



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART I

#### REGISTERED TRADE MARKS

##### *Infringement proceedings*

#### **16 Order for delivery up of infringing goods, material or articles.**

- (1) The proprietor of a registered trade mark may apply to the court for an order for the delivery up to him, or such other person as the court may direct, of any infringing goods, material or articles which a person has in his possession, custody or control in the course of a business.
- (2) An application shall not be made after the end of the period specified in section 18 (period after which remedy of delivery up not available); and no order shall be made unless the court also makes, or it appears to the court that there are grounds for making, an order under section 19 (order as to disposal of infringing goods, &c.).
- (3) A person to whom any infringing goods, material or articles are delivered up in pursuance of an order under this section shall, if an order under section 19 is not made, retain them pending the making of an order, or the decision not to make an order, under that section.
- (4) Nothing in this section affects any other power of the court.

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**Modifications etc. (not altering text)**

C1 S. 16: power to apply conferred (20.9.1995) by [1995 c. 32, 7\(1\)](#); [S.I. 1995/2472, art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 16.