

1970 No. 212

## TRADE MARKS

**The Trade Marks (Customs) Regulations 1970**

<i>Made</i>	- - -	13th February 1970
<i>Laid before Parliament</i>		20th February 1970
<i>Coming into Operation</i>		3rd March 1970

The Commissioners of Customs and Excise, in exercise of the powers conferred on them by section 64A(3) of the Trade Marks Act 1938(a), as amended by section 17 of the Trade Descriptions Act 1968(b), and of all other powers enabling them in that behalf, hereby make the following Regulations :—

**1.**—(1) These Regulations may be cited as the Trade Marks (Customs) Regulations 1970.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) These Regulations shall come into force on the 3rd day of March 1970.

**2.** If notice (hereinafter called “the notice”) is given under section 64A(1) of the said Act of 1938 as so amended by a person who is registered as the proprietor or registered user of a trade mark in respect of certain goods, it shall be in the form set out in the Schedule to these Regulations ; and separate notices shall be given in respect of each consignment of such goods bearing the said trade mark.

**3.** A fee of five pounds in respect of each notice shall be paid to the Commissioners immediately after the notice has been given.

**4.** The person who gives the notice, or a notice purporting to be the notice, shall, if so required, give to the Commissioners such security or further security by deposit of money or bond as the Commissioners shall think fit in respect of any liability or expense which they may incur in consequence of the detention of any goods to which the notice relates or in consequence of anything done in relation to goods so detained ; and if such security or further security is not given within the time specified by the Commissioners, then (but without prejudice to the operation of the next following Regulation) the notice shall have no effect.

**5.** In every case, whether any security or further security is given or not, the person who has given the notice or purported notice shall keep the Commissioners indemnified against all such liability and expense as is mentioned in the preceding Regulation and in particular shall repay to them all expense which may be incurred by them in consequence of the detention of, or anything done in relation to, any goods to which the notice relates.

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(a) 1938 c. 22.  
(c) 1889 c. 63.

(b) 1968 c. 29.

6.—(1) The person who gives the notice shall, within seven days of giving it, or within such further time as the Commissioners may allow, furnish them with a Certificate of the Registrar of Trade Marks as to the matters covered by paragraph 1 of the notice in relation to the trade mark specified therein.

(2) If such a certificate is not so furnished within such time then the goods shall not be detained, or, if detained, shall be released, and (but without prejudice to the operation of the preceding Regulation) any notice given in respect of them shall have no effect.

*Dorothy Johnstone,*  
Commissioner of Customs and Excise.

13th February 1970.  
King's Beam House,  
Mark Lane,  
London, E.C.3.

SCHEDULE

TRADE MARKS ACT, 1938, SECTION 64A

To the Commissioners of Customs and Excise,  
King's Beam House, London, E.C.3.

(1) Insert full name and address of person giving the notice. This notice should be completed by the proprietor or registered user of the trade mark, or an authorised agent. A registered user can give notice in relation only to goods in respect of which he is registered as a registered user.

1. I/We(1).....  
(name of person/firm/company/authorised agent)

of.....

hereby give you notice that(2).....

(2) Insert full name and address of proprietor as registered at the Patent Office.

of.....is/are the

(3) Here place a copy or give an exact description of the mark as registered at the Patent Office.

proprietor of the following trade mark namely(3).....

.....

.....

.....

.....

which is registered at the Patent Office under No.....

for the period ending.....

(4) Here state the specification of the goods in respect of which the trade mark has been registered at the Patent Office. in respect of (4).....being goods of Class(5).....

(5) Insert the number of the Class in which the specified goods are registered at the Patent Office.

(6) Insert full name and address of registered user. Delete the words in brackets where notice is given by the proprietor of the trade mark. [and that(6).....of.....is registered as registered user of the said trade mark in respect of all the goods in respect of the following

(7) Insert particulars where the permitted use of the trade mark by the registered user is not in respect of all the goods in respect of which it is registered. which it is registered(7).....goods

.....] 2. Goods covered by this specification and bearing this trade mark are expected to arrive in the United Kingdom:—

(8) Insert date and time of expected arrival of goods. (a) on(8) (b) at(9) The consignment particulars are:— (i) name of ship, or flight number of aircraft: (ii) name and address of importer: (iii) description of goods (including Customs Tariff classification): (iv) number of, and marks on, packages:

(9) Insert place where goods are expected to arrive.

3. The use within the United Kingdom of this trade mark in relation to those goods will infringe the proprietor's exclusive right to that use.

4. I/We request the Commissioners to treat the said goods as prohibited.

Dated this of 19 .

Signature..... \*Proprietor/partner/director/secretary/duly authorised person

\*Delete as necessary.

Witness .....

Address .....

Occupation.....

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations prescribe the manner in which the proprietor or registered user of a trade mark may give the Commissioners of Customs and Excise notice of the expected arrival in the United Kingdom of goods which infringe the proprietor's exclusive right and which he wishes to be treated as prohibited goods. They also specify the conditions to be observed by the person giving such a notice.

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