

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Paragraph 8. (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

Non-use as defence in infringement proceedings and revocation of registration of a comparable trade mark (EU)

- 8 (1) Sections 11A and 46 apply in relation to a comparable trade mark (EU), subject to the modifications set out below.
- (2) Where the period of five years referred to in sections 11A(3)(a) and 46(1)(a) or (b) (the “five-year period”) has expired before IP completion day—
- (a) the references in sections 11A(3) and (insofar as they relate to use of a trade mark) 46 to a trade mark are to be treated as references to the corresponding EUTM; and
 - (b) the references in sections 11A and 46 to the United Kingdom include the European Union.
- (3) Where IP completion day falls within the five-year period, in respect of that part of the five-year period which falls before IP completion day—
- (a) the references in sections 11A(3) and (insofar as they relate to use of a trade mark) 46 to a trade mark, are to be treated as references to the corresponding EUTM ; and
 - (b) the references in sections 11A and 46 to the United Kingdom include the European Union.]

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Paragraph 8.