



Trade Marks Act 1994

1994 CHAPTER 26

PART I

REGISTERED TRADE MARKS

Registered trade mark as object of property

25 Registration of transactions affecting registered trade mark.

- (1) On application being made to the registrar by—
 - (a) a person claiming to be entitled to an interest in or under a registered trade mark by virtue of a registrable transaction, or
 - (b) any other person claiming to be affected by such a transaction,the prescribed particulars of the transaction shall be entered in the register.
- (2) The following are registrable transactions—
 - (a) an assignment of a registered trade mark or any right in it;
 - (b) the grant of a licence under a registered trade mark;
 - (c) the granting of any security interest (whether fixed or floating) over a registered trade mark or any right in or under it;
 - (d) the making by personal representatives of an assent in relation to a registered trade mark or any right in or under it;
 - (e) an order of a court or other competent authority transferring a registered trade mark or any right in or under it.
- (3) Until an application has been made for registration of the prescribed particulars of a registrable transaction—
 - (a) the transaction is ineffective as against a person acquiring a conflicting interest in or under the registered trade mark in ignorance of it, and
 - (b) a person claiming to be a licensee by virtue of the transaction does not have the protection of section 30 or 31 (rights and remedies of licensee in relation to infringement).

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 25. (See end of Document for details)

- (4) Where a person becomes the proprietor or a licensee of a registered trade mark by virtue of a registrable transaction [F1 and the mark is infringed before the prescribed particulars of the transaction are registered, in proceedings for such an infringement, the court shall not award him costs unless—
- (a) an application for registration of the prescribed particulars of the transaction is made before the end of the period of six months beginning with its date, or
 - (b) the court is satisfied that it was not practicable for such an application to be made before the end of that period and that an application was made as soon as practicable thereafter.]
- (5) Provision may be made by rules as to—
- (a) the amendment of registered particulars relating to a licence so as to reflect any alteration of the terms of the licence, and
 - (b) the removal of such particulars from the register—
 - (i) where it appears from the registered particulars that the licence was granted for a fixed period and that period has expired, or
 - (ii) where no such period is indicated and, after such period as may be prescribed, the registrar has notified the parties of his intention to remove the particulars from the register.
- (6) Provision may also be made by rules as to the amendment or removal from the register of particulars relating to a security interest on the application of, or with the consent of, the person entitled to the benefit of that interest.

Textual Amendments

- F1** Words in s. 25(4) substituted (29.4.2006) by [Intellectual Property \(Enforcement, etc\) Regulations 2006 \(S.I. 2006/1028\)](#), [art. 1](#), [Sch. 2 para. 17](#)
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Commencement Information

- II** S. 25 wholly in force 31.10.1994; s. 25 not in force at Royal Assent see s. 109; s. 25(1)(5)(6) in force for certain purposes at 29.9.1994 and at 31.10.1994 insofar as s. 25 not already in force by [S.I. 1994/2550](#), [arts. 2, 3\(1\)](#), [Sch.](#)

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