words substituted by 2007 c. 29 Sch. 21 para. 115(i)
- s. 104 words substituted by 2007 c. 29 Sch. 21 para. 115(ii)
- Sch. 4 para. 1(2) entry repealed by 2004 c. 14 Sch. 1 Pt. 2 Group 1
- Sch. 4 para. 1(2) entry repealed by S.I. 2009/1941 Sch. 2
- Sch. 4 para. 5 repealed by 2007 c. 29 Sch. 23 (This Act is amended by 2009 c. 25 Sch. 21 para. 97 Sch. 23 Pt. 9)
- Sch. 4 para. 1(2) words repealed by 2006 c. 46 Sch. 16

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

- Act amendment to earlier affecting provision SI 1996/729 by S.I. 2004/1497 art. 2
- Act applied in part (with modifications) by S.I. 2008/2206 art. 3(3) Sch. 1 Pt. 1 Sch. 2
- Blanket amendment text amended by S.I. 2011/1043 art. 3 4
- Blanket amendment text amended by S.I. 2011/1043 art. 3 6
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 1(2)
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 5

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 6A applied (with modifications) by SI 1996/714 art. 10C(2) (as substituted) by S.I. 2004/948 art. 5
- s. 6A inserted by S.I. 2004/946 reg. 4
- s. 6A(1)(b) text amended by S.I. 2008/1067 art. 4(2)
- s. 6A(5) text amended by S.I. 2008/1067 art. 4(3)
- s. 83A amendment to earlier affecting provision 2007 c. 29 s. 184(3) by S.I. 2009/3339 art. 2
- Sch. 21 para. 7(2) inserted by 2007 c. 29 Sch. 21 para. 108(c)

**Commencement Orders yet to be applied to the Trade Marks Act 1994:**

**Commencement Orders bringing legislation that affects this Act into force:**

- S.I. 2005/1126 art. 2 commences (2005 c. 11)
- S.I. 2005/3495 art. 2 commences (2005 c. 15)
- S.I. 2006/1014 art. 2 Sch. 1 2 commences (2005 c. 4)
- S.I. 2007/1064 art. 2 commences (2006 c. 12)
- S.I. 2007/3495 art. 2-5 8 commences (2006 c. 46)

- [S.I. 2008/1653 art. 2](#) commences (2007 c. 15)
- [S.I. 2008/2860 art. 3 4 Sch. 1](#) commences (2006 c. 46)
- [S.I. 2009/1604 art. 2](#) commences (2005 c. 4)
- [S.I. 2009/3250 art. 2](#) commences (2007 c. 29)