



Trade Marks Act 1994

1994 CHAPTER 26

PART III

ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

Legal proceedings and appeals

74 Registrar's appearance in proceedings involving the registrar.

- (1) In proceedings before the court involving an application for—
 - (a) the revocation of the registration of a trade mark,
 - (b) a declaration of the invalidity of the registration of a trade mark, or
 - (c) the rectification of the register,the registrar is entitled to appear and be heard, and shall appear if so directed by the court.
- (2) Unless otherwise directed by the court, the registrar may instead of appearing submit to the court a statement in writing signed by him, giving particulars of—
 - (a) any proceedings before him in relation to the matter in issue,
 - (b) the grounds of any decision given by him affecting it,
 - (c) the practice of the Patent Office in like cases, or
 - (d) such matters relevant to the issues and within his knowledge as registrar as he thinks fit;and the statement shall be deemed to form part of the evidence in the proceedings.
- (3) Anything which the registrar is or may be authorised or required to do under this section may be done on his behalf by a duly authorised officer.

Modifications etc. (not altering text)

- C1** S. 74 applied (with modifications) (1.4.1996) by S.I. 1996/714, art. 15(2)
S. 74 applied (with modifications) (14.8.1996) by S.I. 1996/1908, reg. 3(3)

*Changes to legislation: There are currently no known outstanding effects
for the Trade Marks Act 1994, Section 74. (See end of Document for details)*

- C2** S. 74 applied (with modifications) (31.12.2020) by Regulation (EU) No. 1308/2013, Art. 102b(1)(d)(2)(b) (as inserted by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 20, **Sch. 3 Pt. 2**)
- C3** S. 74 applied (with modifications) (31.12.2020) by Regulation (EU) 2019/787, Art. 36b(1)(2) (as inserted by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), reg. 1(3), **Sch. 5 Pt. 2**)
- C4** S. 74 applied (with modifications) (31.12.2020) by Regulation (EU) No. 1151/2012, Art. 14b(1)(2) (as inserted by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 18, **Sch. 2 Pt. 3**)
- C5** S. 74 applied (with modifications) (31.12.2020) by Regulation (EU) No. 33/2019, Art. 32b(1) (as inserted by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 26(31), **Sch. 8 Pt. 3**)
- C6** S. 74 applied (with modifications) (31.12.2020) by Regulation (EU) No. 251/2014, Art. 19b(1)(2) (as inserted by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 21, **Sch. 4 Pt. 3**)

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 74.