

WEBINAR - 100 Days of Legislative Reform II

International Cooperation and Legal Affairs Department
16th January 2018

**EU TRADE MARK
REFORM**



EX PARTE PROCEEDINGS

Lina Lapinskaite

EX PARTE PROCEEDINGS

1. International applications based on EUTMs
 - Description of the mark
 - Representation of the mark
2. Suppression of colour indications
3. Communication with the Office by fax

INTERNATIONAL APPLICATIONS BASED ON AN EUTM

- Trade mark description is required by the designated country
 - ➡ international application form modified
- Graphical representation of the mark still an option
 - ➡ 'non-traditional' representations of marks not yet accepted by WIPO

SUPPRESSION OF COLOUR INDICATIONS

- Optional field for colour indication in the application form
 ➡ will not be examined, not be part of the Register

COMMUNICATION WITH THE OFFICE BY FAX

- As of 01/01/2018 fax is not acceptable means of communication ONLY for filing EUTM applications and renewals
 - Exceptional case
 - ED decision EX17-4 concerning communication by electronic means

ABSOLUTE GROUNDS

Muriel Siro

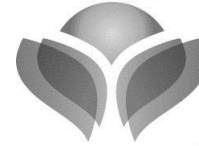
CERTIFICATION MARKS

58 applications received



NORMPACK

MADE WITH
PULSES



MANUKA HONEY



CERTIFICATION MARKS

3 applications accepted for publication

NORMPACK



CERTIFICATION MARKS

Article 83 EUTMR

Article 17 EUTMIR

➤ **Function:** Guarantee a characteristic of the goods and services

➤ **Geographical prohibition:**



➤ **Regulations of use:** clear and simple

- Goods and services
- Representation of the sign
- Declaration of the applicant

ACQUIRED DISTINCTIVENESS THROUGH USE (Article 7(3) EUTMR)

Article 2(2) EUTMIR

Article 27(3)(a) EUTMDR

PRINCIPAL OR SUBSIDIARY CLAIM



- In the application: as from **01/10/2017**
- In reply to the objection letter: as from **01/10/2017**



INTER PARTES PROCEEDINGS

Kate Hogan

- Separate submissions
- Transitional provisions (invalidity): Request for proof of use
- Transitional provisions (opposition): Continuation of proceedings

RELATIVE GROUNDS

Péter Sipos

ASSIGNMENT OF AN EU TRADE MARK

Articles 60(1)(b), 21(1), 21(2)(a), 163(1)(b) EUTMR, Article 20 EUTMDR

1. Main features
2. Temporal scope
3. Order of examination
4. Possible outcomes of a successful action

TRANSLATION OF EVIDENCE

Articles 7(4), 16(2), 81(2)(b), (g) EUTMDR, Article 24 EUTMIR

1. No change: in language of proceedings
 - certificates
 - national laws
2. Change: in any EU language
 - other supporting documents
3. Translation of online evidence
4. Temporal scope of application



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Thank you

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Approved by owner	-	
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