



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART III U.K.

#### ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

##### *Importation of infringing goods, material or articles*

#### **89 Infringing goods, material or articles may be treated as prohibited goods. U.K.**

- (1) The proprietor of a registered trade mark, or a licensee, may give notice in writing to the Commissioners of Customs and Excise—
  - (a) that he is the proprietor or, as the case may be, a licensee of the registered trade mark,
  - (b) that, at a time and place specified in the notice, goods which are, in relation to that registered trade mark, infringing goods, material or articles are expected to arrive in the United Kingdom—
    - (i) from outside the European Economic Area, or
    - (ii) from within that Area but not having been entered for free circulation, and
  - (c) that he requests the Commissioners to treat them as prohibited goods.
- (2) When a notice is in force under this section the importation of the goods to which the notice relates, otherwise than by a person for his private and domestic use, is prohibited; but a person is not by reason of the prohibition liable to any penalty other than forfeiture of the goods.
- <sup>F1</sup>(3) This section does not apply to goods placed in, or expected to be placed in, one of the situations referred to in Article 1(1), in respect of which an application may be made under <sup>F2</sup>Article 3 of the European Customs Enforcement Regulation].]

*Status: Point in time view as at 14/01/2019.*

*Changes to legislation: Trade Marks Act 1994, Section 89 is up to date with all changes known to be in force on or before 20 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)*

#### **Textual Amendments**

- F1** S. 89(3) substituted (1.7.2004) by [Goods Infringing Intellectual Property Rights \(Customs\) Regulations 2004 \(S.I. 2004/1473\)](#), regs. 1, **13** (with reg. 2(3))
- F2** Words in s. 89(3) substituted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), regs. 1(1), **30** (with Pt. 5)

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

- C1** S. 89 applied (with modifications) (1.4.1996) by [S.I. 1996/714](#), **art. 16**  
S. 89 applied (with modifications) (14.8.1996) by [S.I. 1996/1908](#), **reg. 6**
- C2** S. 89 applied (29.4.2006) by [Community Trade Mark Regulations 2006 \(S.I. 2006/1027\)](#), regs. 1(1), **7(1)**

**Status:**

Point in time view as at 14/01/2019.

**Changes to legislation:**

Trade Marks Act 1994, Section 89 is up to date with all changes known to be in force on or before 20 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.