



Trade Marks Act 1994

1994 CHAPTER 26

PART I

REGISTERED TRADE MARKS

Effects of registered trade mark

[^{F1}10A Right to prevent goods entering the UK without being released for free circulation

- (1) The proprietor of a registered trade mark is entitled to prevent third parties from bringing goods into the United Kingdom in the course of trade without being released for free circulation if they are goods for which the trade mark is registered which—
 - (a) come from outside the customs territory of the [^{F2}United Kingdom]; and
 - (b) bear without authorisation a sign which is identical with the trade mark or cannot be distinguished in its essential aspects from the trade mark.
- (2) In subsection (1) the reference to goods for which the trade mark is registered includes a reference to the packaging of goods for which the trade mark is registered.
- (3) Subsection (1) is without prejudice to the rights of proprietors acquired before the date of application for registration of the trade mark, or (where applicable) the date of the priority claimed in respect of that application.
- (4) The entitlement of the proprietor under subsection (1) is to lapse if—
 - (a) proceedings are initiated in accordance with the European Customs Enforcement Regulation to determine whether the trade mark has been infringed; and
 - (b) during those proceedings evidence is provided by the declarant or the holder of the goods that the proprietor of the trade mark is not entitled to prohibit the placing of the goods on the market in the country of final destination.
- (5) References in this Act to the “European Customs Enforcement Regulation” are references to Regulation (EU) No 608/2013 of the European Parliament and of the

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 10A. (See end of Document for details)

Council of 12 June 2013 concerning customs enforcement of intellectual property rights [^{F3}as amended from time to time].]

Textual Amendments

- F1** Ss. 10A, 10B inserted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), regs. 1(1), [11](#) (with [Pt. 5](#))
- F2** Word in s. 10A(1)(a) substituted (31.12.2020) by [The Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/269\)](#), reg. 1(1), [Sch. 3 para. 6\(2\)](#) (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\(1\)](#))
- F3** Words in s. 10A(5) inserted (31.12.2020) by [The Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/269\)](#), reg. 1(1), [Sch. 3 para. 6\(3\)](#) (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\(1\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 10A.