



24 September 2020

(20-6476)

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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS  
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

UNITED KINGDOM: THE TRADE MARKS (PROOF OF USE, ETC.) REGULATIONS 2004

<b>Notifying Member</b>	<b>UNITED KINGDOM</b>
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**Details of the notified legal text**

<b>Title</b>	The Trade Marks (Proof of Use, etc.) Regulations 2004
<b>Subject matter</b>	Trademarks
<b>Nature of notification</b>	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
<b>Link to legal text*</b>	<a href="https://ip-documents.info/2020/IP/GBR/20_5579_00_e.pdf">https://ip-documents.info/2020/IP/GBR/20_5579_00_e.pdf</a>
<b>Notification status</b>	<input type="checkbox"/> First notification <input checked="" type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
<b>Previous notification(s) referred to</b>	<a href="#">IP/N/1/GBR/T/1</a>
<b>Brief description of the notified legal text</b>	
<p>The Regulations amend the Trade Marks Act 1994. A new section 6A is inserted. This requires an opponent who bases his opposition to the registration of a trade mark on certain earlier trade marks to show use of those marks. Consequential amendments made to section 40. New sub-sections inserted in section 47 (invalidity). These require an applicant who bases his application for a declaration of invalidity on certain earlier trade marks to also show use of those marks. Further amendments reflect the decision of the European Court of Justice in Davidoff &amp; Cie SA and Zino Davidoff SA v Gofkid Ltd, i.e. the proprietor of a trade mark has the right to prevent third parties from using an identical or similar trade mark in relation to goods or services which are similar or identical to those for which the earlier trade mark is registered where the earlier trade mark has a reputation and the use of that sign takes unfair advantage or is detrimental to the distinctive character of that earlier trade mark.</p>	
<b>Language(s) of notified legal text</b>	English
<b>Entry into force</b>	5 May 2007; <a href="http://www.legislation.gov.uk/uksi/2004/946/contents/made">http://www.legislation.gov.uk/uksi/2004/946/contents/made</a>
<b>Other date</b>	

**Notification details**

<b>Submission date of notification</b>	19 August 2020
<b>Other information</b>	<a href="http://www.legislation.gov.uk/uksi/2004/946/contents/made">http://www.legislation.gov.uk/uksi/2004/946/contents/made</a> - Amends/replaces: The Trade Marks Act 1994
<b>Agency or authority responsible</b>	<p>UK Intellectual Property Office</p> <p>Concept House Cardiff Road Newport South Wales NP10 8QQ United Kingdom</p> <p><a href="mailto:information@ipo.gov.uk">information@ipo.gov.uk</a></p> <p>0300 300 2000</p> <p>Outside the UK: +44 (0)1633 814000</p>

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\* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.