

SLOVAKIA

Trademark Regulations

DECREE No. 117/1997 Coll. of the Industrial Property Office of the
Slovak Republic to execute the Law No. 55/1997 Coll. on Trademarks

ENTRY INTO FORCE: May 1, 1997

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Section 1 Details of the formalities required for the trademark application

(1) A person or a legal entity (hereinafter referred to only as "the applicant") shall in the trademark application adduce:

(a) whether it concerns verbal, picture, combined or three-dimensional sign;

(b) if it is verbal sign, whether it has to be registered in standard characters used by the Industrial property Office of the Slovak Republic (hereinafter referred to only as "the Office") or in some other form of writing; if the sign contains verbal elements in other than in Latin form of writing, transcription in Latin form shall be adduced;

(c) whether the sign is registered in black and white or in colored performance; if it is colored performance, the used colors shall be listed;

(d) the name and the seat of the representative of the applicant or the name, surname and the address of the representative of the applicant;

(e) address for service, if it is not identical with the seat or address of the applicant or his/her representative.

(2) If the applicant claims the right of priority pursuant to the Section 6(2) of the Law No. 55/1997 Coll. on Trademarks (hereinafter referred to only as "the Law"), he/she shall adduce in the trademark application:

(a) the filing date of the trademark application, which the priority law is inferred from;

(b) the country, where this application was filed, and the reference number of the trademark application;

(c) registration number, if the application was registered.

(3) The applicant shall support the facts pursuant to the Subsection (2) with the document issued or legalized by the competent registration office.

(4) Exactly defined list of goods or services, for which the sign is applied, shall be stated in the trademark application in the order of the international classification together with the corresponding number of the class of this classification.

Section 2

(1) To the trademark application containing other than verbal sign in standard characters, the applicant shall enclose five delineations of the sign suitable for clear and comprehensible reproduction of the applied sign with all details of the format at least 15 x 80 mm, the most 80 x 80 mm.

(2) If the details of the three-dimensional identification are not clear from the printed delineation, the applicant shall enclose another delineation enabling clearly distinguish details of the applied sign, its verbal description or its sample to the trademark application.

(3) The applicant shall enclose the contract on using the collective trademark to the collective trademark application, which particularly contains:

(a) the name and the seat of the applicant;

(b) the name and the seat or the name, the surname and the address of the members of the applicant, and indication of the subject of the their business for which they shall use the collective trademark;

(c) definition of the mutual rights and obligations of the individual members of the applicant in using the collective trademark including sanctions for their infringement and the way of solving conflicts.

(4) If the applicant is represented, he/she shall enclose the power of attorney for his/her representative to the application.

Section 3 Details of the formalities required for the divided trademark application

Divided trademark application shall contain also the filing date of the original trademark application and the reference number of the original trademark application.

Section 4 Details of the formalities required for the documents proving the distinctive capacity of the trademark

Documents proving the distinctive capacity of the trademark contain particularly the date and the extent of using the sign directly on goods or in connection with goods or services.

Section 5 Data in the publishing of the trademark application in the Gazette of the Industrial Property Office of the Slovak Republic

In the publishing of the trademark application pursuant to the Section 8(5) of the Law the Office in the Gazette of the Industrial Property Office of the Slovak Republic (hereinafter referred to only as "the Gazette") shall adduce:

- (a) the reference number of the trademark application;
- (b) the filing date of the application and the data on the rise of the priority right, if it is claimed;
- (c) the wording or the delineation of the applied sign;
- (d) the list of goods or services, for which the sign is to be registered, listed in the order of the classes of the international classification together with the corresponding number of the class of this classification;
- (e) the name and the seat or the name, surname and the address of the applicant.

Section 6 Details of the formalities required for the oppositions against the registration of the sign as the trademark into the Register

(1) The oppositions against the registration of the sign into the Register of Trademarks (hereinafter referred to only as "the Register") contain:

- (a) the name and the seat or the name, surname and the address of the opposing person;
- (b) reference number of the trademark application, which the oppositions are against, and the date of its publishing;
- (c) the name and the seat or the name, surname and the address of the applicant;
- (d) the wording or the delineation of the applied sign, which the oppositions are against;
- (e) indication of the goods or services, which the oppositions are concerned to, including their classes pursuant to the international classification or the entry that the oppositions are concerned to all the goods or services contained in the application;
- (f) the substantiation of the oppositions;
- (g) the proposal of the decision about the application.

(2) The opposing person proves the substantiation of the oppositions

by documents, which the oppositions are based on. If the oppositions are based on the trademark application or on the trademark with the earlier prior right, it is enough to adduce its reference number or the registration number of the trademark and the wording or delineation of the applied sign or trademark.

(3) If the oppositions are filed for the reason of identity or confusing similarity to the well-known mark, the opposing person shall enclose the documents that his/her trademark became well-known in the Slovak Republic before rising of the priority law.

(4) If the oppositions are filed for the reason of infringement of the rights of the holder of the unregistered sign, the holder shall prove what goods or services was the unregistered sign actually used for in the legal term, and indicates the territory or the locality, where the consumers connect goods or services, marked with the opposed sign, with the business activity of the holder of the unregistered sign.

(5) If the oppositions are filed for the reason of identity or confusing similarity to the trade name or its essential part, the opposing person proves, that was incorporated before rising of the priority right of the applied sign, and encloses the list of goods or services actually provided by the enterprise under this trade name.

(6) If the oppositions are filed for the reason of the infringement of the rights of the personality protection by the published sign, the authorization to claim the right for the personality protection shall be proved. It shall be also adduced in what way the registration of the published sign into the Register imperils the right for the personality protection.

(7) If the oppositions are filed for the reason of the infringement of the right from other industrial property, documents proving the existence and ownership to the subject of the right, which the infringement is concerned to, shall be enclosed. It shall be also adduced in what way the registration of the published sign into the Register imperils the right for the subject of the industrial property.

(8) If the oppositions are filed for the reason of the infringement of the copyright, the authorization to claim the copyright shall be proved. The authorized work, which is threatened by the registration of the published sign into the Register, shall be indicated. The way and the extent of threatening of the authorized work shall be adduced as well.

(9) If the oppositions are filed pursuant to the Section 45(3), the trademark holder shall adduce the reference number of the trademark application or the registration number of the trademark and the date of the decision of the Office, which declared the trademark as the trademark with good reputation.

Section 7 The data registered in the Register and published in the Gazette after the registration of the trademark

(1) Following data shall be entered into the Register:

- (a) the registration number of the trademark;
- (b) the filing date of the trademark application in the Office or also the data of the rising of the priority right;
- (c) the date of the publishing the trademark application in the Gazette;
- (d) the date of the registration of the trademark into the Register;
- (e) the reference number of the trademark application;
- (f) the wording or the delineation of the trademark; if the trademark contains verbal elements in other than Latin form of writing, their transcript in Latin form of writing shall be adduced;
- (g) the class of the classification of the picture elements of the trademark;
- (h) the name and the seat or the name, surname and the address of the applicant or the trademark holder;
- (i) the kind of the trademark;
- (j) the list of goods or services, which the trademark is registered for, listed in the order of the classes of the international classification together with the corresponding number of the class of this classification;
- (k) the date of the renewal of the trademark registration;
- (l) international trademark registration;
- (m) the list of the members of the applicant pursuant to the contract on using the collective trademark;
- (n) the name and the seat or the name, surname and the address of

the representative of the holder, if he/she is represented;

(o) the cancellation of the trademark.

(2) Following other facts shall be entered into the Register:

(a) amendment of the applied sign or the trademark;

(b) restriction of the list of goods or services, which the trademark is registered for, listed in the order of the classes of the international classification together with the corresponding number of the class of this classification;

(c) changing the name and the seat or the name, surname and the address of the applicant or the trademark holder;

(d) changing the name and the seat or the name, surname and the address of the representative of the holder, if he/she is represented;

(e) changing the list of the members of the applicant pursuant to the contract on using the collective trademark;

(f) the change in the international trademark registration;

(g) the data of the assignment and the transfer of the trademark;

(h) the license contracts on trademark;

(i) the constitution and the lapse of the right of lien on the trademark.

(3) The Office shall after the registration of the trademark into the Register publish the data, set forth in the Section 7(1)(a) - (e) in the Gazette, and the changes concerning the basic data, which were made after the registration of the trademark into the Register.

Section 8 Details of the formalities required for the certificate, duplicate of the certificate, the extract from the Register and the document on the rise of the priority right

(1) In the certificate on the registration of the trademark into the Register the data shall be adduced pursuant to the Section 7(1). The Office shall issue the addendum to the certificate to the holder of the trademark about the changes which happened after the certificate was issued.

(2) If the trademark holder requests, the Office shall issue the duplicate of the certificate on the registration of the trademark into the Register and the addendum to the certificate. If the trademark is created by other than verbal sign in standard

characters, the holder of the trademark shall enclose to the application five delineations of the trademark suitable for clear and comprehensible reproduction with all details of the format at least 15 x 80 mm, the most 80 x 80 mm. To each trademark only one duplicate of the certificate shall be issued.

(3) If it is requested, the Office shall provide the extract from the Register or the extract from data about the trademark application to every person, that asks for it. The extract from the Register contains data actual to the filing date of the request for the extract from the Register.

(4) If the applicant or the trademark holder requests, the Office shall issue the document on the rising of the priority right for the trademark, which contains:

- (a) the reference number of the trademark application or the registration number of the trademark;
- (b) the name and the seat or the name, surname and the address of the applicant or the trademark holder;
- (c) the wording or delineation of the applied sign or registered trademark;
- (d) the list of goods or services listed in the order of the classes of the international classification together with the corresponding number of this classification, which is the sign applied or the trademark registered for;
- (e) the filing date of the trademark application.

Section 9 Details of the formalities required for the request for the amendment of the applied sign or the trademark

(1) The request for the amendment of the applied sign or the trademark pursuant to the Section 7(1) or the Section 14 of the Law particularly contains:

- (a) the reference number of the trademark application or the registration number of the trademark;
- (b) the name and the seat or the name, surname and the address of the applicant or the trademark holder;
- (c) the new wording or delineation of the applied sign or the trademark;
- (d) the name and the seat or the name, surname and the address of

the representative, if the applicant or the trademark holder is represented;

(e) the description of the requested amendment.

(2) To the application for the amendment of the applied sign or the trademark, which contains other than verbal sign in standard characters, the applicant shall enclose five delineations of the sign or the trademark suitable for clear and comprehensible reproduction of the applied sign or the trademark with all details of format at least 15 x 80 mm, the most 80 x 80 mm.

(3) The enclosure of the application for the amendment of the applied sign or the trademark is a document, which confirms the change in data pursuant to the Subsection (1).

Section 10 Details of the formalities required for the request for the restriction of the list of goods or services

The request for the restriction of the list of goods or services particularly contains:

(a) the reference number of the trademark application or the registration number of the trademark;

(b) the name and the seat or the name, surname and the address of the applicant or the trademark holder;

(c) the restricted list of goods or services listed in the order of the classes of the international classification together with the corresponding number of the class of this classification;

(d) the name and the seat or the name, surname and the address of the representative, if the applicant or the trademark holder is represented.

Section 11 Details of the formalities required for the request for the change of the name and the seat or the name, surname and the address

The request for the change of the name and the seat or the name, surname and the address of the applicant or the trademark holder into the Register particularly contains:

(a) the reference number of the trademark application or the registration number of the trademark;

(b) the name and the seat or the name, surname and the address of

the applicant or the trademark holder;

(c) the new name and the seat or the name, surname and the address of the applicant or the trademark holder, that is to be registered in the Register;

(d) the name and the seat or the name, surname and the address of the representative, if the applicant or the trademark holder is represented.

Section 12

The request for registration of the representative or for changing the representative in the trademark application proceedings or in the trademark proceedings registered in the Register particularly contains:

(a) the reference number of the trademark application or the registration number of the trademark;

(b) the name and the seat or the name, surname and the address of the applicant or the trademark holder;

(c) the name and the seat or the name, surname and the address of the representative, granting the power of attorney, in the case of a change of the representative, cancellation of the power of attorney for the earlier registered representative.

Section 13 Details of the formalities required for the request for the registration of the assignment or the transfer of the trademark

(1) The request for the registration of the assignment or the transfer of the trademark into the Register particularly contains:

(a) the reference number of the trademark application or the registration number of the trademark;

(b) the name and the seat or the name, surname and the address of the trademark holder;

(c) the name and the seat or the name, surname and the address of the acquirer of the trademark;

(d) the response whether the trademark is assigned or transferred to all goods or services, which is registered for, or only to a part of them; if the trademark is assigned or transferred only to a part of goods or services, which is registered for, the list of them shall be listed in the order of the classes of the international classification together with the corresponding number of the class of this classification;

(e) the name and the seat or the name, surname and the address of the representative, if the applicant is represented.

(2) When the trademark is assigned, the contract on the assignment or its legalized copy, its extract or any other document, proving the change of the trademark holder, shall be enclosed to the application.

(3) When the trademark is transferred, the document, proving the transfer of the trademark pursuant to the particular regulations, shall be enclosed to the application.

(4) When the request for the registration of the assignment or the transfer of the rights from the trademark application is filed, the provisions of the Subsections (1) and (2) shall be adequately applied.

Section 14 Details of the formalities required for the request for the registration of the license contract

(1) The request for the registration of the license contract particularly contains:

(a) the reference number of the trademark application or the registration number of the trademark;

(b) the name and the seat or the name, surname and the address of the trademark holder;

(c) the name and the seat or the name, surname and the address of the trademark license acquirer;

(d) the statement whether the trademark license is provided for all goods or services, which is registered for, or only for a part of them; if the license is provided only for a part of goods or services, which is registered for, their list shall be adduced in the order of the classes of the international classification together with the corresponding number of the class of this classification;

(e) the name and the seat or the name, surname and the address of the representative, if the trademark holder is represented.

(2) The license contract shall be enclosed to the request for the registration of the license contract into the Register.

Section 15 Details of the formalities required for the request for the registration of the right of lien on the trademark

(1) The request for the registration of the right of lien on the trademark particularly contains:

(a) the reference number of the trademark application or the registration number of the trademark;

(b) the name and the seat or the name, surname and the address of the trademark holder;

(c) the name and the seat or the name, surname and the address of the lienee;

(d) the name and the seat or the name, surname and the address of the representative, if the lienee is represented.

(2) The lien contract shall be enclosed to the request for the registration of the right of lien on the trademark.

Section 16 Details of the formalities required for the proposal to cancel trademark from the Register

(1) The proposal to cancel the trademark from the Register particularly contains:

(a) the reference number or the trademark application or the registration number of the trademark;

(b) the name and the seat or the name, surname and the address of the trademark holder;

(c) the wording or the delineation of the trademark;

(d) the name and the seat or the name, surname and the address of the person that presents the proposal;

(e) the name and the seat or the name, surname and the address of the representative of the person presenting the proposal, if he/she is represented;

(f) the proposal how to solve this case;

(g) the substantiation of the proposal and supporting the evidence.

(2) The proposal to cancel the trademark shall be filed in four copies: the copies of the written evidence, on which the proposal to cancel is based, are enclosures of the each copy of the proposal.

(3) If the trademark holder that has not got the seat or the address in the Slovak Republic is not represented, the translation into

French or English languages shall be enclosed to the proposal to cancel the trademark.

Section 17 Details of the formalities required for the request for the trademark cancellation from the Register

(1) The application for the trademark cancellation from the Register particularly contains:

- (a) reference number of the trademark application or the registration number of the trademark;
- (b) the name and the seat or the name, surname and the address of the trademark holder;
- (c) the name and the seat or the name, surname and the address of the claimant for the trademark cancellation;
- (d) the name and the seat or the name, surname and the address of the representative, if the claimant is represented.

(2) The claimant shall enclose to the application for the cancellation the legalized copy of the valid court decision, pursuant to which the trademark infringes the right for the personality protection, affects the reputation of the person or the legal entity or infringes the right for the authorized work, or using the trademark is not allowed competitive action.

Section 18 Details of the formalities required for the request for the renewal of the trademark registration

(1) The request for the renewal of the trademark registration particularly contains:

- (a) the reference number of the trademark application or the registration number of the trademark;
- (b) the name and the seat or the name, surname and the address of the trademark holder;
- (c) the statement that the renewal of the registration is requested;
- (d) the name and the seat or the name, surname and the address of the representative, if the trademark holder is represented.

(2) If the request for the restriction of the list of goods or services, which the trademark is to be renewed for, is the part of the request for the renewal of the trademark registration, the trademark holder shall adduce also data pursuant to the Section

10(c).

Section 19 Details of the keeping the file and correcting the errors

(1) The Office keeps the separate file of the trademark application and of the trademark registration, which contains all lodgings, reports and decisions of the Office made during the proceedings on the trademark application and validity of the trademark registration.

(2) The Office shall correct apparent errors, which appeared during writing in the Register and in the Gazette.

Section 20 Details of the formalities required for the application for the international trademark registration

The application for the international trademark registration particularly contains:

(a) the reference number of the trademark application and the filing date of the application, or, if the trademark is registered, the registration number of the trademark;

(b) the wording or the delineation of the applied sign or of the trademark; if the applied sign or the trademark is in other than in Latin form of writing or contains other than Arabic or Roman numbers, the transcript of this form of writing into Latin or the transcript of the numbers into Arabic numbers shall be realized pursuant to the orthography rules of the language, which is the international application filed in;

(c) the name and the seat or the name, surname and the address of the applicant identical with the name and the seat or with the name, surname and the address of the applicant or the holder of the trademark, registered in the Office Register;

(d) the list of goods or services, which is identical with or restricted than the list of goods or services, for which the sign is applied or the trademark registered, listed in the order of the classes of the international classification together with the corresponding number of the class of this classification;

(e) the countries which it is applied for the protection in;

(f) the name and the seat or the name, surname and the address of the paying person and the way of the paying fees for the international registration pursuant to the international agreement or the number of the certification of World Intellectual Property

Organization with the seat in Geneva about the realized payment or the direction to draw money out of the account opened to this Organization;

(g) the list of the used colors, if the trademark is applied in the colored performance;

(h) the name and the seat or the name, surname and the address of the representative, if the applicant is represented.

Section 21

(1) To the application for the international trademark registration, containing other than verbal sign in standard characters, the applicant shall enclose the delineation of the applied sign or of the registered trademark suitable for clear and comprehensible reproduction with all details of the format at least 15 x 80 mm and the most 80 x 80 mm.

(2) If the applicant is represented, he/she shall enclose to the application for international trademark registration the power of attorney for his/her representative.

Section 22 Details of the formalities required for the request for the registration of the changes in the international trademark register

The request for the registration of the changes in the international trademark register particularly contains:

(a) the reference number of the trademark application or the registration number of the trademark;

(b) the number of the international trademark registration;

(c) the name and the seat or the name, surname and the address of the holder of the international registered trademark;

(d) the way of paying the fees for the action pursuant to the international agreement; the name and the seat or the name, surname and the address of the paying person, eventually the number of the International Office certification on the realized payment or the direction to draw money out of the account opened to this Organization;

(e) other formalities pursuant to the international agreement.

Section 23 Effectiveness

This Decree shall become effective from May 1, 1997.