

**SWEDEN**

**Trademarks Regulation**

as last amended by Regulation No. 621 of 2012

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## **Chapter 1. The Register of Trademarks and the Diary of Trademark Matters**

### **General about the Register of Trademarks and the Diary**

#### **Section 1.**

The Register of Trademarks contains information about trademarks that have been registered in this country and about international trademark registrations having effect in this country.

In addition to the Trademark Register, the Patent and Registration Office keeps a Diary of Trademark Matters.

The Register and the Diary, which are maintained with the assistance of automated processing, shall be kept available at the Patent and Registration Office.

#### **Section 2.**

The Trademark Register and the Diary of Trademark Matters shall make publicly available the information kept in the Register and the Diary. In respect of personal data, the Register and the Diary shall have as their purpose to make available information for

1. business activities, the making available of credits and insurances or other public or private activities where the information kept in the Trademark Register constitutes the basis for examinations or decisions,
2. acquisition, putting at disposal or sale of property that has been recorded in the Trademark Register or of activities that have links to such property,
3. putting up to date, complement or control of information kept in registers of customers or members or similar registers,
4. fulfilment of an obligation resulting from an international commitment binding for Sweden, or
5. activities for which the State or a municipality have the responsibility and which
  - a) concerns activities that relate to property registered in the Trademark Register,
  - b) in order to be executed presupposes access to registered information, or
  - c) relates to the fulfilment of an obligation to provide information.

#### **Section 3.**

The Patent and Registration Office has the personal data

responsibility pursuant to the Act on Personal Data (1998:204) with regard to the Trademark Register and the Diary of Trademark Matters.

**Section 4.**

The Patent and Registration Office shall ensure that no undue infringement of the personal integrity of the registered persons occurs nor any risks from the point of view of security. The Office may, for these purposes, set conditions in individual cases for the treatment of personal data.

**Section 5.**

The Patent and Registration Office may for the purposes indicated in Section 2 permit direct access to the Trademark Register and the Diary of Trademark Matters

**Section 6.**

The provisions on corrections and damages in Articles 28 and 48 of the Act on Personal Data (1998: 207) apply to the treatment of personal data under this Regulation.

**Section 7.**

Chapter 5, Article 2, of the Public Access to Information and Secrecy Act (2009:400) contains provisions on the information that shall appear in the Diary of Trademark Matters. Furthermore, the Trademarks Act (2010:1877) and this Regulation contain provisions on the recording of information in certain specific cases.

The Patent and Registration Office may issue provisions on which other items of information shall be included in the Diary.

**The Trademark Register**

**Section 8.**

In the Trademark Register shall, in addition to what follows from Chapter 2, Article 23, of the Trademarks Act (2010:1877), be recorded information on

1. the registration number of the trademark,
2. the application number,
3. the date of the application for registration and the date of the registration,
4. the name or trade name of the owner,
5. the goods or services for which the trademark is registered and the

classes to which the goods or services belong,  
6. how the figurative elements of the trademark have been classified,  
7. such exception from the protection of a part of the trademark as is referred to in Chapter 2, Article 12, of the Trademarks Act,  
8. priority,  
9. whether the mark is registered as is in the country of origin, and  
10. the name or trade name, and the mailing address, of the representative.

If a description of the trademark has been filed, such description may be entered into the Register.

In the Register may also be recorded the e-mail address of the owner and the representative.

#### **Section 9.**

When the Patent and Registration Office, in accordance with Chapter 5, Article 10, of the Trademarks Act (2010:1877), has decided that an international registration shall have effect in Sweden and enters the trademark in the Trademark Register, this shall be done under the number given to it by the International Bureau of the World Intellectual Property Organization (the International Bureau). The Office may also, as regards international registrations, decide which items of information referred to Section 8 shall be entered into the Trademark Register.

#### **Section 10.**

If an application for renewal has been filed, an entry of this fact shall immediately be recorded in the Trademark Register and also an indication about the date when the application was filed.

#### **Section 11.**

If a national registration or, in addition to what follows from Chapter 5, Article 19, of the Trademarks Act (2010:1877), an international trademark registration with effect in Sweden, has been completely or partly deleted from the Trademark Register, this shall be recorded in the Register. As regards a national registration, the date of the decision shall be indicated as also the reason for the deletion of the registration.

#### **Section 12.**

An entry about an assignment or other transfer of the right to a registered trademark shall contain information about the name or the

trade name, and the mailing address, of the new owner and about the date of the document that indicates the transfer of the right.

**Section 13.**

An entry about a license relating to a registered trademark shall contain information about the name or trade name, and the mailing address, of the licensee. If the right of the licensee is limited, this fact shall be recorded, if the applicant so requests.

**Section 14.**

If a matter relating to an entry of an assignment or other transfer of the right to a registered trademark or a license agreement cannot be decided immediately, an entry shall be made in the Trademark Register of the fact that such an entry has been applied for.

**Section 15.**

A registration of an agreement concerning a pledge of a registered trademark shall contain information about the name or trade name, and the mailing address, of the holder of the pledge, the date of the pledge agreement, the date of the application for registration and the date of the decision about the registration.

**Section 16.**

If the right to a registered trademark has been distrained or sequestered, or has been kept as security for the payment of a debt, this fact shall, upon a notification, be recorded in the Trademark Register.

## **Chapter 2. Documents filed in trademark cases and in cases relating to administrative revocation**

### **Section 1.**

Any application in a trademark case or any opposition shall be filed in writing. The same applies to any application for administrative revocation of a trademark.

Any document referred to in the first Paragraph shall be signed by the applicant or opponent or by his or her representative.

### **Section 2.**

The Patent and Registration Office may issue provisions to the effect that any document referred to in Section 1 may be transmitted electronically to the Office and concerning the way in which this shall be done.

A document that is transmitted electronically shall be signed by an electronic signature.

The Office may issue provisions about which electronic signatures may be used.

### **Section 3.**

If someone at the same time applies for registration of several trademarks or otherwise requests a measure that relates to several trademarks, a separate application shall be made for each mark unless otherwise follows from this Regulation.

An application for a change of an entry of the name or trade name, or the address, of the applicant, the owner or the representative may relate to several applications or registrations if the application numbers and the registration numbers for those are indicated.

### **Section 4.**

Any document referred to in Section 1 shall be drafted in Swedish unless otherwise follows from Chapter 5, Article 3, of the Trademarks Act (2010:1877) or is permitted by the Patent and Registration Office in an individual case. If an attachment is drafted in any other language than Swedish, the applicant shall also file an authenticated Swedish translation of the attachment if the Office so requests.

## **Chapter 3. National registration of trademarks**

### **Application for registration**

#### **Section 1.**

The representation of a trademark which under Chapter 2, Article 1, of the Trademarks Act (2010:1877) shall form part of the application for the registration of a trademark shall, as regards marks other than word marks, include a picture, suitable for reproduction, of the mark in a format not exceeding 21 x 29,7 centimeters (A 4). If the mark is claimed to be registered in colour, the picture shall be filed in colour.

#### **Section 2.**

In a case involving the registration of a trademark, the applicant shall, if the Patent and Registration Office considers this necessary, describe the mark in writing and indicate its characteristics.

If the application for registration relates to the form or the get-up of a product or its package, the applicant shall, if the Patent and Registration Office considers this necessary, file a copy of the product or the package for keeping at the Office.

#### **Section 3.**

As regards the classification, the Nice Agreement on the International Classification of Goods and Services for the Registration of Trademarks, of 15 June 1957, revised at Stockholm on 14 July 1967 and at Geneva on 13 May 1997 (SO 1978:29) shall apply.

#### **Section 4.**

The Patent and Registration Office shall classify figurative elements in trademarks in accordance with the Agreement of 12 June 1973 on the Establishment of International Classification of Figurative Elements in Trademarks (SO 1980:3).

#### **Section 5.**

An announcement of a decision of registration shall contain a picture of the trademark or, if the mark is a word mark, the word that has been registered and the information referred to in Chapter 1, Section 8.

The announcement shall also contain information about the time limit for oppositions and about what the opposition shall contain.

**Section 6.**

The Patent and Registration Office may issue further provisions relating to the application proceedings.

**Opposition**

**Section 7.**

Any opposition under Chapter 2, Article 24, of the Trademarks Act (2010:1877) and other documents invoked in support of the opposition shall be filed in two copies.

**Section 8.**

The Patent and Registration Office may issue further provisions concerning the opposition proceedings.

**Alterations of a registered trademark**

**Section 9.**

An application for an alteration of a registered trademark shall contain

1. the name or trade name, and the mailing address, of the applicant
2. indication of the name or trade name, and the mailing address, of the representative if any information recorded earlier has been changed,
3. an indication of the registration number of the trademark, and
4. a clear information about the alteration of the trademark that the applicant wants to make.

If the application relates to a mark other than a word mark, the application shall also contain such a picture of the mark as is referred to in Section 1.

If the applicant is someone other than the owner recorded in the Trademark Register, the applicant shall attach a document that proves the right of the applicant to the mark.

**Division of a registration**

**Section 10.**

An application for the division of a registration shall contain

1. the name or trade name, and the mailing address, of the applicant,
2. an indication of the name or trade name, and the mailing address,

of the representative, if any information recorded earlier has been changed,

3. an indication of the registration number of the trademark, and

4. a clear information about how the goods or services shall be divided.

If the applicant is someone other than the owner recorded in the Trademark Register, the applicant shall attach a document that proves the right of the applicant to the mark.

### **Renewal of a registration**

#### **Section 11.**

An application for the renewal of a registration shall contain

1. the name or trade name, and the mailing address, of the applicant,

2. an indication of the name or trade name, and the mailing address, of the representative if any indication recorded earlier has been changed, and

3. an indication of the registration number of the trademark.

An application that relates only to a part of a registration shall contain an indication of the goods or services that the applicant wants to be covered by the registration after the renewal and which classes that the registration will, according to the applicant, apply to.

If, in a case referred to in the second Paragraph, the applicant is someone other than the owner recorded in the Trademark Register, the applicant shall attach a document that proves the right of the applicant to the mark.

If a renewal is carried out through the payment of the renewal fee, the registration number shall at the same time be indicated.

## **Chapter 4. Administrative revocation of a registration**

### **The contents of the application**

#### **Section 1.**

An application for administrative revocation and the documents attached to the application shall be filed in two copies.

#### **Section 2.**

If any item of information which has been filed pursuant to Chapter 3, Article 6, 1, of the Trademarks Act (2010:1877) has been changed in the course of the proceeding at the Patent and Registration Office, the applicant shall immediately notify the Office of this change.

#### **Section 3.**

The Patent and Registration Office may issue further provisions concerning the additional contents of an application for administrative revocation.

### **Directive to the owner to respond.**

#### **Section 4.**

A directive to the owner under Chapter 3, Article 10, of the Trademarks Act (2010:1877) shall, in addition to what is prescribed in that Article, contain information about the consequence that may follow if the claim is opposed or admitted or if the opposition is not filed within the prescribed time limit.

The Patent and Registration Office may issue further provisions about what the directive to the owner shall otherwise contain.

### **Transfer to a District Court**

#### **Section 5.**

In the case of a transfer of a matter to a District Court pursuant to Chapter 3, Article 13 or 16, of the Trademarks Act (2010:1877), all documents in the case, including evidence of the serving as well as relevant printouts from the Trademark Register and the Diary of Trademark Matters shall be transmitted to the District Court. The documents shall be included in the act of the District Court.

**Chapter 5. Application for recording of assignments, licenses or representatives or of registration of pledges and certain communications to licensees or holders of pledges.**

**Application for recording of an assignment**

**Section 1**

An application for recording of an assignment or another transfer of the right to a registered trademark shall contain information on

1. the name or trade name, and the mailing address, of the applicant,
2. the name or trade name, and the mailing address, of the representative, and
3. the registration number of the trademark.

The applicant shall, together with the application, file a document that proves the transfer of the right in the trademark.

If an assignment or another transfer relates to several registered trademarks, one single application may be filed, if both the earlier and the new owner are the same for all marks and the registration numbers of the marks are indicated.

**Application for recording of a license**

**Section 2.**

An application for recording of a license that relates to a registered trademark or to a trademark that is the subject matter of an application for registration shall contain information on

1. the name or trade name, and the mailing address, of the licensee,
2. the name or trade name, and the mailing address, of the representative, and
3. the registration number of the trademark or, if the recording relates to a trademark that is the subject matter of an application for registration, the application number.

If the applicant requests an entry stating that the right of the licensee is limited, the application shall also contain information about this limitation.

The applicant shall, together with the application, file the license agreement in original or as a copy or an extract from the document.

If a license has been granted for several trademarks, one single application may be filed for the recording of this fact. This applies on condition that both the owner of the trademark, or of the party applying for the registration of the trademark, and the licensee are

the same for all the trademarks and that the registration numbers or application numbers are indicated.

### **Registration of a pledge and recording of a new holder of a pledge**

#### **Section 3.**

An application for registration of a pledge in a registered trademark or in an application for the registration of a trademark shall contain information on

1. the name or trade name, and the mailing address, of the holder of the pledge,
2. the name, or trade name, and the mailing address of the representative,
3. the date of the pledge, and
4. the registration number of the trademark or, if the pledge relates to an application for a trademark, the application number.

The applicant shall, together with the application, file the pledge agreement in original or as a certified copy.

An application for the recording of a new holder of the pledge shall contain information about the name or trade name, and the mailing address, of the new holder of the pledge and the registration or application number which the recording concerns.

### **Notifications to licensees or holders of pledges in certain cases.**

#### **Section 4.**

If the owner of a registered trademark requests that the registration shall be removed from the files, or if the applicant in an application for the registration of a trademark revokes the application, the following applies in relation to the licensee. If an entry has been made concerning the license, the licensee shall be informed about the request or the revocation, respectively, and be given a reasonable time to take care of his interests. If a registration of a pledge in a registered trademark or in an application for the registration of a trademark exists, the holder of the pledge shall be informed in a corresponding way.

### **Application for the recording of a representative.**

#### **Section 5.**

An application for the recording of a representative shall contain

information about

1. the name or trade name, and the mailing address, of the applicant,
2. the name or trade name, and the mailing address, of the representative, and
3. the application or registration number of the application or registration to which the recording relates.

An application for the recording of a representative may relate to several applications or registrations if the application or registration numbers for those are indicated and the applicant or owner and the representative are the same for all the marks.

## **Chapter 6. International trademark registration.**

### **General about the processing of questions relating to international trademark registration**

#### **Section 1.**

The Patent and Registration Office shall process matters relating to international trademark registration under, in addition to the Trademarks Act (2010:1877) and this Regulation, the Protocol of June 27, 1989, relating to the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891 (SO 1994:82) and the Implementing Regulations relating to this Protocol.

#### **Application for international trademark registration for a party that holds a Swedish trademark registration, etc.**

#### **Section 2.**

When an application for an international trademark registration is filed at the Patent and Registration Office, the application shall be given a number. This number and the date when the application was received at the Office shall be indicated on the application.

#### **Section 3.**

An application referred to in Chapter 5, Article 4, third Paragraph, of the Trademarks Act (2010:1877) shall be transmitted to the International Bureau within one month from the date when the application was received at the Patent and Registration Office. If a directive pursuant to Chapter 5, Article 4, second Paragraph of the Trademarks Act, has been issued, the application shall instead be transmitted so that it is received at the International Bureau within two months from the date when the application was received at the Office.

#### **Section 4.**

The Patent and Registration Office shall indicate the date for the receipt on an application referred to in Chapter 5, Article 7, of the Trademarks Act (2010:1877) and transmit the application to the International Bureau within two months from the date when the application was received at the Office.

**Section 5.**

The Patent and Registration Office shall immediately to the International Bureau transmit an application that the Office has received pursuant to Rule 25.1 of the Implementing Regulations to the Protocol referred to in Section 1.

**Section 6.**

If the Patent and Registration Office receives a notification from the International Bureau that a deficiency shall be taken care of in respect of an application referred to in Sections 3 to 5, the Office may direct the applicant to file a statement. The Office shall inform the International Bureau about the statement by the applicant in such a time that the information is received by the International Bureau within three months from the date of the notification.

**Section 7.**

If a power of attorney for a representative that relates to an international trademark registration or an application for such a registration is filed at the Patent and Registration Office, the Office shall immediately transmit the power of attorney to the International Bureau.

**Application for the extension of the effect of an international trademark registration to Sweden.**

**Section 8.**

If the Patent and Registration Office receives a notification from the International Bureau that a party has applied for the extension of the effect of an international trademark registration to Sweden, the Office shall immediately make an entry about this fact in the Diary of Trademark Matters.

**Section 9.**

An announcement that an international trademark registration shall have effect in Sweden shall, in addition to what follows from Chapter 5, Article 10, of the Trademarks Act (2010:1877), contain

1. the number of the international trademark registration,
2. the mark that the registration concerns, and
3. information about the class or classes of goods or services for which the registration has effect.

The announcement shall also contain information about the time limit

for opposition and what the opposition shall contain.  
The Patent and Registration Office may decide which other information items shall be included in the announcement.

**Section 10.**

The Patent and Registration Office may issue further provisions concerning the application proceedings relating to applications for international trademark registration.

**Opposition against a decision that an international trademark registration shall have effect in Sweden.**

**Section 11.**

An opposition pursuant to Chapter 5, Article 11, of the Trademarks Act (2010:1877) and other documents invoked in support of the opposition shall be filed in two copies.

**Section 12.**

If the time limit for an opposition expires after the time limit referred to in Chapter 5, Article 8, third Paragraph, of the Trademarks Act (2010:1877), the Patent and Registration Office shall, within the latter time limit, transmit a statement to the International Bureau that a decision that the international trademark registration shall have no effect in Sweden may be transmitted later. The statement shall, in addition to what is prescribed in Chapter 5, Article 8, third Paragraph, of the Trademarks Act, contain information about the number and the owner of the international trademark registration. Wherever possible, the statement shall also include information about when the time limit for the opposition begins and ends.

**Section 13.**

The Patent and Registration Office may issue further provisions concerning the opposition proceedings that relate to an international trademark registration.

**Notification concerning a change of the ownership of an international trademark registration**

**Section 14.**

If the Trademark and Registration Office pursuant to Rule 27 of the Implementing Regulations relating to the Protocol referred to in

Section 1, receives a notification from the International Bureau concerning a change in the ownership of an international trademark registration with effect in Sweden and the Office considers itself unable to accept the change, the statement about this fact referred to in Rule 27.4 shall be transmitted within two months from the date of the receipt of the notification.

#### **Communications to the International Bureau**

##### **Section 15.**

Communications from the Patent and Registration Office to the International Bureau relating to international trademark registrations shall be drafted in the English language.

## Chapter 7. Fees

### National registration of trademarks, etc.

#### Section 1.

For an application in a trademark matter a fee shall be paid as follows.

Type of matters	SEK
Electronic application for registration	
a) for protection in one class of trademarks, including collective, guarantee or control marks	1800
b) for each class beyond the first one	900
Other application for registration	
a) for protection in one class of trademarks, including collective, guarantee or control marks	2300
b) for each class beyond the first one	900
Application for division of an application for registration for each divided application	1500
Application for division of a registration for each divided registration	1500
Electronic application for renewal	
a) for protection in one class of trademarks, including collective, guarantee or control marks	1800
b) for each class beyond the first one	900
Other application for renewal	
a) for protection in one class of trademarks, including collective, guarantee or control marks	2300
b) for each class beyond the first one	900
If renewal is sought after the expiry of the registration period shall be added for each class	150
Application for recording of a new owner, for each recording of ownership	900
Application for recording of a license, for each recording of a license	900
Application for an alternation of a trademark	700
Application for registration of a pledge or recording of a new holder of the pledge	1600
Fee for reinstatement pursuant to Chapter 2, Article 20, second Paragraph, or Chapter 2, Article 34, third Paragraph, of the Trademarks Act (2010: 1877) (Regulation (2012:621))	500

#### Section 2.

For an application for administrative revocation of a trademark registration an application fee of 450 SEK shall be paid.

### International Trademark Registration

#### Section 3.

The fees prescribed in Section 1 for applications for registration of

trademarks also apply to applications for international trademark registrations filed at the Patent and Registration Office.

**Section 4.**

The fees prescribed in Section 1 for applications for registration of pledges or for recording of a new holders of pledges and for applications for recording of licenses shall also apply to such applications for international trademark registrations that are filed at the Patent and Registration Office.

**Section 5.**

For applications for recording in the Trademark Register that an international trademark registration has replaced the Swedish one, a fee of 1400 SEK shall be paid.

**Section 6.**

For reinstatement pursuant to Chapter 5, Article 6, second Paragraph, of the Trademark Act a reinstatement fee of 500 SEK shall be paid.

**Section 7.**

For an application for administrative revocation of a decision that an international trademark application shall have effect in Sweden, an application fee of 450 SEK shall be paid.

**Community Trademark**

**Section 8.**

In matters relating to Council Regulation (EC) No 207/2009 of 26 February, 2009, on the Community Trademark fees shall be paid to the Patent and Registration Office as follows.

Type of matter	SEK
Filing of an application for a Community trademark for transmission pursuant to Article 25.2 of the Council Regulation	500
Application for transformation of a registration of a Community trademark or an application for registration of a Community trademark to an application for a national trademark which has been transmitted to the Patent and Registration Office pursuant to Articles 112 and 113 of the Council Regulation	
a) for protection in one class of trademarks, including collective, guarantee or control marks	1900
b) for each class beyond the first one	900
Certificate pursuant to Article 93.3 of the Council Regulation	1200

## **Chapter 8. Other provisions**

### **Section 1.**

The Patent and Registration Office is the competent Swedish authority for authenticity control pursuant to Article 86.2 of the Council Regulation on the Community Trademark.

### **Section 2.**

A proceeding referred to in Chapter 3, Article 5, second Paragraph, of the Trademarks Act (2010:1877) may be initiated by a public prosecutor or another authority designated by the Government for a special case.

### **Section 3.**

A Court shall notify the Patent and Registration Office about any judgement in a case relating to

1. revocation of a registered trademark, or
2. infringement of a registered trademark.

The Court shall also notify the Office about any judgement in a case where a claim has been made for a declaratory judgement whether certain legal relations exist or not in respect of a registered trademark.

The provisions of the first and second Paragraphs referring to a registered trademark apply also in respect of a decision that an international trademark registration shall have effect in Sweden.

### **Section 4.**

The Patent and Registration Office may issue further provisions relating to announcements pursuant to the Trademarks Act (2010:1877).