



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART I

#### REGISTERED TRADE MARKS

##### *Effects of registered trade mark*

#### **9 Rights conferred by registered trade mark.**

- (1) The proprietor of a registered trade mark has exclusive rights in the trade mark which are infringed by use of the trade mark in the United Kingdom without his consent.

The acts amounting to infringement, if done without the consent of the proprietor, are specified in [F<sup>1</sup>subsections (1) to (3) of] section 10.

[F<sup>2</sup>(1A) See subsection (3B) of section 10 for provision about certain other acts amounting to infringement of a registered trade mark.

- (1B) Subsection (1) is without prejudice to the rights of proprietors acquired before the date of filing of the application for registration or (where applicable) the date of the priority claimed in respect of that application.]

- (2) References in this Act to the infringement of a registered trade mark are to any <sup>F<sup>3</sup></sup>... infringement of the rights of the proprietor [F<sup>4</sup>such as is mentioned in subsection (1) or (1A)].

- (3) The rights of the proprietor have effect from the date of registration (which in accordance with section 40(3) is the date of filing of the application for registration): Provided that—

- (a) no infringement proceedings may be begun before the date on which the trade mark is in fact registered; and
- (b) no offence under section 92 (unauthorised use of trade mark, &c. in relation to goods) is committed by anything done before the date of publication of the registration.

---

*Changes to legislation: There are currently no known outstanding effects  
for the Trade Marks Act 1994, Section 9. (See end of Document for details)*

---

### Textual Amendments

- F1** Words in s. 9(1) inserted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), regs. 1(1), **9(2)** (with Pt. 5)
- F2** S. 9(1A)(1B) inserted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), regs. 1(1), **9(3)** (with Pt. 5)
- F3** Word in s. 9(2) omitted (14.1.2019) by virtue of [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), regs. 1(1), **9(4)(a)** (with Pt. 5)
- F4** Words in s. 9(2) inserted (14.1.2019) by [The Trade Marks Regulations 2018 \(S.I. 2018/825\)](#), regs. 1(1), **9(4)(b)** (with Pt. 5)

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Marks Act 1994, Section 9.