

hallmark ip

Newsletter March 2010

Austria

Trade mark opposition proceedings will be introduced in Austria on 1 July 2010. Oppositions will be post-registration and must be filed within three months of the official publication of the registration. In the case of International marks designating Austria the opposition period starts on the first day of the month following publication of the international registration.

Opposition may only be filed by the owner of a prior application or registration. It may not be based on unregistered trade mark rights, rights to a name or rights to a company name. Extended protection for well-known or famous marks will also not be considered. These rights can only be claimed in cancellation proceedings.

In contrast to cancellation proceedings, where the losing party has to compensate for the winning party's costs the parties to opposition proceedings have to bear their own costs.

Opposition can only be filed against trademarks published after 1 July 2010.

Jordan

The official fees for all transactions relating to trade marks, i.e. filing, registration, opposition, etc., have been substantially increased in Jordan.

Belarus

A new Trade Mark Law entered into force in Belarus on 25 January. The changes to the law were intended to bring Belarusian law in line with EU legislation. The new law introduces protection for well known marks and has reduced the non-use grace period from five to three years.

Slovakia

A new Trade Mark Law entered into force in Slovakia on 1 January 2010, which aims to harmonise the Slovak law with the relevant EU legislation.

Any trade mark proceedings pending on 1 January will continue under the new law.

Among other things the new law introduces the right to damages in an action for trade mark infringement and allows the division of applications.

Peru

Multi-class trade mark applications are now allowed in Peru. It is also no longer necessary to have Powers of Attorney legalised.

Uganda

Uganda has now adopted the Ninth Edition of the Nice Classification of Goods and Services.

If you require further advice please contact your attorney or e-mail HallMark at info@hallmark-ip.com.

