



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART I

#### REGISTERED TRADE MARKS

##### *Infringement proceedings*

#### 17 Meaning of “infringing goods, material or articles”.

- (1) In this Act the expressions “infringing goods”, “infringing material” and “infringing articles” shall be construed as follows.
- (2) Goods are “infringing goods”, in relation to a registered trade mark, if they or their packaging bear a sign identical or similar to that mark and—
  - (a) the application of the sign to the goods or their packaging was an infringement of the registered trade mark, or
  - (b) the goods are proposed to be imported into the United Kingdom and the application of the sign in the United Kingdom to them or their packaging would be an infringement of the registered trade mark, or
  - (c) the sign has otherwise been used in relation to the goods in such a way as to infringe the registered trade mark.
- (3) Nothing in subsection (2) shall be construed as affecting the importation of goods which [<sup>F1</sup>—
  - (a) may lawfully be imported into the United Kingdom by virtue of anything which forms part of assimilated law as a result of section 3 of the European Union (Withdrawal) Act 2018, or
  - (b) have been put on the market in the European Economic Area under the registered trade mark in question in accordance with section 12.]

[<sup>F2</sup>(3A) In subsection (3)(a), the reference to assimilated law is to be read, until the coming into force of paragraph 2(6) of Schedule 2 to the Retained EU Law (Revocation and Reform) Act 2023, as a reference to retained EU law.]

---

*Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 17. (See end of Document for details)*

---

- (4) Material is “infringing material”, in relation to a registered trade mark if it bears a sign identical or similar to that mark and either—
- (a) it is used for labelling or packaging goods, as a business paper, or for advertising goods or services, in such a way as to infringe the registered trade mark, or
  - (b) it is intended to be so used and such use would infringe the registered trade mark.
- (5) “Infringing articles”, in relation to a registered trade mark, means articles—
- (a) which are specifically designed or adapted for making copies of a sign identical or similar to that mark, and
  - (b) which a person has in his possession, custody or control, knowing or having reason to believe that they have been or are to be used to produce infringing goods or material.

---

**Textual Amendments**

- F1** Words in s. 17(3)(a)(b) substituted for words (31.12.2023) by [The Intellectual Property \(Exhaustion of Rights\) \(Amendment\) Regulations 2023 \(S.I. 2023/1287\)](#), regs. 1(b), **5(3)(a)**
- F2** S. 17(3A) inserted (31.12.2023) by [The Intellectual Property \(Exhaustion of Rights\) \(Amendment\) Regulations 2023 \(S.I. 2023/1287\)](#), regs. 1(b), **5(3)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 17.