



Trade Marks Act 1994

1994 CHAPTER 26

PART III

ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

Importation of infringing goods, material or articles

89 Infringing goods, material or articles may be treated as prohibited goods.

- (1) The proprietor of a registered trade mark, or a licensee, may give notice in writing to the Commissioners of Customs and Excise—
 - (a) that he is the proprietor or, as the case may be, a licensee of the registered trade mark,
 - (b) that, at a time and place specified in the notice, goods which are, in relation to that registered trade mark, infringing goods, material or articles are expected to arrive in the United Kingdom—
 - (i) from outside the European Economic Area, or
 - (ii) from within that Area but not having been entered for free circulation, and
 - (c) that he requests the Commissioners to treat them as prohibited goods.
- (2) When a notice is in force under this section the importation of the goods to which the notice relates, otherwise than by a person for his private and domestic use, is prohibited; but a person is not by reason of the prohibition liable to any penalty other than forfeiture of the goods.
- ^{F1}(3) This section does not apply to goods placed in, or expected to be placed in, one of the situations referred to in Article 1(1), in respect of which an application may be made under [^{F2}Article 3 of the European Customs Enforcement Regulation].]

*Changes to legislation: There are currently no known outstanding effects
for the Trade Marks Act 1994, Section 89. (See end of Document for details)*

Textual Amendments

- F1** S. 89(3) substituted (1.7.2004) by [Goods Infringing Intellectual Property Rights \(Customs\) Regulations 2004 \(S.I. 2004/1473\)](#), regs. 1, **13** (with reg. 2(3))
- F2** Words in s. 89(3) substituted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), regs. 1(1), **30** (with Pt. 5)
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Modifications etc. (not altering text)

- C1** S. 89 applied (with modifications) (1.4.1996) by [S.I. 1996/714](#), **art. 16**
S. 89 applied (with modifications) (14.8.1996) by [S.I. 1996/1908](#), **reg. 6**
- C2** S. 89 applied (29.4.2006) by [Community Trade Mark Regulations 2006 \(S.I. 2006/1027\)](#), regs. 1(1), **7(1)**

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 89.