



Trade Marks Act 1994

1994 CHAPTER 26

PART III

ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

Importation of infringing goods, material or articles

89 Infringing goods, material or articles may be treated as prohibited goods

- (1) The proprietor of a registered trade mark, or a licensee, may give notice in writing to the Commissioners of Customs and Excise—
 - (a) that he is the proprietor or, as the case may be, a licensee of the registered trade mark,
 - (b) that, at a time and place specified in the notice, goods which are, in relation to that registered trade mark, infringing goods, material or articles are expected to arrive in the United Kingdom—
 - (i) from outside the European Economic Area, or
 - (ii) from within that Area but not having been entered for free circulation, and
 - (c) that he requests the Commissioners to treat them as prohibited goods.
- (2) When a notice is in force under this section the importation of the goods to which the notice relates, otherwise than by a person for his private and domestic use, is prohibited; but a person is not by reason of the prohibition liable to any penalty other than forfeiture of the goods.
- (3) This section does not apply to goods entered, or expected to be entered, for free circulation in respect of which the proprietor of the registered trade mark, or a licensee, is entitled to lodge an application under Article 3(1) of Council Regulation (EEC) No. 3842/86 laying down measures to prohibit the release for free circulation of counterfeit goods.