

# hallmark ip

## Newsletter July 2007

### Syria

A recent change of law introduced several welcome alterations to Syrian procedure, including a formal opposition process and a specialised IP Court. However, one retrograde step has been the introduction of a single class registration system, which means that a separate application will be required for each class of goods covered. An application can be filed on the basis of actual use, or intent to use within three years from the filing date.

### Singapore

The law in Singapore changed in 2 July allowing applicants to file multi-class applications covering two or more classes of goods or services. This will help reduce fees, simplify renewal procedures and generally make for easier trade mark administration and for portfolio management. A division of multi-class applications will be available in situations where, for example, objections are raised only in relation to some of the classes covered by the application.

### South Korea

Revisions to the Korean Trade Mark Act came into effect on 1 July. One of the major benefits of the new legislation is to lower the standard of evidence required to establish that a trade mark is well known or famous in Korea. This should assist brand owners considerably in situations where under the "first to file" system third parties have registered or have applied to register marks, which imitate well known International marks. Other changes include the extension of the opposition period to two months (previously 30 days) and a requirement that the trade marks Examiners specify the grounds of rejection to any goods or services which are initially rejected. Previously practice has been simply to reject certain goods or services without providing specific statements, which has made it very difficult to respond to office actions.

### Gulf Co-operation Council

There are continuing negotiations between the Governments of Saudi Arabia, Bahrain, Kuwait, Oman, Qatar and the UAE concerning a unified GCC trade mark law. At present the draft law is just looking at applying uniform standards and requirements in all these territories, and there is no indication as to whether it will be possible to file one application covering all GCC countries. However, given the costs involved in filing separate national registrations in most of these countries, trade mark owners can only keep their fingers crossed.

### Australia

There have been a number of significant changes to Australian trade mark practice over the past few months. Amongst the more important matters, the recent changes allow multi-class filings for series applications, allow the amalgamation (merger) of existing registrations for the same mark in different classes that could now be filed as multi-class applications, allow oppositions against trade marks that have been applied for in bad faith, and allow anybody to apply for removal of a mark on the grounds of non-use, whereas previously these proceedings could only be brought by "the person aggrieved".

### Andean Pact

**Andean Pact** - Venezuela withdrew from the Andean Pact in April 2006. Over the past few months it has become clear that the Trade Marks Office in Peru will not process or issue decisions in oppositions or infringement actions based upon prior rights in Venezuela, even if those proceedings were started before April 2006. Actions based upon prior rights in the remaining Andean Pact member states (Bolivia, Colombia, Ecuador and Peru) are unaffected.