
STATUTORY INSTRUMENTS

1999 No. 1899

The Patents and Trade Marks (World Trade Organisation) Regulations 1999

PART IV

AMENDMENTS OF THE TRADE MARKS ACT 1994

Amendments of 1994 Act

13.—(1) In subsection (1)(c) of section 6 of the 1994 Act (meaning of “earlier trade mark”), after the words “protection under the Paris Convention” insert the words “or the WTO agreement”.

(2) In subsection (1) of section 55 of the 1994 Act (Paris Convention: supplementary provisions), omit the word “and” at the end of paragraph (a) and after that paragraph insert—

“(aa) “the WTO agreement” means the Agreement establishing the World Trade Organisation signed at Marrakesh on 15th April 1994⁽¹⁾, and”.

(3) In subsection (2) of that section, after the words “the Paris Convention” there shall be inserted the words “or the WTO agreement”.

(4) In subsections (1) and (2) of section 56 of that Act (protection of well-known trade marks), after the words “the Paris Convention” insert the words “or the WTO agreement”.

(5) In subsections (2) and (3) of section 57 of that Act (national emblems etc. of Convention countries), after the words “the Paris Convention” insert the words “or the WTO agreement”.

(6) In subsection (2) of section 58 of that Act (emblems etc. of certain international organisations), after the words “the Paris Convention” insert the words “or the WTO agreement”.

(7) After subsection (4) of section 59 of that Act (notification under Article 6ter of Convention) insert—

“(5) Any reference in this section to Article 6ter of the Paris Convention shall be construed as including a reference to that Article as applied by the WTO agreement”.

Part IV: transitional provisions

14.—(1) The amendment of section 56(2) of the 1994 Act made by regulation 13(4) shall not affect the continuation of any bona fide use of a trade mark begun before the 1st January 1996.

(2) The amendment made by regulation 13(6) shall not affect the rights of a person whose bona fide use of the trade mark in question began before that date.

(1) Cm. 2556–59, 2561–2, 2564–69, 2571–74. The Agreement Establishing the World Trade Organisation was declared a Community Treaty as defined in section 1(2) of the European Communities Act 1972 by S.I.1995/265.