



Trade Marks Act 1994

1994 CHAPTER 26

PART III

ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

Trade mark agents

87 Privilege for communications with registered trade mark agents.

- (1) This section applies to^[F1]—
- (a) communications as to any matter relating to the protection of any design or trade mark, or as to any matter involving passing off^[F2], and
 - (b) documents, material or information relating to any matter mentioned in paragraph (a).]
- ^[F3](2) Where a trade mark attorney acts for a client in relation to a matter mentioned in subsection (1), any communication, document, material or information to which this section applies is privileged from disclosure in like manner as if the trade mark attorney had at all material times been acting as the client's solicitor.]
- (3) In subsection (2) “trade mark ^[F4]attorney” means—
- (a) a registered trade mark ^[F4]attorney], or
 - (b) a partnership entitled to describe itself as a firm of registered trade mark ^[F5]attorneys], or
 - (c) ^[F6]any other unincorporated body or [a body corporate entitled to describe itself as a registered trade mark ^[F4]attorney]^[F7] or
 - ^[F8](d) a person whose name appears on the list of professional representatives for trade mark matters maintained by the European Union Intellectual Property Office referred to in Article 120 of the European Union Trade Mark Regulation.]
- ^[F9](4) Where a trade mark attorney is a person falling within subsection (3)(d), subsection (2) applies as if the reference to a matter mentioned in subsection (1) were a reference to a matter relating to the protection of a trade mark.]

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 87. (See end of Document for details)

Textual Amendments

- F1** Words in s. 87(1) renumbered as s. 87(1)(a) (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 113(a)** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)
- F2** S. 87(1)(b) and word inserted (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 113(b)** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)
- F3** S. 87(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 113(c)** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)
- F4** Word in s. 87(3) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 113(d)(i)** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)
- F5** Word in s. 87(3) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 113(d)(ii)** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)
- F6** Words in s. 87(3)(c) inserted (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 184(6)**, 211(2) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(f)(i)
- F7** Word in s. 87(3)(c) inserted (31.12.2020) by The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/269), reg. 1(1), **Sch. 3 para. 12(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)**
- F8** S. 87(3)(d) inserted (31.12.2020) by The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/269), reg. 1(1), **Sch. 3 para. 12(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)**
- F9** S. 87(4) inserted (31.12.2020) by The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/269), reg. 1(1), **Sch. 3 para. 12(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)**

Modifications etc. (not altering text)

- C1** S. 87 applied (with modifications) (14.8.1996) by S.I. 1996/1908, **reg. 5**

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 87.