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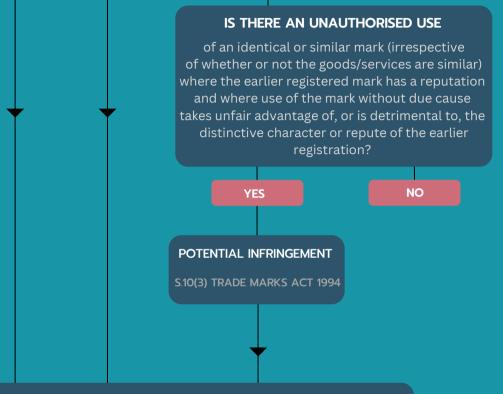
ENFORCING A TRADE MARK: THE BASIC PROCESS



POTENTIAL INFRINGEMENT

S.10(2) TRADE MARKS ACT 1994

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POTENTIAL REMEDIES INCLUDE:

- Damages or an account of profits
- An order for erasure, delivery up or destruction of infringing goods
- An injunction to restrain future acts of infringement
- Dissemination and publication of judgment
- A contribution to legal costs.

IF YOU STILL WISH TO TAKE ACTION CONSIDER

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COULD THE INFRINGER HAVE A POTENTIAL DEFENCE?

- Use of own registered trade mark for goods/services for which the mark is registered
- Use of own name and address (subject to conditions)
- Use of signs or indications which are not distinctive or which concern the characteristics of goods/services (subject to conditions)
- Use is for the purpose of identifying or referring to goods or services as those of the proprietor of the trade mark, in particular where that use is necessary to indicate the intended purpose of a product or service—in particular, accessories or spare parts (subject to conditions)
- Infringer has an earlier right in the mark in a particular locality



HOWEVER BEFORE TAKING ANY ACTION: WE RECOMMEND YOU OBTAIN LEGAL ADVICE FROM A SOLICITOR SPECIALISING IN INTELLECTUAL PROPERTY LAW If you wish to discuss enforcing trade mark rights further, please contact our Head of Intellectual Property Will Charlesworth will.charlesworth@saunders.co.uk

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