

# hallmark ip

## Newsletter November 2007

### UK

As of 1 October 2007 the Enterprise Act 2002 (Disclosure of Information for Civil Proceedings etc.) Order 2007 came into force. This Order gives IP owners the right to obtain information from public authorities to help them decide whether to bring civil proceedings against counterfeiters or pirates. For example information such as details of the quantities of counterfeit goods seized and information about the source of those goods might be obtained from the Trading Standards Authorities and Customs bodies, and used in subsequent civil proceedings.

From October 2008 provisions in the Companies Act 2006 will make it easier for brand owners to prevent the registration of a company name where that name is the same as, or is too similar to, their registered or unregistered trade mark. Brand owners will no longer have to rely on an action for trade mark infringement or pursue a common law claim for passing off. Instead, in order to enforce the company name to be changed it will be necessary to file a complaint at UKIPO. An adjudicator will then have to decide that use of the company name would be likely to suggest a connection between the company and the brand owner.

### Kosovo

The Kosovo IP Office began functioning on 19 November 2007. From this date, IP rights existing in Yugoslavia or Serbia and Montenegro will no longer be valid in Kosovo. Existing IP rights must be revalidated in Kosovo by 18 November 2008 otherwise they will cease to be valid in that territory.

### China

The Chinese Trade Mark Office has circulated its draft amendments to the Trade Mark Law. The main aims of the proposed amendments are to expedite the registration process and to reduce the volume of opposition and invalidation proceedings that are filed. Additional proposals include giving foreign applicants extra time to respond to official actions, strengthening the rights of owners of unregistered rights, allowing multi-class applications and permitting the registration of sounds, scents and motions.

### Gambia

There has been a complete overhaul of Gambian trade mark law and a new Industrial Property Act is now in force. The most important changes are that the International Trade Mark Classification System will now apply, service marks can now be registered, Paris Convention Priority can now be claimed and the licensing of trade marks is now allowed.

### Lebanon

The Ninth Edition of the Nice Classification was adopted on 1st October.

If you require further advice please contact your attorney or e-mail HallMark at [info@hallmark-ip.com](mailto:info@hallmark-ip.com).