



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART II

#### COMMUNITY TRADE MARKS AND INTERNATIONAL MATTERS

##### *The Paris Convention: supplementary provisions*

#### **60 Acts of agent or representative: Article 6septies**

- (1) The following provisions apply where an application for registration of a trade mark is made by a person who is an agent or representative of a person who is the proprietor of the mark in a Convention country.
- (2) If the proprietor opposes the application, registration shall be refused.
- (3) If the application (not being so opposed) is granted, the proprietor may—
  - (a) apply for a declaration of the invalidity of the registration, or
  - (b) apply for the rectification of the register so as to substitute his name as the proprietor of the registered trade mark.
- (4) The proprietor may (notwithstanding the rights conferred by this Act in relation to a registered trade mark) by injunction restrain any use of the trade mark in the United Kingdom which is not authorised by him.
- (5) Subsections (2), (3) and (4) do not apply if, or to the extent that, the agent or representative justifies his action.
- (6) An application under subsection (3)(a) or (b) must be made within three years of the proprietor becoming aware of the registration; and no injunction shall be granted under subsection (4) in respect of a use in which the proprietor has acquiesced for a continuous period of three years or more.