
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form in which the proprietor of a registered trade mark, or a licensee, may give notice under section 89 of the Trade Marks Act 1994⁽¹⁾ to the Commissioners of Customs and Excise of the expected arrival of goods which he wishes to be treated as prohibited. They apply not only to infringing goods, but also to infringing material (e.g. labelling or packaging) and infringing articles (items designed or adapted for making copies of the trade mark) as defined in section 17 of the Act.

These Regulations also specify the fee to be paid and conditions to be observed by the person giving the notice.

Section 89 applies only to goods which are expected to arrive in the United Kingdom from outside the European Economic Area, or from within that Area but which have not been entered for free circulation, and does not apply in circumstances where the proprietor of the trade mark, or licensee, is entitled to lodge an application under Council Regulation (EEC) No. 3842/86 (O.J. No. L357, 18.12.86, p. 1.).

The Regulations revoke The Trade Marks (Customs) Regulations 1970⁽²⁾ made under section 64A⁽³⁾ of the Trade Marks Act 1938⁽³⁾ which was repealed by the Trade Marks Act 1994.

(1) 1994 (c. 26).

(2) S.I.1970/212.

(3) 1938 (c. 22). Section 64A was inserted by section 17 of the Trade Descriptions Act 1968 (c. 29).

Changes to legislation:

There are currently no known outstanding effects for the The Trade Marks (Customs) Regulations 1994.