



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART I

#### REGISTERED TRADE MARKS

##### *Infringement proceedings*

#### **19 Order as to disposal of infringing goods, material or articles.**

- (1) Where infringing goods, material or articles have been delivered up in pursuance of an order under section 16, an application may be made to the court—
  - (a) for an order that they be destroyed or forfeited to such person as the court may think fit, or
  - (b) for a decision that no such order should be made.
- (2) In considering what order (if any) should be made, the court shall consider whether other remedies available in an action for infringement of the registered trade mark would be adequate to compensate the proprietor and any licensee and protect their interests.
- (3) Provision shall be made by rules of court as to the service of notice on persons having an interest in the goods, material or articles, and any such person is entitled—
  - (a) to appear in proceedings for an order under this section, whether or not he was served with notice, and
  - (b) to appeal against any order made, whether or not he appeared;and an order shall not take effect until the end of the period within which notice of an appeal may be given or, if before the end of that period notice of appeal is duly given, until the final determination or abandonment of the proceedings on the appeal.
- (4) Where there is more than one person interested in the goods, material or articles, the court shall make such order as it thinks just.

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*Status: Point in time view as at 29/04/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 19. (See end of Document for details)*

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- (5) If the court decides that no order should be made under this section, the person in whose possession, custody or control the goods, material or articles were before being delivered up is entitled to their return.
- (6) References in this section to a person having an interest in goods, material or articles include any person in whose favour an order could be made
- [<sup>F1</sup>(a) under this section (including that section as applied by regulation 4 of the Community Trade Mark Regulations 2006 ([SI 2006/1027](#)));
- (b) under section 24D of the Registered Designs Act 1949;
- (c) under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988; or
- (d) under regulation 1C of the Community Design Regulations 2005 ([SI 2005/2339](#)).]

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**Textual Amendments**

- F1** S. 19(6)(a)-(d) substituted for words in s 19(6) (29.4.2006) by [Intellectual Property \(Enforcement, etc\) Regulations 2006 \(S.I. 2006/1028\)](#), art. 1, [Sch. 2 para. 16](#)
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**Modifications etc. (not altering text)**

- C1** S. 19: power to apply conferred (20.9.1995) by [1995 c. 32](#), [S.I. 1995/2472](#), art. 2

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 19.