

TRADE MARKS ACT
(CHAPTER 98)
TRADE MARKS (IMPORTATION OF INFRINGING
GOODS) REGULATIONS

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SUBSIDIARY LEGISLATION

Regulations under section 106(1)

**TRADE MARKS (IMPORTATION OF INFRINGING GOODS)
REGULATIONS**

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SUBSIDIARY LEGISLATION

Regulations under section 106(1)

TRADE MARKS (IMPORTATION OF INFRINGING GOODS)
REGULATIONS

Commencement: 1st June 2000

[S 18/2000]

Citation.

1. These Regulations may be cited as the Trade Marks (Importation of Infringing Goods) Regulations.

Form of notice under section 82.

2. Every notice under section 82 shall be in the form set out in the Schedule.

Evidence in support of claim.

3. (1) Every person who gives notice under section 82 shall furnish to the Controller of Customs evidence in support of the request contained in the notice.

(2) The Controller of Customs may direct that such evidence be furnished when the notice is given or at any subsequent time.

Notice of assignment or transfer.

4. Every person who has given notice under section 82, in relation to a trade mark, shall inform the Controller of Customs in writing of —

(a) any assignment or transfer of that trade mark; and

(b) any change in any particulars contained in the notice or in any evidence furnished to the Controller of Customs in support of the request contained in the notice.

Security and indemnity.

5. (1) Every person who has given notice under section 82 shall give such security, indemnity or both, to such persons, of such amount, and on such terms and conditions, as may be determined by the Controller of Customs.

(2) The Controller of Customs may direct that any such security and indemnity be given when the notice is given or at any subsequent time.

[Subsidiary]

(3) Every person to whom goods are to be or have been released under subsection (1) of section 86 shall give such security, indemnity or both, to such persons, of such amount, and on such terms and conditions, as may be determined by the Controller of Customs.

Disposal of forfeited goods.

6. (1) Subject to sub-regulation (2), goods that have been forfeited or ordered to be forfeited under sections 88 or 89 shall be sold, destroyed or otherwise dealt with, in such manner as may be determined by the Controller of Customs.

(2) Before determining that any goods that have been forfeited or ordered to be forfeited should be sold, destroyed or otherwise dealt with, and before determining the manner of any such sale, destruction or other dealing, the Controller of Customs shall have regard to the need to ensure that such sale, destruction or other dealing and the manner thereof, does not adversely affect the registered proprietor or registered user of the trade mark.

SCHEDULE

(regulation 2)

FORM OF NOTICE UNDER SECTION 82

NOTICE REQUESTING DETENTION OF GOODS INFRINGING REGISTERED TRADE MARK

To the Controller of Customs

I/We (a) am/are (b) of Trade Mark No.

in Class

A copy of the registration of the trade mark is attached.

I/We hereby give notice requesting you to detain any infringing goods, in relation to that trade mark, that are or at any time come into customs control.

This notice shall be in force for the (c)

My/our address for the service of notices is

Dated this day of, 20 .. .

(d)

(a) Insert name of registered proprietor or registered user of trade mark.

(b) Insert whether registered proprietor or registered user.

- (c) Insert period that must not be longer than 5 years from the date of the notice or, if the registration of the trade mark will expire within 5 years from the date of the notice, not later than such date of expiry.
- (d) Signature of applicant or authorised agent.