

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Paragraph 18. (See end of Document for details)

SCHEDULES

[^{F1}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 a security interest in an existing EUTM

- 18 (1) This paragraph applies where immediately before IP completion day an existing EUTM (or any right in or under it) is the subject of a security interest (a “relevant security interest”) which does not terminate on IP completion day.
- (2) References to the existing EUTM in any document which grants or refers to the relevant security interest are to be read as including references to the comparable trade mark (EU) which derives from the existing EUTM.
- (3) Section 25 applies in relation to a relevant security interest as if it were a registrable transaction affecting a comparable trade mark (EU), subject to the modifications set out below.
- (4) An application under section 25(1) may only be made by—
- a person claiming to be entitled to an interest in or under a comparable trade mark (EU) by virtue of the relevant security interest; or
 - the proprietor of the comparable trade mark (EU).
- (5) Where immediately before IP completion day there is an entry in the EUTM Register relating to a relevant security interest—
- section 25(3) and (4) do not apply until after the expiry of the relevant period; and
 - section 25(4)(a) applies after the expiry of the relevant period but as if the reference to six months beginning with the date of the transaction were a reference to eighteen months beginning with IP completion day.
- (6) In paragraph (5)(a), the “relevant period” means the period of twelve months beginning with the day after that on which IP completion day falls.]

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Paragraph 18.