



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART II

#### COMMUNITY TRADE MARKS AND INTERNATIONAL MATTERS

##### *Community trade marks*

#### **51 Meaning of “Community trade mark”**

In this Act—

“Community trade mark” has the meaning given by Article 1(1) of the Community Trade Mark Regulation; and

“the Community Trade Mark Regulation” means Council Regulation (EC) No. 40/94 of 20th December 1993 on the Community trade mark.

#### **52 Power to make provision in connection with Community Trade Mark Regulation**

- (1) The Secretary of State may by regulations make such provision as he considers appropriate in connection with the operation of the Community Trade Mark Regulation.
- (2) Provision may, in particular, be made with respect to—
  - (a) the making of applications for Community trade marks by way of the Patent Office;
  - (b) the procedures for determining *a posteriori* the invalidity, or liability to revocation, of the registration of a trade mark from which a Community trade mark claims seniority;
  - (c) the conversion of a Community trade mark, or an application for a Community trade mark, into an application for registration under this Act;
  - (d) the designation of courts in the United Kingdom having jurisdiction over proceedings arising out of the Community Trade Mark Regulation.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Without prejudice to the generality of subsection (1), provision may be made by regulations under this section—
- (a) applying in relation to a Community trade mark the provisions of—
    - (i) section 21 (remedy for groundless threats of infringement proceedings);
    - (ii) sections 89 to 91 (importation of infringing goods, material or articles); and
    - (iii) sections 92, 93, 95 and 96 (offences); and
  - (b) making in relation to the list of professional representatives maintained in pursuance of Article 89 of the Community Trade Mark Regulation, and persons on that list, provision corresponding to that made by, or capable of being made under, sections 84 to 88 in relation to the register of trade mark agents and registered trade mark agents.
- (4) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.