



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART I

#### REGISTERED TRADE MARKS

##### *Introductory*

## 1 Trade marks.

[<sup>F1</sup>(1) In this Act “trade mark” means any sign which is capable—

- (a) of being represented in the register in a manner which enables the registrar and other competent authorities and the public to determine the clear and precise subject matter of the protection afforded to the proprietor, and
- (b) of distinguishing goods or services of one undertaking from those of other undertakings.

A trade mark may, in particular, consist of words (including personal names), designs, letters, numerals, colours, sounds or the shape of goods or their packaging.]

- (2) References in this Act to a trade mark include, unless the context otherwise requires, references to a collective mark (see section 49) or certification mark (see section 50).

#### **Textual Amendments**

- F1** S. 1(1) substituted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), regs. 1(1), 3 (with Pt. 5)

## 2 Registered trade marks.

- (1) A registered trade mark is a property right obtained by the registration of the trade mark under this Act and the proprietor of a registered trade mark has the rights and remedies provided by this Act.

*Status: Point in time view as at 14/01/2019.*

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

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- (2) No proceedings lie to prevent or recover damages for the infringement of an unregistered trade mark as such; but nothing in this Act affects the law relating to passing off.

**Status:**

Point in time view as at 14/01/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Cross Heading: Introductory.