_____
Status: Point in time view as at 27/12/2022.
Changes to legislation: Trade Marks Act 1994, Section 4 is up to date with all changes known to be in force on
or before 06 September 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)
_____

Trade Marks Act 1994

1994 CHAPTER 26

PART I

REGISTERED TRADE MARKS

Grounds for refusal of registration

4   Specially protected emblems.

(1) A trade mark which consists of or contains—

   (a)   the Royal arms, or any of the principal armorial bearings of the Royal arms, or any insignia or device so nearly resembling the Royal arms or any such armorial bearing as to be likely to be mistaken for them or it,

   (b)   a representation of the Royal crown or any of the Royal flags,

   (c)   a representation of Her Majesty or any member of the Royal family, or any colourable imitation thereof, or

   (d)   words, letters or devices likely to lead persons to think that the applicant either has or recently has had Royal patronage or authorisation,

   shall not be registered unless it appears to the registrar that consent has been given by or on behalf of Her Majesty or, as the case may be, the relevant member of the Royal family.

(2) A trade mark which consists of or contains a representation of—

   (a)   the national flag of the United Kingdom (commonly known as the Union Jack), or

   (b)   the flag of England, Wales, Scotland, Northern Ireland or the Isle of Man,

   shall not be registered if it appears to the registrar that the use of the trade mark would be misleading or grossly offensive.

   Provision may be made by rules identifying the flags to which paragraph (b) applies.

(3) A trade mark shall not be registered in the cases specified in—

       section 57 (national emblems, &c. of Convention countries), or

section 58 (emblems, &c. of certain international organisations).

(4) Provision may be made by rules prohibiting in such cases as may be prescribed the registration of a trade mark which consists of or contains—

    (a)   arms to which a person is entitled by virtue of a grant of arms by the Crown, or

    (b)   insignia so nearly resembling such arms as to be likely to be mistaken for them,

unless it appears to the registrar that consent has been given by or on behalf of that person.

Where such a mark is registered, nothing in this Act shall be construed as authorising its use in any way contrary to the laws of arms.

[**F1**(5) A trade mark which consists of or contains a controlled representation within the meaning of the Olympic Symbol etc. (Protection) Act 1995 shall not be registered unless it appears to the registrar—

    (a)   that the application is made by the person for the time being appointed under section 1(2) of the Olympic Symbol etc. (Protection) Act 1995 (power of Secretary of State to appoint a person as the proprietor of the Olympics association right), or

    (b)   that consent has been given by or on behalf of the person mentioned in paragraph (a) above.]

Textual Amendments

F1   S. 4(5) inserted (20.9.1995) by 1995 c. 32, **s. 13(2)** (with s. 13(3)); S.I. 1995/2472, **art. 2**

Commencement Information

I1   S. 4 wholly in force at 31.10.1994; S. 4 not in force at Royal Assent see s. 109; s. 4(4) in force for certain purposes at 29.9.1994 and at 31.10.1994 insofar as s. 4 not already in force by S.I. 1994, arts. 2, 3(1), Sch.

Status:
Point in time view as at 27/12/2022.

Changes to legislation:
Trade Marks Act 1994, Section 4 is up to date with all changes known to be in force on or before 06 September 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.