



# The new EU Trademark Regulation

## Key reforms

*“Proprietors of EU trade marks registered in respect of the entire heading of a Nice class and which have been applied for before 22 June 2012 may file a declaration by 24 September 2016, to confirm the goods”*

### The Amending Regulation

Regulation (EU) 2015/2424 of the European Parliament and of the Council amending Council Regulation (EC) No 2017/2009 on the Community trade mark (the “**Amending Regulation**”), came into force on 23 March 2016, introducing significant reforms to the Community Trademark, now called the EU Trademark (“**EUTM**”).

#### Broader scope of protection

Graphic representation is no longer a requirement, provided it is possible to determine the clear and precise subject matter of protection. The scope of eligible marks has been extended to also include sound marks.

The absolute grounds for refusal over the registration of a EUTM have been extended to include designations of origin and geographical indications, traditional terms for wine and traditional specialties.

Rights conferred on EUTM proprietors now include the right to prohibit use of a registered sign as a third party’s trade or company name, as well as in comparative advertising where contrary to Directive 2006/114/EC.

A proprietor can also prohibit the bringing into the EU of goods bearing a mark which is identical or cannot be distinguished in its essential aspects from the EUTM concerned, even if such goods are not released for free circulation in the EU.

### Contacts

**A. A. Antoniou & Associates LLC**  
info@cylaw.ey.com  
Tel: +357 22 051 500

**Anastasios A. Antoniou**  
Managing Advocate  
Tel: +357 22 051 508  
Anastasios.Antoniou@cylaw.ey.com

**Aquilina Demetriadi**  
Advocate  
Tel: +357 22 051 509  
Aquilina.Demetriadi@cylaw.ey.com

It is further possible to prohibit preparatory acts which could constitute a EUTM infringement such as affixing a trademark on packaging, labels, tags or any other means to which the mark may be affixed.

### New Classification system

The classification system introduced by the Amending Regulation requires goods and services to be identified clearly and precisely.

As regards use of the class headings of the Nice Classification as well as of other general terms, their interpretation is confined to the goods and services clearly covered by the literal meanings of the terms used.

Proprietors of EU trade marks registered in respect of the entire heading of a Nice class and which have been applied for before 22 June 2012 may file a

declaration by September 24, 2016, to confirm the goods and services beyond the literal meaning of the heading of the relevant class in relation to which protection was sought at the time of filing, provided that such goods and services are listed in the alphabetical list of such class in the edition of the Nice Classification in force at the date of filing.

### Deadlines

Under the Amending Regulation, a request for renewal of a trademark registration must be filed within the 6 month period prior to the expiry of the registration.

While the 3 month deadline for filing a notice of opposition to an international registration designating the EU has not changed, such deadline now commences 1 month following publication.

## A. A. Antoniou & Associates LLC

### About A. A. Antoniou & Associates LLC

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