



Trade Marks Act 1994

1994 CHAPTER 26

PART I

REGISTERED TRADE MARKS

Infringement proceedings

17 Meaning of “infringing goods, material or articles”.

- (1) In this Act the expressions “infringing goods”, “infringing material” and “infringing articles” shall be construed as follows.
- (2) Goods are “infringing goods”, in relation to a registered trade mark, if they or their packaging bear a sign identical or similar to that mark and—
 - (a) the application of the sign to the goods or their packaging was an infringement of the registered trade mark, or
 - (b) the goods are proposed to be imported into the United Kingdom and the application of the sign in the United Kingdom to them or their packaging would be an infringement of the registered trade mark, or
 - (c) the sign has otherwise been used in relation to the goods in such a way as to infringe the registered trade mark.
- (3) Nothing in subsection (2) shall be construed as affecting the importation of goods which may lawfully be imported into the United Kingdom by virtue of an enforceable Community right.
- (4) Material is “infringing material”, in relation to a registered trade mark if it bears a sign identical or similar to that mark and either—
 - (a) it is used for labelling or packaging goods, as a business paper, or for advertising goods or services, in such a way as to infringe the registered trade mark, or
 - (b) it is intended to be so used and such use would infringe the registered trade mark.

Status: Point in time view as at 31/10/1994. This version of this provision has been superseded.

Changes to legislation: Trade Marks Act 1994, Section 17 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) “Infringing articles”, in relation to a registered trade mark, means articles—
- (a) which are specifically designed or adapted for making copies of a sign identical or similar to that mark, and
 - (b) which a person has in his possession, custody or control, knowing or having reason to believe that they have been or are to be used to produce infringing goods or material.

Status:

Point in time view as at 31/10/1994. This version of this provision has been superseded.

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