
STATUTORY INSTRUMENTS

2018 No. 825

The Trade Marks Regulations 2018

PART 2

Amendments to the 1994 Act

General provisions as to rights of licensees in case of infringement

17.—(1) Section 30 is amended as follows.

(2) After subsection (1) insert—

“(1A) Except so far as the licence provides otherwise a licensee may only bring proceedings for infringement of the registered trade mark with the consent of the proprietor (but see subsections (2) and (3)).”.

(3) In subsection (2), for “A licensee is entitled, unless his licence or any licence through which his interest is derived, provides otherwise, to” substitute “ An exclusive licensee may ”.

(4) In subsection (3) after “If the proprietor” insert “ mentioned in subsection (2) ” and before “licensee” insert “ exclusive ”.

(5) In subsection (4), after “by virtue of this section” insert “ or with the consent of the proprietor or pursuant to the licence ”.

(6) After subsection (6), insert—

“(6A) Where the proprietor of a registered trade mark brings infringement proceedings, a licensee who has suffered loss is entitled to intervene in the proceedings for the purpose of obtaining compensation for that loss.”.

Changes to legislation:

There are currently no known outstanding effects for the The Trade Marks Regulations 2018, Section 17.