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STATUTORY INSTRUMENTS

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**2016 No. 299**

**The European Union Trade Mark Regulations 2016**

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the European Union Trade Mark Regulations 2016 and come into force on 6th April 2016.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) In these Regulations “the 1994 Act” means the Trade Marks Act 1994.

**Commencement Information**

II [Reg. 1](#) in force at 6.4.2016, see [reg. 1\(1\)](#)

**Amendments to the 1994 Act**

2. The 1994 Act is amended as follows.

3. In the heading of Part II and in the italic heading before section 51, for “Community” substitute “European Union”.

4. For section 51, substitute—

**“51. Meaning of “European Union trade mark”**

In this Act—

“European Union trade mark” has the meaning given by Article 1(1) of the European Union Trade Mark Regulation; and

“the European Union Trade Mark Regulation” means Council Regulation [\(EC\) No 207/2009](#) of 26 February 2009 on the European Union Trade Mark<sup>(1)</sup>.”

5.—(1) Section 52 is amended as follows.

(2) In the heading, for “Community”, substitute “European Union”.

(3) In subsections (1) to (3), for “Community” in each place substitute “European Union”.

(4) Omit subsection (2)(a).

(5) In subsection (3)(b), for “Article 89” substitute “Article 93”.

(6) After subsection (3) insert—

“(3A) The reference in subsections (1) and (2)(d) to the European Union Trade Mark Regulation includes a reference to Council Regulation [\(EC\) No 40/94](#) of 20th December 1993 on the Community trade mark<sup>(2)</sup>.”.

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(1) OJNo. L78, 24.3.2009, p1; as amended by Regulation (EU) No 2015/2424 of the European Parliament and of the Council of 16th December 2015, OJ No. L341, 24.12.2015, p21.

(2) OJ No. L11, 14.1.1994, p1.

**Commencement Information**

- I2** [Reg. 2](#) in force at 6.4.2016, see [reg. 1\(1\)](#)
- I3** [Reg. 3](#) in force at 6.4.2016, see [reg. 1\(1\)](#)
- I4** [Reg. 4](#) in force at 6.4.2016, see [reg. 1\(1\)](#)
- I5** [Reg. 5](#) in force at 6.4.2016, see [reg. 1\(1\)](#)

**Amendments to the Community Trade Mark Regulations 2006**

- <sup>F1</sup>**6.** .....
- <sup>F1</sup>**7.** .....
- <sup>F1</sup>**8.** .....
- <sup>F1</sup>**9.** .....
- <sup>F1</sup>**10.** .....
- <sup>F1</sup>**11.** .....
- <sup>F1</sup>**12.** .....

**F1** [Regs. 6-12](#) revoked (31.12.2020) by [The Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/269), [reg. 1\(1\)](#), [Sch. 5 para. 6](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Transitional Provisions**

**13.**—(1) Anything done or having effect as if done under, for the purposes of, or in reliance on the old Regulation or a provision of the old Regulation has effect, so far as necessary for continuing its effect after the coming into force of these Regulations, as if done under, for the purposes of, or in reliance on the current Regulation or the corresponding provision of that Regulation.

(2) In this regulation—

“the old Regulation” means Council Regulation [\(EC\) No 40/94](#) of 20th December 1993 on the Community Trade Mark;

“the current Regulation” means Council Regulation [\(EC\) No 207/2009](#) of 26th February 2009 on the European Union Trade Mark.

**Commencement Information**

- I6** [Reg. 13](#) in force at 6.4.2016, see [reg. 1\(1\)](#)

**Saving provision**

**14.** Subject to the amendments made by regulations 6 to 12, any regulations made under section 52 of the 1994 Act which have effect immediately before the coming into force of these Regulations have effect after then as if made under that section as amended by these Regulations.

**Commencement Information**

- I7** [Reg. 14](#) in force at 6.4.2016, see [reg. 1\(1\)](#)

### Consequential amendments etc

15. The Schedule (which contains amendments etc consequential on the amendments made by regulations 2 to 5) has effect.

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#### Commencement Information

**18** [Reg. 15](#) in force at 6.4.2016, see [reg. 1\(1\)](#)

*Neville-Rolfe*  
Parliamentary Under Secretary of State for  
Business, Innovation and Skills  
Department for Business, Innovation and Skills

**Changes to legislation:**

There are currently no known outstanding effects for the The European Union Trade Mark Regulations 2016.