



Trade Marks Act 1994

1994 CHAPTER 26

PART I

REGISTERED TRADE MARKS

Surrender, revocation and invalidity

48 Effect of acquiescence.

- (1) Where the proprietor of an earlier trade mark or other earlier right has acquiesced for a continuous period of five years in the use of a registered trade mark in the United Kingdom, being aware of that use, there shall cease to be any entitlement on the basis of that earlier trade mark or other right—
 - (a) to apply for a declaration that the registration of the later trade mark is invalid, or
 - (b) to oppose the use of the later trade mark in relation to the goods or services in relation to which it has been so used,unless the registration of the later trade mark was applied for in bad faith.
- (2) Where subsection (1) applies, the proprietor of the later trade mark is not entitled to oppose the use of the earlier trade mark or, as the case may be, the exploitation of the earlier right, notwithstanding that the earlier trade mark or right may no longer be invoked against his later trade mark.

Modifications etc. (not altering text)

C1 S. 48 applied (1.4.1996) by [S.I. 1996/714](#), [art. 14](#)

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 48.