

LAW ON TRADEMARKS OF THE REPUBLIC OF COASTLAND

Title 1 Trademarks

Chapter 1. General Provisions

Section 1. Trademark Protection

Article 1. Definition

- 1) A trademark is a sign capable of distinguishing the goods or services of one undertaking from those of other undertakings.
- 2) Trademarks may, in particular, consist of words, letters, numerals, figurative representations, three-dimensional shapes or combinations of such elements with each other or with colors.

Article 2. Absolute grounds for refusal

Excluded from trademark protection are:

- a. signs that are in the public domain, except where they have become established as a trademark through use for the goods or services for which they are claimed;
- b. shapes that constitute the nature of the goods themselves or shapes of the goods or their packaging that are technically necessary;
- c. misleading signs;
- d. signs contrary to public policy, morality or applicable law.

Article .3 Relative grounds for refusal

- 1) Also excluded from trademark protection are signs that are:
 - a. identical to an earlier trademark and intended for the same goods or services;
 - b. identical to an earlier trademark and intended for similar goods or services such that a likelihood of confusion results;
 - c. similar to an earlier trademark and intended for the same or similar goods or services such that a likelihood of confusion results.
- 2) An earlier trademark is:
 - a. a filed or registered trademark that gives rise to a right of priority under this Act;
 - b. a trademark that is well known in Coastland within the meaning of Article 6bis of the Paris Convention at the time of filing.
- 3) The grounds for refusal under this Article may only be invoked by the proprietor of the earlier trademark.

Article 4. Registration in favor of the authorized user

Trademarks registered in the name of agents, representatives or other authorized users without the consent of the proprietor, or trademarks remaining registered after withdrawal of such consent, are not protected.

Section 2. Establishment of a Trademark Right; Priority

Article 5. Establishment of a trademark right

A trademark right is established upon entry in the Register.

Article 6. Right of priority

A trademark right belongs to the person who first files the trademark.

Article 7. Priority under the Paris Convention

- 1) Where a trademark is first duly filed in another Member State of the Paris Convention, the applicant or successor in title may claim the date of the first filing for the filing of the same trademark in Coastland, provided that filing in Coastland takes place within six months.
- 2) Filings in states granting reciprocity to Coastland have the same effect.

Article 8. Exhibition priority

Any person who exhibits goods or services bearing a trademark at an official or officially recognized international exhibition may claim the opening date of the exhibition as the filing date, provided the application is filed within six months.

Article 9. Declaration of priority

- 1) Priority claims must be declared to the Coastland Intellectual Property Office (CIPO); priority documents may be required.
 - 2) The claim is forfeited if time limits or formal requirements are not met.
 - 3) Registration of priority constitutes a rebuttable presumption in favor of the proprietor.
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Section 3. Existence of a Trademark Right

Article 10. Term of validity and renewal

- 1) Registration is valid for ten years from the filing date.
- 2) Registration is renewable for further ten-year periods upon application and payment of fees.
- 3) Renewal must be requested within the last twelve months of validity or within six months after expiry.

Article 11. Use of the trademark

- 1) A trademark is protected if used in relation to the goods or services for which it is registered.
- 2) Use in a form not significantly different from the registered mark, and use for export, constitutes use.
- 3) Use by authorized persons is deemed use by the proprietor.

Article 12. Consequences of non-use

- 1) If a trademark is not used for an uninterrupted period of five years, the proprietor may no longer assert rights unless proper reasons for non-use exist.
 - 2) Rights are restored upon resumed use unless non-use has already been invoked.
 - 3) Non-use must be substantiated; evidence of use must be provided by the proprietor.
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Section 4. Rights Conferred by a Registered Trademark

Article 13. Exclusive right

- 1) A trademark confers on its proprietor the exclusive right to use and dispose of it.
- 2) The proprietor may prohibit third parties from using identical or confusingly similar signs, including:
 - a. affixing the sign to goods or packaging;
 - b. offering, marketing or storing goods under the sign;
 - c. offering or providing services under the sign;
 - d. importing, exporting or transiting goods under the sign;
 - e. using the sign in business papers or advertising.
- 3) These rights also apply to goods imported, exported or transited for private purposes.
- 4) Rights may also be enforced against authorized users acting contrary to Article 4.

Article 14. Limitation concerning previously used signs

- 1) Prior users may continue using a sign to the extent of prior use.
- 2) This right may only be transferred with the undertaking.

Article 15. Famous trademarks

- 1) The proprietor of a famous trademark may prohibit use for any goods or services if such use harms distinctiveness or reputation.
- 2) Earlier acquired rights remain unaffected.

Article 16. Reproduction in reference works

Where a registered trademark is reproduced without reference to registration, the proprietor may require corrective reference in future editions.

Article 17. Enforcement

The enforcement of trademark rights is governed by the Intellectual Property Rights Enforcement Law of the Republic of Coastland.

Section 5 Modifications Concerning Trademark Rights

Article 18. Assignment

- 1) Trademarks may be assigned in whole or in part.
- 2) Assignment must be in writing and is effective against third parties only upon registration.
- 3) Proceedings may be brought against the previous proprietor until registration.
- 4) Assignment of an undertaking includes its trademarks unless otherwise agreed.

Article 19. Division of applications or registrations

- 1) Applications or registrations may be divided at any time.
- 2) Goods and services are allocated accordingly.
- 3) Divisional rights retain original filing and priority dates.

Article 20. Licensing

- 1) Trademarks may be licensed wholly or partly, territorially or otherwise.
- 2) Licenses entered in the Register bind subsequently acquired rights.

Article 21. Usufruct, pledge and enforcement

- 1) Trademarks may be subject to usufruct, pledge or compulsory enforcement.
 - 2) Such rights are effective against third parties only upon registration.
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Section 6 International Treaties

Article 22

Where international treaties binding on Coastland grant more extensive rights, those rights apply.

Chapter 2 Certification Marks and Collective Marks

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Chapter 3 Registration of Trademarks

Section 1. Registration Procedure

Article 30. Filing

- 1) Any person may file a trademark application.
- 2) The application must include applicant details, a representation of the mark, and a list of goods or services.
- 3) Prescribed fees must be paid.

Article 31. Date of filing

- 1) Filing date is the date required documents are submitted.
- 2) Material changes result in a new filing date.

Article 32. Decision and registration

- 1) Applications failing formal requirements are dismissed.
 - 2) Applications are rejected if formal requirements, fees, or substantive conditions are not met.
 - 3) Marks are registered if no grounds for refusal exist.
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Section 2 Opposition Proceedings

Article 33 Opposition

- 1) Proprietors of earlier trademarks may oppose registration.
- 2) Opposition must be filed within three months of publication.

Article 34 Evidence of use

Where non-use is claimed, prima facie evidence of use or justification must be provided.

Article 35 Decision on opposition

Justified oppositions result in revocation; otherwise they are rejected.

Article 36 Costs

Costs may be awarded to the successful party.

Section 3 Cancellation of Registration

Article 37. Requirements

Registrations are cancelled upon request, non-renewal, final court decision, or approved cancellation request.

Article 38. Request for cancellation

- 1) Any person may request cancellation for non-use.
- 2) Requests may be filed after five years.
- 3) Requests take effect upon fee payment.

Article 39. Decision

- 1) Requests are rejected if non-use is not shown or use is proven.
- 2) Partial cancellation applies where appropriate.
- 3) Costs may be awarded.

Article 40. Procedure

Procedural rules are enacted by the Government of the Republic of Coastland.

Section 5 Register and Publications**Article 41. Trademark Register**

The CIPO maintains the Trademark Register.

Article 42. Publications

The CIPO publishes registrations, renewals and revocations of trademarks.