



ANALYSIS

Title
1. Short Title

2. Right given by registration in Part A
and infringement thereof

1990, No. 70

An Act to amend the Trade Marks Act 1953

[1 August 1990]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Trade Marks Amendment Act 1990, and shall be read together with and deemed part of the Trade Marks Act 1953 (hereinafter referred to as the principal Act).

2. Right given by registration in Part A and infringement thereof—Section 8 of the principal Act (as amended by section 5 of the Trade Marks Amendment Act 1987) is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) For the purposes of subsection (3) (a) of this section, the proprietor or registered user of a trade mark is deemed to have consented to the use of that mark in relation to a medicine that is imported by the Crown pursuant to section 32A of the Medicines Act 1981 if the use of that mark in relation to that medicine has been expressly or impliedly consented to, whether or not that consent is subject to restrictions, by a person with whom the proprietor or registered user has any arrangement, whether direct or indirect and whether legally enforceable or not, relating to the use of that mark by the proprietor or registered user.”

This Act is administered in the Ministry of Commerce.
