



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART IV

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Interpretation*

#### **104 Index of defined expressions.**

In this Act the expressions listed below are defined by or otherwise fall to be construed in accordance with the provisions indicated—

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account of profits and accounts (in Scotland)	section 102
appointed person (for purposes of section 76)	section 77
assignment (in Scotland)	section 102
business	section 103(1)
certification mark	section 50(1)
collective mark	section 49(1)
commencement (of this Act)	section 109(2)
[ <sup>F1</sup> comparable trade mark (EU)	Schedule 2A, paragraph 1(2)]
<sup>F2</sup>	<sup>F2</sup>
...	...
<sup>F3</sup>	<sup>F3</sup>
...	...
[ <sup>F4</sup> comparable trade mark (IR)	Schedule 2B, paragraph 1(4)]

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*Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 104. (See end of Document for details)*

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Convention country	section 55(1)(b)
costs (in Scotland)	section 102
the court	section 75
date of application	section 33(2)
[ <sup>F5</sup> date of application (comparable trade mark (EU))	Schedule 2A, paragraph 1(8)(b)]
[ <sup>F6</sup> date of application (comparable trade mark (IR))	Schedule 2B, paragraph 1(10)(b)]
date of filing	section 33(1)
[ <sup>F7</sup> date of filing (comparable trade mark (EU))	Schedule 2A, paragraph 1(8)(a)]
[ <sup>F8</sup> date of filing (comparable trade mark (IR))	Schedule 2B, paragraph 1(10)(a)]
date of registration	section 40(3)
[ <sup>F9</sup> date of registration (comparable trade mark (EU))	Schedule 2A, paragraph 1(4)]
[ <sup>F10</sup> date of registration (comparable trade mark (IR))	Schedule 2B, paragraph 1(6)]
defendant (in Scotland)	section 102
delivery up (in Scotland)	section 102
director	section 103(1)
earlier right	section 5(4)
earlier trade mark	section 6
[ <sup>F11</sup> European Customs Enforcement Regulation	section 10A]
[ <sup>F12</sup> European Union trade mark]	[ <sup>F12</sup> section 51]
[ <sup>F13</sup> European Union Trade Mark Regulation]	[ <sup>F13</sup> section 51]
exclusive licence and licensee	section 29(1)
infringement (of registered trade mark)	sections 9(1) and (2) and 10
infringement proceedings	section 103(1)
infringing articles	section 17
infringing goods	section 17
infringing material	section 17
injunction (in Scotland)	section 102
interlocutory relief (in Scotland)	section 102
the International Bureau	section 53
<b>F14</b>	<b>F14</b>

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. . .	. . .
international trade mark (UK)	section 53
Madrid Protocol	section 53
Paris Convention	section 55(1)(a)
plaintiff (in Scotland)	section 102
prescribed	section 78(1)(b)
protected under the Paris Convention	
—well-known trade marks	section 56(1)
—state emblems and official signs or hallmarks	section 57(1)
—emblems, &c. of international organisations	section 58(2)
publish and references to publication	section 103(1)
register, registered (and related expressions)	section 63(1)
registered trade mark [ <sup>F15</sup> attorney ]	section 83[ <sup>F16</sup> (2)]
registrable transaction	section 25(2)
the registrar	section 62
rules	section 78
statutory provisions	section 103(1)
trade	section 103(1)
trade mark	
—generally	section 1(1)
—includes collective mark or certification mark	section 1(2)
United Kingdom (references include Isle of Man)	section 108(2)
use (of trade mark or sign)	section 103(2)
well-known trade mark (under Paris Convention)	section 56(1)

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#### Textual Amendments

- F1** Words in s. 104 table inserted (31.12.2020) by [The Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/269\)](#), reg. 1(1), **Sch. 3 para. 14(2)** (with Sch. 5 para. 7(1)(1A), 8) (as amended by [S.I. 2020/1637](#), regs. 1(6), **3**, [S.I. 2020/1661](#), regs. 1(2)(b), **12**, 16(2) and (26.11.2021) by [S.I. 2021/1235](#), regs. 3, 4); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in s. 104 omitted (6.4.2016) by virtue of [The European Union Trade Mark Regulations 2016 \(S.I. 2016/299\)](#), reg. 1(1), **Sch. para. 3(a)** (with reg. 13)
- F3** Words in s. 104 omitted (6.4.2016) by virtue of [The European Union Trade Mark Regulations 2016 \(S.I. 2016/299\)](#), reg. 1(1), **Sch. para. 3(b)** (with reg. 13)

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*Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 104. (See end of Document for details)*

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- F4** Words in s. 104 table inserted (31.12.2020) by The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, **Sch. 8 para. 19(2)** (with reg. 10(2), 10A) (as amended (26.11.2021) by S.I. 2021/1235, regs. 6, 7); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Words in s. 104 table inserted (31.12.2020) by The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/269), reg. 1(1), **Sch. 3 para. 14(3)** (with Sch. 5 para. 7(1)(1A), 8) (as amended by S.I. 2020/1637, regs. 1(6), 3, S.I. 2020/1661, regs. 1(2)(b), 12, 16(2) and (26.11.2021) by S.I. 2021/1235, regs. 3, 4); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Words in s. 104 table inserted (31.12.2020) by The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, **Sch. 8 para. 19(3)** (with reg. 10(2), 10A) (as amended (26.11.2021) by S.I. 2021/1235, regs. 6, 7); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Words in s. 104 table inserted (31.12.2020) by The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/269), reg. 1(1), **Sch. 3 para. 14(4)** (with Sch. 5 para. 7(1)(1A), 8) (as amended by S.I. 2020/1637, regs. 1(6), 3, S.I. 2020/1661, regs. 1(2)(b), 12, 16(2) and (26.11.2021) by S.I. 2021/1235, regs. 3, 4); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in s. 104 table inserted (31.12.2020) by The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, **Sch. 8 para. 19(4)** (with reg. 10(2), 10A) (as amended (26.11.2021) by S.I. 2021/1235, regs. 6, 7); 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Words in s. 104 table inserted (31.12.2020) by The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/269), reg. 1(1), **Sch. 3 para. 14(5)** (with Sch. 5 para. 7(1)(1A), 8) (as amended by S.I. 2020/1637, regs. 1(6), 3, S.I. 2020/1661, regs. 1(2)(b), 12, 16(2) and (26.11.2021) by S.I. 2021/1235, regs. 3, 4); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** Words in s. 104 table inserted (31.12.2020) by The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, **Sch. 8 para. 19(5)** (with reg. 10(2), 10A) (as amended (26.11.2021) by S.I. 2021/1235, regs. 6, 7); 2020 c. 1, **Sch. 5 para. 1(1)**
- F11** Words in s. 104 inserted (14.1.2019) by The Trade Marks Regulations 2018 (S.I. 2018/825), regs. 1(1), **32(2)** (with Pt. 5)
- F12** Words in s. 104 inserted (6.4.2016) by The European Union Trade Mark Regulations 2016 (S.I. 2016/299), reg. 1(1), **Sch. para. 3(a)** (with reg. 13)
- F13** Words in s. 104 inserted (6.4.2016) by The European Union Trade Mark Regulations 2016 (S.I. 2016/299), reg. 1(1), **Sch. para. 3(b)** (with reg. 13)
- F14** Words in s. 104 table omitted (31.12.2020) by virtue of The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, **Sch. 8 para. 19(6)** (with reg. 10(2), 10A) (as amended (26.11.2021) by S.I. 2021/1235, regs. 6, 7); 2020 c. 1, **Sch. 5 para. 1(1)**
- F15** Word in s. 104 substituted (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 115(i)** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)
- F16** Word in s. 104 substituted (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 115(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 104.