26. Trade marks—infringement and revocation

This chapter discusses the law on trade mark infringement and revocation. Section 10 of the Trade Marks Act 1994 establishes the basic criteria for an infringement action. If a mark is already on the Trade Marks Register, it is an infringement to use the same mark for the same goods or services. The grant of a trade mark lasts initially for 10 years from the date of its registration, and this may be renewed for a seemingly indefinite number of further periods of 10 years thereafter on payment of the appropriate fee. There are four grounds listed in s. 46(1) of the 1994 Act for revocation: (i) five years’ lack of genuine use of the mark in the UK without cause; (ii) a suspension for the same period (after initial use); (iii) the mark has become the common name for the product in question in the trade; and (iv) if the mark has been used in a misleading manner, especially as to the nature, quality, or origin of the goods or services in question.
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