9. Trade marks

This chapter studies trade marks, considering the historical uses of trade marks and the development of UK trade mark law. The way in which trade marks are used has, in some ways, changed little, even though trading conditions today are far removed from those of previous times. Although medieval use was primarily to guarantee quality, use since the Industrial Revolution has been to tell the consumer about the origin of the goods. Meanwhile, the legal history of trade marks shows that the principles articulated in the early cases continue to influence today's law. There is the perennial concern that trade marks create unfair monopolies. The chapter then looks at the commercial functions fulfilled by trade marks in the age of the consumer, with the objective of showing the dilemma inherent in trade mark law. It also examines how EU reforms have impacted on domestic trade mark law.
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