

Slovakia

Protection of country names

1. The legal basis of country names protection as trade marks

The act no 506/2009 Coll. on Trade Marks defines in Section 5(1) c) that signs which consist **exclusively** of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, **geographical origin** or the time of production of goods or of rendering of service, or other characteristics of goods or service **shall not be registered**.

The signs which consists exclusively from the name of state applied for registration as a trade mark does not meet criteria of distinctiveness, what means, that such sign is in conflict with Section 5(1) b) on TM law act.

Simultaneously in Section 5(1) g) of TM law is stated, that signs which are of such nature as to deceive the public as to the nature, quality, **geographical origin of goods or services**, are excluded from registration.

2. The applicable procedures

The name of state as a subject of trade mark application is examined ex officio on the basis the above mentioned absolute grounds for refusal. During the examination process the observations against entry into the register are available. The **Section 29** states that any person shall be entitled till the registration of the sign to submit written observations against entry of the sign into the Register based on the grounds under Section 5 or 6; the Office shall take into account observations in deciding on entry of the sign into the Register.

Person who submitted observations shall not be a party to proceedings on the trade mark application. The Office shall inform the applicant about the observations and shall request him to respond within the prescribed time limit. The Office shall inform the applicant and the person who submitted observations about results of observations assessment.

The same reasons for the refusal of trade mark application are admissible as the grounds for declaration of invalidity of the trade mark. The Office shall upon request of a third party or on its own motion declare a trade mark invalid, if the trade mark has been registered contrary to provisions valid in the time of its registration.

3. Scope of protection

In case of a grant trade mark protection for the sign containing the name of country, i.e. the trade mark has a distinctive character and doesn't deceive the public as to the geographical origin of the goods or services, the scope of this protection refers to the sign as a whole, therefore to those elements on which protection is based on.

4. Protection is granted for the official name of the country only or also for variations of those names

The Slovak Republic applies the same above mentioned approach for variations of country name.