

Submission from Sweden regarding Trademark Opposition Procedures (SCT 16/8 p. 13–14)

The Swedish system for trademark opposition procedures has been described in the response to the WIPO Questionnaire from 2003. No changes has been made in this respect since then and the response is hence still valid.

In short, the present Swedish system for registration of trademarks is based on a *full examination of both absolute and relative grounds for refusal* combined with a *post-registration opposition procedure*. If the Patent- and Registrations Office (hereinafter the Office) finds that there are no grounds for refusing an application for registration of a trademark, the trademark is registered and published in the trademark gazette. Anyone who wants to oppose the registration shall do so in a written communication within two months from the date of the publication. Hence, there are no limitations as to who can file an opposition against a registered trademark, however it is not possible for the Office itself to initiate an opposition procedure.

Following an opposition, the Office shall give the owner of the trademark an opportunity to make observations and thereafter decide whether the registration is to be invalidated or not. It is possible for the Office to invalidate a registration based on absolute grounds as well as relative grounds for refusal, regardless of which ground the opponent has referred to in the opposition. Even if the opposition is withdrawn, the opposition procedure may be completed, if special reasons therefore exist. However, these possibilities for the Office to act *ex officio* are rarely used. The decision of the Office is subject to appeal to the Court of Patent Appeals.

It should be mentioned that the opposition procedure was changed from 1 January 1995. Prior to that date, Sweden applied a pre-registration opposition procedure. The aim for the change into a post-registration was to simplify the registration procedure and make it more effective. An advantage with a post-registration opposition procedure is that it is not necessary to for the Office to take any further measures regarding the vast majority of trademark registrations against which no opposition is made.