

Council Regulation (EC) No 40/94 of 20 December  
1993 on the Community trade mark (repealed)

TITLE X

**JURISDICTION AND PROCEDURE IN LEGAL ACTIONS  
RELATING TO COMMUNITY TRADE MARKS**

SECTION 3

**OTHER DISPUTES CONCERNING COMMUNITY TRADE MARKS**

*Article 102*

**Supplementary provisions on the jurisdiction of national  
courts other than Community trade mark courts**

1 Within the Member State whose courts have jurisdiction under Article 90 (1) those courts shall have jurisdiction for actions other than those referred to in Article 92, which would have jurisdiction *ratione loci* and *ratione materiae* in the case of actions relating to a national trade mark registered in that State.

2 Actions relating to a Community trade mark, other than those referred to in Article 92, for which no court has jurisdiction under Article 90 (1) and paragraph 1 of this Article may be heard before the courts of the Member State in which the Office has its seat.

*Article 103*

**Obligation of the national court**

A national court which is dealing with an action relating to a Community trade mark, other than the action referred to in Article 92, shall treat the trade mark as valid.

**Status:**

Point in time view as at 27/12/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EC) No 40/94 (repealed), SECTION 3.