



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART IV **U.K.**

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Miscellaneous*

#### **99** **Unauthorised use of Royal arms, &c.** **U.K.**

- (1) A person shall not without the authority of Her Majesty use in connection with any business the Royal arms (or arms so closely resembling the Royal arms as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal arms.
- (2) A person shall not without the authority of Her Majesty or of a member of the Royal family use in connection with any business any device, emblem or title in such a manner as to be calculated to lead to the belief that he is employed by, or supplies goods or services to, Her Majesty or that member of the Royal family.
- (3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) Contravention of subsection (1) or (2) may be restrained by injunction in proceedings brought by—
  - (a) any person who is authorised to use the arms, device, emblem or title in question, or
  - (b) any person authorised by the Lord Chamberlain to take such proceedings.
- (5) Nothing in this section affects any right of the proprietor of a trade mark containing any such arms, device, emblem or title to use that trade mark.

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*Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Cross Heading: Miscellaneous. (See end of Document for details)*

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**[<sup>F1</sup>99A Reproduction of trade marks in dictionaries, encyclopaedias etc. U.K.]**

- (1) Subsection (2) applies if the reproduction of a trade mark in a dictionary, encyclopaedia or similar reference work, in print or electronic form, gives the impression that it constitutes the generic name of the goods or services for which the trade mark is registered.
- (2) The publisher of the work must, at the request in writing of the proprietor of the trade mark, ensure that the reproduction of the trade mark is accompanied by an indication that it is a registered trade mark.
- (3) The action required by subsection (2) must be taken—
  - (a) without delay, and
  - (b) in the case of works in printed form, at the latest in the next edition of the publication.
- (4) If the publisher fails to take any action required by subsection (2) the court may, on an application by the proprietor—
  - (a) order the publisher to take the action concerned;
  - (b) if the work is in printed form, order the publisher to erase or amend the reproduction of the trade mark or secure the destruction of copies of the work in the publisher's possession, custody or control; or
  - (c) grant such other order as the court in the circumstances considers appropriate.]

**Textual Amendments**

- F1** S. 99A inserted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), regs. 1(1), 31 (with Pt. 5)

**100 Burden of proving use of trade mark. U.K.**

If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it.

**101 Offences committed by partnerships and bodies corporate. U.K.**

- (1) Proceedings for an offence under this Act alleged to have been committed by a partnership shall be brought against the partnership in the name of the firm and not in that of the partners; but without prejudice to any liability of the partners under subsection (4) below.
- (2) The following provisions apply for the purposes of such proceedings as in relation to a body corporate—
  - (a) any rules of court relating to the service of documents;
  - (b) in England and Wales or Northern Ireland, Schedule 3 to the <sup>M1</sup>Magistrates' Courts Act 1980 or Schedule 4 to the <sup>M2</sup>Magistrates' Courts (Northern Ireland) Order 1981 (procedure on charge of offence).
- (3) A fine imposed on a partnership on its conviction in such proceedings shall be paid out of the partnership assets.

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**Changes to legislation:** There are currently no known outstanding effects for the Trade Marks Act 1994, Cross Heading: Miscellaneous. (See end of Document for details)

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- (4) Where a partnership is guilty of an offence under this Act, every partner, other than a partner who is proved to have been ignorant of or to have attempted to prevent the commission of the offence, is also guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

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

**C1** S. 101 applied (20.9.1995) by [1995 c. 32, s. 10](#); [S.I. 1995/2472, art. 2](#)

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**Marginal Citations**

**M1** [1980 c. 43](#).

**M2** [S.I. 1981/1675 \(N.I. 26\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Cross Heading: Miscellaneous.