

hallmark ip

Newsletter August 2008

Ghana

Ghana becomes a member of the Madrid Protocol on 16th September 2008.

United Kingdom

The UK Intellectual Property Office has issued a practice amendment notice (PAN) amending various paragraphs of chapter 3 of the Manual of Trade Marks Practice.

The most significant change is it is no longer possible to overcome an objection to the name of a little known geographical location under Section 3(1)(c) of the Trade Marks Act 1994 for services by entering a territorial exclusion in respect of service provided in the area concerned.

This change follows the ECJ's comments in *Vovemij Verzekeringen NV v Benelux-Merkenbureau* that a mark must be distinctive in the whole territory of a member state.

Portugal

Several changes to the Portuguese Intellectual Property Code were published on 25th July 2008.

One of the most important and practical changes is the filing of periodical Declarations of Intent to Use (DIUs) will no longer be required in order to keep a trade mark registration in force.

Trade Marks in relation to which DIUs were not filed in the past will not be subject to cancellation on this ground anymore.

Trade Mark owners are exempt from filing Declarations of Intent to Use as of 26th July 2008.

Syria

On 4th June 2008 the Syrian Prime Minister approved a Directive to exempt all new trade mark, patent, industrial drawing and design applications from the Israel Boycott Declaration's requirement.

All foreign first-time applicants, who are not listed on the Boycott List, will be able to file their applications in Syria without the need to provide a Boycott Declaration.

However, the effective date of the Boycott Declaration waiver has yet to be decided by the Property Protection Department.

Thailand – Marks in Thai Characters

We have been advised by our associates in Thailand of the need to also register marks in Thai Characters for certain types of products. The Thai Consumer Protection Act requires marks to be shown in Thai for food, drugs and agricultural products (depending on their chemical content). Under the present practice of the Thai Trademark Office lack of registration of the equivalent Thai characters may negatively effect protection.

Serbia and Montenegro

A reminder of the deadlines for revalidation of Serbian pending or granted IP rights expires on **1st October 2008** in Kosovo and **28th November 2008** in Montenegro.

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