



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART I

#### REGISTERED TRADE MARKS

##### *Effects of registered trade mark*

#### **12 Exhaustion of rights conferred by registered trade mark.**

(1) A registered trade mark is not infringed by the use of the trade mark in relation to goods which have been put on the market in [<sup>F1</sup>the United Kingdom or] the European Economic Area under that trade mark by the proprietor or with his consent.

[<sup>F2</sup>(2) Subsection (1) does not apply where—

- (a) there exist legitimate reasons for the proprietor to oppose further dealings in the goods for the purpose of protecting the proprietor's property (in particular, where the condition of the goods has been changed or impaired after they have been put on the market), and
- (b) the opposition to those dealings interferes with the rights of any other person no more than is necessary to achieve that purpose.]

#### **Textual Amendments**

- F1** Words in s. 12(1) inserted (31.12.2020) by [The Intellectual Property \(Exhaustion of Rights\) \(EU Exit\) Regulations 2019 \(S.I. 2019/265\)](#), regs. 1, **5(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 12(2) substituted (31.12.2023) by [The Intellectual Property \(Exhaustion of Rights\) \(Amendment\) Regulations 2023 \(S.I. 2023/1287\)](#), regs. 1(b), **5(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 12.