

*Changes to legislation:* There are currently no known outstanding effects for the Legal Services Act 2007, Cross Heading: Trade Marks Act 1994 (c. 26). (See end of Document for details)

## SCHEDULES

### SCHEDULE 21

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Trade Marks Act 1994 (c. 26)*

109 The Trade Marks Act 1994 is amended in accordance with paragraphs 110 to 115.

<sup>F1</sup>110 .....

#### Textual Amendments

**F1** Sch. 21 para. 110 repealed (31.12.2020) by [The Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/269\)](#), reg. 1(1), [Sch. 5 para. 6](#) (as amended by [S.I. 2020/1050](#), regs. 1(2), [12](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

111 In section 84 (unregistered persons not to be described as registered trade mark agents)—

(a) in subsection (1)—

(i) for “agent” (in the first place) substitute “attorney”,

(ii) in paragraph (a) after “agent” insert “or registered trade mark attorney”, and

(iii) in paragraph (b) after “agent” insert “or a registered trade mark attorney”,

(b) in subsection (2)—

(i) in paragraph (a) after “agent” insert “or registered trade mark attorney”, and

(ii) in paragraph (b) after “agents” insert “or registered trade mark attorneys”, and

(c) in subsection (3)—

(i) in paragraph (a) after “agent” insert “or registered trade mark attorney”, and

(ii) in paragraph (b) after “agent” insert “or a registered trade mark attorney”.

112 In section 86 (use of the term “trade mark attorney”) in subsection (1) for “agent” substitute “attorney”.

113 In section 87 (privilege for communications with registered trade mark agents)—

(a) in subsection (1), after “to” (in the first place) insert “—

(a) ”,

(b) at the end of that subsection insert “, and

(b) documents, material or information relating to any matter mentioned in paragraph (a).”.

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(c) for subsection (2) substitute—

“(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.”, and

(d) in subsection (3)—

(i) for “agent” (in each place) substitute “ attorney ”, and

(ii) for “agents” substitute “ attorneys ”.

114 In section 88 (power of registrar to refuse to deal with certain agents)—

(a) in paragraph (b) for “agents” substitute “ attorneys ”, and

(b) in paragraph (c) for “agents” substitute “ attorneys ”.

115 In section 104 (index of defined expressions, in the entry for “registered trade mark agent”—

(a) for “agent” substitute “ attorney ”, and

(b) for “(1)” substitute “ (2) ”.

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