

*Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Paragraph 13. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2A

#### EUROPEAN UNION TRADE MARKS

##### Textual Amendments

- F1** Sch. 2A inserted (31.12.2020) by [The Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/269\)](#), reg. 1(1), [Sch. 1 para. 3](#) (as amended by [S.I. 2020/1050](#), regs. 1(2), [9\(b\)\(i\)\(ii\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### PART 1

#### EXISTING EUROPEAN UNION TRADE MARKS

##### *Effect of seniority claim*

- 13 (1) This paragraph applies where immediately before IP completion day an existing EUTM has a valid claim to seniority of a trade mark which trade mark (the “senior mark”) is a registered trade mark or a protected international trade mark (UK).
- (2) The comparable trade mark (EU) which derives from the existing EUTM is to be treated on and after IP completion day as if it had a valid claim to seniority of the senior mark.
- (3) Accordingly, where the proprietor of the comparable trade mark (EU) surrenders the senior mark or allows it to lapse (whether wholly or partially), subject to paragraph 14, the proprietor of the comparable trade mark (EU) is deemed to continue to have the same rights as the proprietor would have had if the senior mark had continued to be registered in respect of all the goods or services for which it was registered prior to the surrender or lapse.
- (4) An existing EUTM has a valid claim to seniority of a trade mark where—
- (a) a claim has been filed in accordance with Article 39 or 40; and
  - (b) the seniority claimed for the existing EUTM has not lapsed in the circumstances referred to in Article 39.]

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Paragraph 13.