



The new EU Directive 2015/2436 for the approximation of the laws of Member States relating to trade marks

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Although the amendments to the Trade Marks Law CAP. 268 (as amended) which transpose the New EU Directive on Trade Marks [Directive (EU) 2015/2436 (“the Directive”)] have not yet been published, Cyprus is really close to finalizing the process of transposition and we will soon be in a position to read the text of the new law implementing it (“the Law”). The new Law has been presented last week in an event organized by the Intellectual and Industrial Property Section of the Department of Registrar of Companies and Official Receiver, the Ministry of Energy, Commerce and Industry and the European Union Intellectual Property Office and we will analyze it in a subsequent article in our website following its publication.

In summary, the new amendments that the Directive is expected to bring in our domestic regime aim at bringing an efficient digital system for the registration and protection of trade marks in Cyprus and eliminate the paperwork that has up to now been the case. Following the transposition of the Directive, an electronic system is expected to replace the process that has been followed up to now with the filing at the Registrar of Companies of a series of different forms. Amongst the forms that lawyers had to file was a retainer signed by the client (prospective trade mark owner); this form (E.S.1) will no longer be required. This will of course facilitate the process and save time particularly in instances where clients are abroad and it may take some days for the original form to arrive in Cyprus. The digital system will allow the publication of trade marks in the website that will be run by the relevant department of the Registrar of Companies and will eliminate the need of having to check in the long volumes of the official gazette to find the publication of a trade mark. In addition, if an interested party has an opposition to the registration of a trade mark, opposition will be made in writing and filed with the relevant department of the Registrar. This will of course expedite the process as previously, lawyers had to appear before the relevant department of the Registrar of Companies themselves in order to make representations in support of their opposition to the registration of a trade mark.



As to costs, the Law will decrease the costs involved in registering a trade mark. The most important change in this regard is the fee of EUR 20 for the registration of a trade mark in additional classes. This will considerably diminish the costs involved as registration under different classes was regarded as an afresh new registration where the fees had to be paid in full as if it was the original one. The duration of the force of registration will be extended from 7 years to 10 years and the same will be for subsequent renewals thereafter.

Another interesting and noteworthy change that has been brought is the possibility to now register new types of trade mark such as shape of a product, colour and even sound while an extended list containing new grounds for refusal or invalidity of trade marks has also been created.

The above improvements contained in the Directive will be analyzed in a subsequent article following the publication of the actual text of the Cypriot Law where there will be an opportunity to determine and examine the actual changes that will be brought to the existing regime following the transposition of the Directive.