



Trade Marks Act 1994

1994 CHAPTER 26

PART I

REGISTERED TRADE MARKS

Infringement proceedings

18 Period after which remedy of delivery up not available.

- (1) An application for an order under section 16 (order for delivery up of infringing goods, material or articles) may not be made after the end of the period of six years from—
- (a) in the case of infringing goods, the date on which the trade mark was applied to the goods or their packaging,
 - (b) in the case of infringing material, the date on which the trade mark was applied to the material, or
 - (c) in the case of infringing articles, the date on which they were made,
- except as mentioned in the following provisions.

- (2) If during the whole or part of that period the proprietor of the registered trade mark—
- (a) is under a disability, or
 - (b) is prevented by fraud or concealment from discovering the facts entitling him to apply for an order,

an application may be made at any time before the end of the period of six years from the date on which he ceased to be under a disability or, as the case may be, could with reasonable diligence have discovered those facts.

- (3) In subsection (2) “disability”—
- (a) in England and Wales, has the same meaning as in the ^{M1}Limitation Act 1980;
 - (b) in Scotland, means legal disability within the meaning of the ^{M2}Prescription and Limitation (Scotland) Act 1973;
 - (c) in Northern Ireland, has the same meaning as in the ^{M3}Limitation (Northern Ireland) Order 1989.

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

Modifications etc. (not altering text)

C1 S. 18: power to apply conferred (20.9.1995) by [1995 c. 32, s. 7\(1\)](#); [S.I. 1995/2472, art. 2](#)

Marginal Citations

M1 [1980 c. 58](#).

M2 [1973 c. 52](#).

M3 [S.I. 1989/1339 \(N.I. 11\)](#).

Changes to legislation:

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