
Changes to legislation: Trade Marks Act 1994, Cross Heading: *Infringement: rights of authorised users* is up to date with all changes known to be in force on or before 22 August 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

CERTIFICATION MARKS

Annotations:

Commencement Information

- II** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 109; Sch. 2 para. 7(2) in force for certain purposes at 29.9.1994 and at 31.10.1994 insofar as Sch. 2 not already in force by S.I. 1994/2550, arts. 2, 3(1), Sch.

Infringement: rights of authorised users

- 13 The following provisions apply in relation to an authorised user of a registered certification mark as in relation to a licensee of a trade mark—
- (a) section 10(5) (definition of infringement: unauthorised application of mark to certain material);
 - (b) section 19(2) (order as to disposal of infringing goods, material or articles: adequacy of other remedies);
 - (c) section 89 (prohibition of importation of infringing goods, material or articles: request to Commissioners of Customs and Excise).
- 14 In infringement proceedings brought by the proprietor of a registered certification mark any loss suffered or likely to be suffered by authorised users shall be taken into account; and the court may give such directions as it thinks fit as to the extent to which the plaintiff is to hold the proceeds of any pecuniary remedy on behalf of such users.

Changes to legislation:

Trade Marks Act 1994, Cross Heading: Infringement: rights of authorised users is up to date with all changes known to be in force on or before 22 August 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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

- Act amendment to earlier affecting provision S.I. 2008/2206, Sch. 2 (as amended) by [S.I. 2018/825 reg. 52](#)

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

- s. 3(4A)-(4D) inserted by [S.I. 2018/825 reg. 4\(4\)](#)
- s. 5(3A) inserted by [S.I. 2018/825 reg. 5\(2\)](#)
- s. 5(4)(aa) inserted by [S.I. 2018/825 reg. 5\(4\)](#)
- s. 5(4A)(4B) inserted by [S.I. 2018/825 reg. 5\(6\)](#)
- s. 5(6) inserted by [S.I. 2018/825 reg. 5\(7\)](#)
- s. 5A inserted by [S.I. 2018/825 reg. 6](#)
- s. 6A(1A) inserted by [S.I. 2018/825 reg. 8\(3\)](#)
- s. 6A(5A) inserted by [S.I. 2018/825 reg. 8\(6\)](#)
- s. 9(1A)(1B) inserted by [S.I. 2018/825 reg. 9\(3\)](#)
- s. 10(3A)(3B) inserted by [S.I. 2018/825 reg. 10\(2\)](#)
- s. 10(4)(e) inserted by [S.I. 2018/825 reg. 10\(6\)](#)
- s. 10(4)(ca) inserted by [S.I. 2018/825 reg. 10\(4\)](#)
- s. 10A 10B inserted by [S.I. 2018/825 reg. 11](#)
- s. 11(1A)(1B) inserted by [S.I. 2018/825 reg. 12\(3\)](#)
- s. 11A inserted by [S.I. 2018/825 reg. 13](#)
- s. 24(1A) inserted by [S.I. 2018/825 reg. 14](#)
- s. 28(5) inserted by [S.I. 2018/825 reg. 16](#)
- s. 30(1A) inserted by [S.I. 2018/825 reg. 17\(2\)](#)
- s. 30(6A) inserted by [S.I. 2018/825 reg. 17\(6\)](#)
- s. 38(2A)(2B) inserted by [S.I. 2018/825 reg. 19\(2\)](#)
- s. 41(1)(aa) inserted by [S.I. 2018/825 reg. 20\(2\)](#)
- s. 43(3A) inserted by [S.I. 2018/825 reg. 21](#)
- s. 47(2G)(2H) inserted by [S.I. 2018/825 reg. 23\(8\)](#)
- s. 47(2DA) inserted by [S.I. 2018/825 reg. 23\(7\)](#)
- s. 47(2ZA) inserted by [S.I. 2018/825 reg. 23\(3\)](#)
- s. 47(5A) inserted by [S.I. 2018/825 reg. 23\(9\)](#)
- s. 49(1)(1A) substituted for s. 49(1) by [S.I. 2018/825 reg. 24](#)
- s. 60A inserted by [S.I. 2018/825 reg. 29](#)
- s. 99A inserted by [S.I. 2018/825 reg. 31](#)
- Sch. 1 para. 5(3) inserted by [S.I. 2018/825 reg. 33\(2\)\(c\)](#)
- Sch. 1 para. 12(7) inserted by [S.I. 2018/825 reg. 33\(4\)\(d\)](#)
- Sch. 1 para. 5(4) words renumbered as para. 5(4) by [S.I. 2018/825 reg. 33\(2\)\(b\)](#)