



1995 No. 1444 TRADE MARKS

The Trade Marks (EC Measures Relating to Counterfeit Goods) Regulations 1995

<i>Made</i>	<i>7th June 1995</i>
<i>Laid before Parliament</i>	<i>8th June 1995</i>
<i>Coming into force</i>	<i>1st July 1995</i>

The Secretary of State, being a Minister designated¹ for the purposes of section 2(2) of the European Communities Act 1972² in relation to measures relating to counterfeit and pirated goods, in exercise of the powers conferred by section 2(2) and (4) of the said Act of 1972, and of all other enabling powers, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Trade Marks (EC Measures Relating to Counterfeit Goods) Regulations 1995 and shall come into force on 1st July 1995.

Amendment of the Trade Marks Act 1994

2. For subsection (3) of section 89 of the Trade Marks Act 1994³ there shall be substituted the following:

“(3) This section does not apply to goods entered, or expected to be entered, for free circulation, export, re-export or for a suspensive procedure in respect of which an application may be made under Article 3(1) of Council Regulation (EC) No. 3295/94⁴ laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods.”.

Ian Taylor
Parliamentary Under Secretary of State
for Trade and Technology,
Department of Trade and Industry

7th June 1995

¹S.I. 1995/751.

²1972 c.68; by virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c.51) regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created by or arising under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

³1994 c.26.

⁴O.J. No. L341, 30.12.94, p.8.



EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 89 (infringing goods, material or articles may be treated as prohibited goods) of the Trade Marks Act 1994 (1994 c.26) which came into force on 31st October 1994, the proprietor of a registered trade mark or a licensee may give notice to the Commissioners of Customs and Excise of the expected arrival of infringing goods, material or articles which he wishes to be treated as prohibited. The section applies only to goods which are expected to arrive from outside the European Economic Area or from within that Area but which have not been entered for free circulation.

Excluded by subsection (3) from the application of section 89, were goods entered for free circulation in respect of which the proprietor or licensee of a registered trade mark might lodge an application under Article 3(1) of Council Regulation (EEC) No. 3842/86 laying down measures to prohibit the release for free circulation of counterfeit goods. That Council Regulation is replaced with effect from 1st July 1995 by Council Regulation (EC) No. 3295/94 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods (O.J. No. L341, 30.12.94, p.8).

These Regulations make the necessary consequential amendments to section 89(3) of the Trade Marks Act 1994.

A compliance cost assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies of the assessment are also available from the Intellectual Property Policy Directorate of the Patent Office, Room 3/13, Hazlitt House, 45 Southampton Buildings, London WC2A 1AR.