



DEPARTMENT OF REGISTRAR
OF COMPANIES AND OFFICIAL RECEIVER



MINISTRY OF ENERGY, COMMERCE, INDUSTRY AND TOURISM

DEPARTMENT OF REGISTRAR OF COMPANIES AND OFFICIAL
RECEIVER

INTELLECTUAL AND INDUSTRIAL PROPERTY SECTION

06 DECEMBER 2018



IMPLEMENTATION OF DIRECTIVE EE2015/2436 TM IN EU MEMBER STATES

THE CYPRUS EXPERIENCE



IMPLEMENTATION OF DIRECTIVE EE2015/2436 TM IN EU MEMBER STATES

- **TRADE MARKS LEGISLATION FROM THE COLONIAL TIMES
– CAP 268**
- Decision to Modernise not only the Law but also the procedures
- Modification in existing electronic filing systems pertaining to the implementation of the transposition



IMPLEMENTATION OF DIRECTIVE EE2015/2436 TM IN EU MEMBER STATES

- New system for electronic filing – parallel preparation
- EUIPO cooperation
 - Transposition of TM Directive
 - New electronic filing system by EUIPO
- Legal expert hired
 - Mr. Geroulakos – ex EUIPO Legal Counselor



IMPLEMENTATION OF DIRECTIVE EE2015/2436 TM IN EU MEMBER STATES

- **NEW TM LEGISLATION - NEW SECONDARY LEGISLATION & FORMS**
 - (A) Simplification of Legal Framework & Procedures
 - (B) Enhancement of Basic Principles & Procedures



MAIN CHANGES EFFECTED BY NEW LAW

- Multi-Class Applications
- New types of Marks
e.g sound marks, colour marks, shape of products
- 10 Years Duration – 10 Years Renewal



MAIN CHANGES EFFECTED BY NEW LAW

- Evidence of 5 Years use as a preliminary defence during Opposition procedure
- After filing for Registration not possible to modify application
- Possibility of friendly settlement during Opposition procedure



MAIN CHANGES EFFECTED BY NEW LAW

- Collective Marks
- Addition of new grounds for refusal such as:
 - Geographical indication
 - Appellations of origin
 - Traditional names of wines
 - Names
 - Personality
 - Industrial property rights
 - Intellectual property rights



MAIN CHANGES EFFECTED BY NEW LAW

- Geographical indication
- Appellations of origin
- Traditional names of wines
- Names
- Personality
- Industrial property rights
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MAIN CHANGES EFFECTED BY NEW LAW

- Right to alter/correct classification during Renewal Procedure of previously registered TMs
- Single form to be used for multi-applications
- Rejection for part of goods or services
- Simplification of transfer procedure



MAIN CHANGES EFFECTED BY NEW LAW

- Opposition – Before Registration
- Revocation/Cancelation – After Registration
- Oral hearings to be held in exceptional cases



MAIN CHANGES EFFECTED BY NEW LAW

- Publication in Department's website – not in the Gazette
- **NO MORE POWER OF ATTORNEY DOCUMENTS TO BE FILED**
 - Declaration by Lawyer on each form



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THANK YOU!