

1994 No. 2625 TRADE MARKS

The Trade Marks (Customs) Regulations 1994

<i>Made</i>	<i>11th October 1994</i>
<i>Laid before Parliament</i>	<i>11th October 1994</i>
<i>Coming into force</i>	<i>31st October 1994</i>

The Commissioners of Customs and Excise, in exercise of the powers conferred on them by section 90(1), (2) and (3) of the Trade Marks Act 1994¹ and of all other powers enabling them in that behalf, hereby make the following Regulations:

1. These Regulations may be cited as the Trade Marks (Customs) Regulations 1994 and shall come into force on 31st October 1994.

2. If notice is given under section 89(1) of The Trade Marks Act 1994 by the proprietor or licensee of a registered trade mark in respect of certain goods it shall be in the form set out in the Schedule to these Regulations or a form to the like effect approved by the Commissioners; and separate notices shall be given in respect of each arrival of such goods.

3. A fee of £30 (plus value added tax) in respect of each notice shall be paid to the Commissioners at the time it is given.

4. The person giving the notice shall give to the Commissioners such security or further security within such time and in such manner, whether by deposit of a sum of money or guarantee, as the Commissioners may require, in respect of any liability or expense which they may incur in consequence of the notice by reason of the detention of any goods or anything done to goods so detained: and if such security or further security is not given within the time specified by the Commissioners, then (but without prejudice to the operation of regulation 5 below) the notice shall have no effect.

5. In every case, whether any security or further security is given or not, the person who has given the notice shall keep the Commissioners indemnified against all such liability and expense as is mentioned in regulation 4 above.

6.—

(1) The person giving the notice shall, either on giving notice or when the goods are imported, furnish the Commissioners with the certificate of registration (or a copy of it) issued by the Registrar of Trade Marks on the registration of the trade mark specified in the notice, together with evidence that such registration was duly renewed at all such times as it may have expired.

(2) If such a certificate or copy and, where applicable, evidence of renewal is not furnished in accordance with paragraph (1) above then the goods shall not be detained, or, if detained, shall be released, and (but without prejudice to the operation of regulation 5 above) any notice given in respect of them shall have no effect.

7. The Trade Marks (Customs) Regulations 1970² are hereby revoked.

New King's Beam House, 22 Upper Ground, London SE1 9PJ.

¹1994 (c.26).

²S.I. 1970/212.



Leonard Harris
Commissioner of Customs and Excise

11th October 1994

SCHEDULE
NOTICE UNDER SECTION 89 TRADE MARKS ACT 1994
REQUESTING INFRINGING GOODS, MATERIAL
OR ARTICLES TO BE TREATED AS
PROHIBITED GOODS

Please read these notes before
completing this notice

1. This notice may only be given by the proprietor of a registered trade mark, or a licensee. A separate notice must be given in respect of each consignment.
2. Please note that in Part 3 it is not mandatory to provide details other than the time and place of expected arrival of infringing goods but it will greatly increase the prospect of intercepting the consignment concerned if all the details requested are given.
3. A fee of £30 (plus VAT) is payable for each notice given. Please enclose a cheque for the required amount, made payable to "Commissioners of Customs and Excise".
4. A copy of the certificate of registration for the trade mark, as well as the certificate of renewal (where applicable), is to be enclosed with the notice, **or** submitted when the goods are imported.
5. The person who has given notice shall keep the Commissioners of Customs and Excise indemnified against any liability or expense which they may incur in consequence of the notice by reason of the detention of any goods or anything done to goods detained. The person giving the notice may be required to provide a security to cover this indemnity.

1 Person giving notice

*I/We

.....
Full name of signatory in BLOCK LETTERS

give notice to the Commissioners of Customs and Excise that

.....
Name and address of proprietor or licensee in BLOCK LETTERS

.....
.....

is the *proprietor/licensee of a trade mark registered in the United Kingdom and that infringing goods, material or articles are expected to arrive in the United Kingdom, and *I/we request that they be treated as prohibited goods.

*Delete as necessary

2 Details of infringing goods, material or articles

Trade mark



Infringing goods, material or articles
Quantity
Commodity
Code(s)

3 Details of expected importation

Place of importation
Method of importation

Please include details of ship, aircraft or vehicle, where known

Expected date of arrival
Country of origin
Country of consignment
Importer's details

Please include VAT number, if known

Consignor's details

4 Declaration

I declare that the information given by me in this notice is true.

Signature

(*Sole Proprietor/Partner/Director/Company Secretary/Duly Authorised Person)

Date

5 Submission of notice

Please send the completed notice, fee and copies of relevant certificates to:

HM Customs and Excise
CD3A
New King's Beam House
22 Upper Ground
London SK1 9PJ

*Delete as necessary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form in which the proprietor of a registered trade mark, or a licensee, may give notice under section 89 of the Trade Marks Act 1994³ to the Commissioners of Customs and Excise of the expected arrival of goods which he wishes to be treated as prohibited. They apply not only to infringing goods, but also to infringing material (e.g. labelling or packaging) and infringing articles (items designed or adapted for making copies of the trade mark) as defined in section 17 of the Act.

These Regulations also specify the fee to be paid and conditions to be observed by the person giving the notice.

³1994 (c.26).



Section 89 applies only to goods which are expected to arrive in the United Kingdom from outside the European Economic Area, or from within that Area but which have not been entered for free circulation, and does not apply in circumstances where the proprietor of the trade mark, or licensee, is entitled to lodge an application under Council Regulation (EEC) No. 3842/86 (O.J. No. L357, 18.12.86, p. 1.).

The Regulations revoke The Trade Marks (Customs) Regulations 1970⁴ made under section 64A(3) of the Trade Marks Act 1938⁵ which was repealed by the Trade Marks Act 1994.

⁴S.I. 1970/212.

⁵1938 (c.22). Section 64A was inserted by section 17 of the Trade Descriptions Act 1968 (c.29).