



Trade Marks Act 1938

1938 CHAPTER 22

GENERAL AND MISCELLANEOUS.

Miscellaneous

62 Change of form of trade connection not to be deemed to cause deception

The use of a registered trade mark in relation to goods between which and the person using it any form of connection in the course of trade subsists shall not be deemed to be likely to cause deception or confusion on the ground only that the trade mark has been, or is, used in relation to goods between which and that person or a predecessor in title of his a different form of connection in the course of trade subsisted or subsists.

63 Jointly owned trade marks

Where the relations between two or more persons interested in a trade mark are such that no one of them is entitled as between himself and the other or others of them to use it except—

- (a) on behalf of both or all of them, or
- (b) in relation to an article with which both or all of them are connected in the course of trade,

those persons may be registered as joint proprietors of the trade mark, and this Act shall have effect in relation to any rights to the use of the trade mark vested in those persons as if those rights had been vested in a single person.

Subject as aforesaid, nothing in this Act shall authorise the registration of two or more persons who use a trade mark independently, or propose so to use it, as joint proprietors thereof.

64 Trusts and equities

- (1) There shall not be entered in the register any notice of any trust express, implied or constructive, nor shall any such notice be receivable by the Registrar.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) Subject to the provisions of this Act, equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property.

65 Recognition of agents

Where by this Act any act has to be done by or to any person in connection with a trade mark or proposed trade mark or any procedure relating thereto, the act may under and in accordance with the rules, or in particular cases by special leave of the Board of Trade, be done by or to an agent of that person duly authorised in the prescribed manner.

66 Saving for jurisdiction of courts in Scotland, Northern Ireland and Isle of Man

- (1) The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act shall not, except so far as the jurisdiction extends, affect the jurisdiction of any court in Scotland or Northern Ireland in any proceedings relating to trade marks; and with reference to any such proceedings in Scotland the expression "the Court" means the Court of Session; and with reference to any such proceedings in Northern Ireland the expression " the Court " means the High Court of Justice in Northern Ireland.
- (2) Nothing in this Act shall affect the jurisdiction of the courts in the Isle of Man in proceedings for infringement or in any action or proceeding respecting a trade mark competent to those courts.

67 Exercise of powers of Board of Trade

All things required or authorised under this Act to be done by, to or before the Board of Trade may be done by, to or before the President or a secretary or an under-secretary or an assistant secretary of the Board or any person authorised in that behalf by the President of the Board.