



# Olympic Symbol etc. (Protection) Act 1995

## 1995 CHAPTER 32

*Forfeiture of counterfeit goods, etc.*

### **11 Forfeiture: England and Wales or Northern Ireland**

- (1) Section 97 of the Trade Marks Act 1994 (which makes provision about the forfeiture of certain goods, material or articles which come into the possession of any person in connection with the investigation or prosecution of a relevant offence) shall also have effect with the following modifications.
- (2) In subsection (1) (which describes the goods, material or articles concerned)—
  - (a) in paragraph (a), for “sign identical to or likely to be mistaken for a registered trade mark” there shall be substituted “representation within paragraph (a) or (b) of section 3(1) of the Olympic Symbol etc. (Protection) Act 1995”, and
  - (b) in paragraphs (b) and (c), for “sign” there shall be substituted “representation”.
- (3) In subsection (7)(a) (power of court to direct release instead of destruction on condition that offending sign erased etc.) for “sign” there shall be substituted “representation”.
- (4) In subsection (8) (which defines “relevant offence”) for “section 92 above (unauthorised use of trade mark etc. in relation to goods)” there shall be substituted “section 8 of the Olympic Symbol etc. (Protection) Act 1995”.

### **12 Forfeiture: Scotland**

- (1) Section 98 of the Trade Marks Act 1994 (which makes provision about the forfeiture of certain goods, material or articles on application by the procurator-fiscal or where a person is convicted of a relevant offence) shall also have effect with the following modifications.
- (2) In subsection (1) (which describes the goods, material or articles concerned)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in paragraph (a), for “sign identical to or likely to be mistaken for a registered trade mark” there shall be substituted “representation within paragraph (a) or (b) of section 3(1) of the Olympic Symbol etc. (Protection) Act 1995”, and
  - (b) in paragraphs (b) and (c), for “sign” there shall be substituted “representation”.
- (3) In subsection (13) (power of court to direct release instead of destruction on condition that offending sign erased etc.) for “sign” there shall be substituted “representation”.
- (4) In subsection (14), in the definition of “relevant offence”, for “section 92 (unauthorised use of trade mark, &c. in relation to goods)” there shall be substituted “section 8 of the Olympic Symbol etc. (Protection) Act 1995”.