



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART III

#### ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

##### *Legal proceedings and appeals*

#### **73 Certificate of validity of contested registration.**

- (1) If in proceedings before the court the validity of the registration of a trade mark is contested and it is found by the court that the trade mark is validly registered, the court may give a certificate to that effect.
- (2) If the court gives such a certificate and in subsequent proceedings—
  - (a) the validity of the registration is again questioned, and
  - (b) the proprietor obtains a final order or judgment in his favour,he is entitled to his costs as between solicitor and client unless the court directs otherwise.

This subsection does not extend to the costs of an appeal in any such proceedings.

#### **Modifications etc. (not altering text)**

- C1** S. 73 applied (with modifications) (1.4.1996) by [S.I. 1996/714, art. 15\(1\)](#)
- C2** S. 73 applied (31.12.2020) by Regulation (EU) No. 33/2019, Art. 32b(1) (as inserted by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1637), regs. 1(7), 26(31), [Sch. 8 Pt. 3](#))
- C3** S. 73 applied (31.12.2020) by Regulation (EU) No. 251/2014, Art. 19b(1) (as inserted by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1637), regs. 1(7), 21, [Sch. 4 Pt. 3](#))
- C4** S. 73 applied (31.12.2020) by Regulation (EU) No. 1151/2012, Art. 14b(1) (as inserted by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1637), regs. 1(7), 18, [Sch. 2 Pt. 3](#))

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*Changes to legislation: There are currently no known outstanding effects  
for the Trade Marks Act 1994, Section 73. (See end of Document for details)*

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- C5** S. 73 applied (31.12.2020) by Regulation (EU) No. 1308/2013, Art. 102b(1) (as inserted by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 20, **Sch. 3 Pt. 2**)
- C6** S. 73 applied (31.12.2020) by Regulation (EU) 2019/787, Art. 36b(1) (as inserted by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), reg. 1(3), **Sch. 5 Pt. 2**)

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 73.