Passing-off is a common law cause of action that protects traders with goodwill in their business against misrepresentations made by their competitors which confuse customers as to the source of goods or services. The typical passing-off scenario is where a trader, by the use of a brand name, logo, slogan, or packaging, deceives customers into thinking that its products or services are associated with another trader. Trade marks can be registered for signs or symbols that identify products or services as coming from a particular trader, so to be registrable a trade mark must be distinctive of a trader’s goods and not similar to any earlier registered mark, or a non-registered mark that is in use. Registration of a trade mark gives substantial advantages over relying on passing-off. The law of registered trade marks has been harmonized by the European Union.
9. Passing-off and trade marks

Access to the complete content on Law Trove requires a subscription or purchase. Public users are able to search the site and view the abstracts and keywords for each book and chapter without a subscription.

Please subscribe or login to access full text content.

If you have purchased a print title that contains an access code, please see the information provided with the code or instructions printed within the title for information about how to register your code.

For questions on access or troubleshooting, please check our FAQs, and if you can't find the answer there, please contact us.