



Trade Marks Act 1994

1994 CHAPTER 26

PART II

[^{F1}EUROPEAN UNION] TRADE MARKS AND INTERNATIONAL MATTERS

The Paris Convention: supplementary provisions

58 Emblems, &c. of certain international organisations: Article 6ter.

- (1) This section applies to—
 - (a) the armorial bearings, flags or other emblems, and
 - (b) the abbreviations and names,of international intergovernmental organisations of which one or more Convention countries are members.
- (2) A trade mark which consists of or contains any such emblem, abbreviation or name which is protected under the Paris Convention [^{F1}or the WTO agreement] shall not be registered without the authorisation of the international organisation concerned, unless it appears to the registrar that the use of the emblem, abbreviation or name in the manner proposed—
 - (a) is not such as to suggest to the public that a connection exists between the organisation and the trade mark, or
 - (b) is not likely to mislead the public as to the existence of a connection between the user and the organisation.
- (3) The provisions of this section as to emblems of an international organisation apply equally to anything which from a heraldic point of view imitates any such emblem.
- (4) Where by virtue of this section the authorisation of an international organisation is or would be required for the registration of a trade mark, that organisation is entitled to restrain by injunction any use of the mark in the United Kingdom without its authorisation.

*Changes to legislation: There are currently no known outstanding effects
for the Trade Marks Act 1994, Section 58. (See end of Document for details)*

- (5) Nothing in this section affects the rights of a person whose *bona fide* use of the trade mark in question began before 4th January 1962 (when the relevant provisions of the Paris Convention entered into force in relation to the United Kingdom).

Textual Amendments

F1 Words in s. 58(2) inserted (29.7.1999) by S.I. 1999/1899, **reg. 13(6)** (with **art. 14(2)**)

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 58.