



# Olympic Symbol etc. (Protection) Act 1995

## 1995 CHAPTER 32

### *Remedies in relation to infringement*

#### **6 Action for infringement**

- (1) An infringement of the Olympics association right shall be actionable by the proprietor.
- (2) In an action for infringement, all such relief by way of damages, injunctions, accounts or otherwise shall be available to the proprietor as is available in respect of the infringement of a property right.

#### **7 Orders in relation to infringing goods, material or articles**

- (1) The Secretary of State may by regulations make, in relation to infringing goods, material and articles, provision corresponding to that made by the following provisions of the Trade Marks Act 1994 in relation to goods, material and articles which are infringing goods, material and articles for the purposes of that Act—
  - section 15 (order for erasure etc. of offending sign),
  - section 16 (order for delivery up of infringing goods, material or articles),
  - section 18 (period after which remedy of delivery up not available),
  - section 19 (order as to disposal of infringing goods, material or articles), and
  - section 20 (jurisdiction in Scotland and Northern Ireland in relation to proceedings for an order under section 16 or 19).
- (2) Goods are “infringing goods” for the purposes of this Act if they or their packaging bear a controlled representation and—
  - (a) the application of the representation to the goods or their packaging was an infringement of the Olympics association right,

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*Status: This is the original version (as it was originally enacted).*

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- (b) the goods are proposed to be imported into the United Kingdom and the application of the representation in the United Kingdom to them or their packaging would be an infringement of that right, or
  - (c) the representation has otherwise been used in relation to the goods in such a way as to infringe that right.
- (3) Material is “infringing material” for the purposes of this Act if it bears a controlled representation and either—
  - (a) it is used for labelling or packaging goods, as a business paper, or for advertising goods or services, in such a way as to infringe the Olympics association right, or
  - (b) it is intended to be so used and such use would infringe that right.
- (4) Articles are “infringing articles” for the purposes of this Act if they are articles—
  - (a) which are specifically designed or adapted for making copies of a controlled representation, and
  - (b) which a person has in his possession, custody or control, knowing or having reason to believe that they have been or are to be used to produce infringing goods or material.
- (5) The power conferred by subsection (1) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Nothing in subsection (2) above shall be construed as affecting the importation of goods which may lawfully be imported into the United Kingdom by virtue of an enforceable Community right.