

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS

Effects of registration: infringement

- 4 (1) Sections 9 to 12 of this Act (effects of registration) apply in relation to an existing registered mark as from the commencement of this Act and section 14 of this Act (action for infringement) applies in relation to infringement of an existing registered mark committed after the commencement of this Act, subject to sub-paragraph (2) below.

The old law continues to apply in relation to infringements committed before commencement.

- (2) It is not an infringement of—
- (a) an existing registered mark, or
 - (b) a registered trade mark of which the distinctive elements are the same or substantially the same as those of an existing registered mark and which is registered for the same goods or services,

to continue after commencement any use which did not amount to infringement of the existing registered mark under the old law.