



Trade Descriptions Act 1968

1968 CHAPTER 29

Prohibition of importation of certain goods

17 Restriction on importation of goods bearing infringing trade marks.

In the ^{M1}Trade Marks Act 1938 the following section shall be inserted after section 64:
—

- (1) The person who is registered as the proprietor or registered user of a trade mark in respect of any goods may give notice in writing to the Commissioners of Customs and Excise (in this section referred to as the Commissioners)—
 - (a) that he is the proprietor or registered user of that trade mark, and
 - (b) that such goods bearing the trade mark are expected to arrive in the United Kingdom at a time and place and by a consignment specified in the notice, and
 - (c) that the use within the United Kingdom of the trade mark in relation to the goods would infringe the proprietor's exclusive right to that use, and
 - (d) that he requests the Commissioners to treat the goods as prohibited goods.
- (2) Where a notice has been given under this section in respect of any goods bearing a trade mark and has not been withdrawn and the requirements of any regulations made under this section are complied with, then, subject to the following provisions of this section, the importation into the United Kingdom of the goods shall, if the condition of paragraph (c) of the preceding subsection is satisfied, be deemed to be prohibited unless the importation is for private and domestic use of the person importing the goods.
- (3) The Commissioners may make regulations prescribing the form in which notices are to be given under this section, and requiring a person giving such a notice, either at the time of giving the notice or at the time when the goods in question are imported, or at both those times, to furnish the Commissioners

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Trade Descriptions Act 1968, Section 17. (See end of Document for details)

with such evidence, and to comply with such other conditions (if any), as may be specified in the regulations, and any such regulations may include such incidental and supplementary provisions as the Commissioners consider expedient for the purposes of this section.

- (4) Without prejudice to the generality of the preceding subsection, regulations made under that subsection may include provision for requiring a person who has given a notice under subsection (1) of this section, or a notice purporting to be a notice under that subsection,—
- (a) to pay such fees in respect of the notice as may be prescribed by the regulations;
 - (b) to give to the Commissioners such security as may be so prescribed, in respect of any liability or expense which they may incur in consequence of the detention of any goods to which the notice relates, or in consequence of any thing done in relation to goods so detained;
 - (c) whether any such security is given or not, to keep the Commissioners indemnified against any such liability or expense as is mentioned in the preceding paragraph.
- (5) For the purposes of section 11 of the Customs and Excise Act 1952 (which relates to the disposal of duties) any fees paid in pursuance of regulations made under this section shall be treated as money collected on account of customs.
- (6) Regulations made under subsection (3) of this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Modifications etc. (not altering text)

- C1** The text of s. 17 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
-

Marginal Citations

- M1** [1938 c. 22](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Trade Descriptions Act 1968, Section 17.